
COLONIAL RULE AND THE BENGAL POLITY, 1772-1834

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Declaration

This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration or content generated by artificial intelligence, except as declared in the preface and specified in the text. It is not substantially the same as any work that has already been submitted, or is being concurrently submitted, for any degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the preface and specified in the text. It does not exceed the prescribed word limit for the relevant Degree Committee.

Colonial Rule and the Bengal Polity, 1772-1834

During the eighteenth-century Bengal, the richest *subah* of Mughal India, tucked away in its northeast had for neighbours the Tibetan Plateau and the dense forests of Indochina. Unlike its quieter neighbours, Bengal would play a pivotal role in the ‘bridge’ between a collapsing Mughal India and the rise of the British Empire in India. This transition came in the form of the East India Company’s conquest of the province by Robert Clive on the battlefields of Plassey in 1757.

Colonial Rule and the Bengal Polity is set just after this, in 1772, with the arrival of Bengal’s first Governor-General, Warren Hastings. This thesis tells the story of the underlying mechanisms behind the configuration of the Bengal polity from its provincial roots to an imperial capital in Asia. This reconfiguration is traced through tensions, contradictions and constraints faced by officials, individuals and institutions both in India and Britain. Recreating the Bengal polity meant organising state-level functions along an extractive, stabilising agenda that maximised colonial power and profit.

In the end, this thesis engages with an age-old question of empires spanning Mesopotamia to the twentieth century: how to expand and govern.

This thesis is dedicated to my father, Ian, and his father, my late grandfather, John. Who both passed on their love of History to me.

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Introduction

Colonial Rule and the Bengal Polity, 1772-1834 examines the critical period of colonial Bengal's transition from the dual power sharing agreement to a fully-fledged British imperial province. This thesis will argue such a reconfiguration was driven by the constraints of colonial governance, not the dominance of ideas associated with imperialism. Perhaps a tired cliché, but empires are one of history's great constants; powerful polities that compound their resources to expand and dominate their neighbours, competitors and allies. Almost every geography on Earth has generated empires from the golden triangle of the Tigris & Euphrates, Yangtze River, Iranian Plateau, Mediterranean Sea and the Indus valley. Empires function as hyper-successful polities, organising capital, labour and violence to maintain and expand their borders. But they also tell their own, self-referential stories on their meta purposes; religion, freedom, glory, messianic founders and revival have all accompanied the sound of guns and swords. Ideas, like stories have also played a role in determining how empires perceived their own space.

Early modernity witnessed the expansion of Europe; starting with the Portuguese, colonial fever soon spread to Spain, England and the Netherlands. Population structures, topography and the ability of the colonised populations to resist – all of which functioned as the reality constraints of creating colonies determined the ideas and stories of those empires as much as their grand meta narrative found within the metropole. The kernel of this thesis is its examination of the overlapping relationship's inner tension between the formation of institutions and decisions based on meta ideas, and the impositions placed on the Company by the material realities of governance. Colonial Bengal's meta ideas were no exemption to the roots of time and place, like all empires they could not escape their origins. Eighteenth-century colonial European history ideational legacies included assumptions about non-European peoples, rationality as a tool of governance, free trade, a centralised polity and a

commitment to higher ‘idealism’ alongside the duties to non-European subjects. Colonial Bengal as a geography and polity stands out as a unique subject of study; it assumed the function of a ‘petri dish’ of political experimentation that would evolve into the metropole of Britain’s own Indian empire.

In India at this time, the House of Timur had rapidly expanded its domain from central Asia into the heartland of the subcontinent. By the time Sir Thomas Roe, an English merchant had a meeting with the Emperor Jahangir in 1616 the Mughal empire was on course to dominate India’s subcontinent. But like most empires, by the middle of the eighteenth century, when *Colonial Rule and the Bengal Polity* begins, the Mughal empire had long suffered stagnation, contraction and a loss of control, including in Bengal. Geopolitically, a useful date for Mughal decline can be sourced in 1707, with the death of Aurangzeb; whose costly campaigns in the Deccan against the Hindu Maratha Confederacy’s insurgency ended in a stalemate.

In stark contrast, the haemorrhaging of the Mughal empire in its northeastern frontier subah, Bengal opened an opportunity for the birth of a new empire in India, this time one with its roots in a private company from England. The East India Company’s operations in Bengal started with their factory, in what is today modern-day Kolkata, West Bengal. By the early eighteenth century, with the arrival of a new governor, Murshid Quli Khan, this frontier province, one of the richest in Asia would gradually morph into a breakaway region. Empowered Nawabs, colloquially known as Bengal’s very own House of Murshidabad reshaped the province as a semi-autonomous private state, defying Mughal rule while its power base in northern India eroded from Maratha incursions and Nadir Shah’s invasion.

The erosion of Mughal power destabilised Bengal by creating fertile conditions for internal power struggles leading to Alivardi Khan's coup in 1740 and the unpopularity of his descendent, Siraj-ud-Daulah. It was with Siraj-ud-Daulah's corruption, perceived decadence and collapsing relationship with the East India Company in Calcutta that eventually led to his downfall. With no viable overlord in Delhi, Maratha incursions and Rohilla revolts by 1757 there existed no external mechanism to enforce disputes between the Company in its enclave of Fort William and the Bengal version of Versailles, Murshidabad. A lack of dispute mechanisms eventually led to one of Indian history's most defining moments; years of tension led to the fields of Plassey, as the Company's army routed the last independent Nawab of Bengal's army in 1757.

With the closing of early modernity, the events after Plassey led to the Company's expansionist footprint in India. Shah Alam II's defeat at Buxar in 1765 as he attempted to restore order in Bengal led to granting the Company its rights to collect revenue in Bengal, Bihar and Orissa with the Treaty of Allahabad. A *de jure* stipulation of power-sharing with Bengal's puppet Nawab, a period known as the dual government. Critically in *de facto*, the treaty translated into Calcutta, not Murshidabad ruling the new subah. Such an unequal power-sharing agreement, between a preeminent colonial power and puppet ruler was short-lived; following Bengal's devastating famine the dual government was abolished in 1772 as the Company legally ruled over the entire region.

Beyond this, 1772 also marks the arrival of Bengal's Governor-General, Warren Hastings who would remain the most influential architect of British India. This thesis begins with 1772, before the first full-year of Hastings in Bengal as it marks a shift, in both the capacity

and will of British colonial officials in Bengal to actively determine conditions, not be mere reactants. The arrival of Hastings as Governor-General commenced the broader period of colonial institution-building in India, the foundations of which would persist even beyond its independence from colonial rule in 1947. *Colonial Rule and the Bengal Polity* unravels the shifting conditions and overlapping relationship between ideas, institutions and reality that existed between 1772-1834.

Bengal's future as the capital of British India unlocks a vast primary source base that covers revenue records, judicial administration, London's interest in India, influential colonial officials and pamphlets which all offer insight into the shaping of colonial governance. Such breadth of primary sources enables *Colonial Rule and the Bengal Polity* to assess the ideational developments which shaped British rule, but also the conflicts and competing value systems that were in place. Researching the decision-making of officialdom and their administrative records discovers the very real conditions on the ground which informed and constrained such decision-making. The second aspect of this thesis is an engagement with political constraints; the extent to which ideas or the conditions on the ground determined colonial rule in Bengal. The constraining factors on political abstractions remain the physical boundaries of the colonial polity, its revenue, as a demographic minority the British were wholly dependent on indigenous collaboration – to what extent and how far?

Constraints on an enforced 'vision' around colonial governance stemmed from the inability to wholly dominate Bengal, in contrast to their contemporaries in other parts of the world. Unlike in colonial America or Spanish-held America, or the plantation islands of the Caribbean. As will be examined in greater depth throughout this thesis the colonial polity never had a total monopoly to legitimately employ violence, administer law, or introduce

settler colonies in India. Comparing this unique position of Bengal as a petri dish of political experimentation, its strong reality constraints and an explosion of ideas. Hence, *Colonial Rule and the Bengal Polity* will uncover – To what extent was colonial rule in Bengal guided by a sense of ideology and vision, or the constraints imposed by day-to-day governance?

Themes

Colonial history has enjoyed renewed interest as it rides the popularity wave of world histories that have become so present in academia and popular narrative history. As subjects of study: slavery, capitalism, interconnected histories and ideas have taken the precedence with a refreshing boundary outside of settler colonies that were often historians' focus, most certainly in Britain's empire. Before discussing the literature review of the interventions argued for in this thesis, there remains a number of works which have influenced this thesis as it started as a proposal, initial work and then revisited bodies of work which remain influential in providing the chorological and conceptual backdrop of any serious study of eighteenth-century India.

The edited volume, *The Rise of Merchant Empires: Long Distance Trade in the Early Modern World 1350–1750* (1990) and another essential edited work, *Constructing Early Modern Empires: Proprietary Ventures in the Atlantic World, 1500-1750* (2007) outline the foundational organisational, material and structural basis of early modern England's exploits in North America and Mughal India.¹ Indeed, no study of either imperial development is

¹ James D. Tracy, editor. *The Rise of Merchant Empires: Long Distance Trade in the Early Modern World 1350–1750*. Cambridge: Cambridge University Press, 1990. Print. Studies in Comparative Early Modern History; Louis Roper and Bertrand Van Ruymbeke. *Constructing Early Modern Empires : Proprietary Ventures*

complete without first understanding the private and corporate structure which organised English colonial domination in different parts of the globe. A foundational concept, both its charter, private property and the guiding premise of profit making saw its genesis well before Plassey and the administrative reforms researched for this thesis.

In fact, the genesis of such concepts itself had its roots elsewhere, away from the British Isles. Portugal's Vasco da Gama had already reached India by 1498, the foundation of which would function as early modernity's proto-globalisation well before the latter half of the twentieth century. Six years before, the voyage undertaken by Christopher Colombus in 1492 provided the basis for Spain's territorial-based empire in the Americas. Both empires etched into the psyche of early English colonialism the changing nature of extra-European rule; England had two new templates to explore and govern extra-European colonies from. This macro process, which underpinned global histories, at least in serious studies of early modern European empires hinges on complex trade networks, physical distances and its extractive nature as a feature of the reality constraints that colonial Bengal faced in the eighteenth century.

Early modern Iberian empires (2022) and *The Political Economy of Empire in the Early Modern World* (2013) ² offer insights into the divergence of western European early modernity and its gradual expansion into other areas of the world. Principally, for this thesis they become relevant in untangling proto-globalisation from any individual histories of empire in its metropole or colonies. Iberia's colonies and the East India Company's shared

in the Atlantic World, 1500-1750, Brill, 2007; also see Jessica S. Hower's. *Tudor Empire: The Making of Early Modern Britain and the British Atlantic World, 1485-1603*, Springer International Publishing AG, 2020.

² Bartolomé Yun-Casalilla. "Early Modern Iberian Empires, Global History and the History of Early Globalization." *Journal of Global History* 17.3 (2022), pp. 539–561; S. Reinert, and P. Røge, editors. *The Political Economy of Empire in the Early Modern World*, Palgrave Macmillan UK, 2013.

much overlap, they were heavily dependent on monarchical legitimacy; in Portugal and England's case this also came from Indian rulers. Proto-globalisation's vast distances entailed a strain on communication, manpower and resources meaning early modern colonies did indeed adapt to their local political and geographic conditions. Adaption and its interrelation to the reality constraints that early modern empires found in Asia has been examined by Pal in *Jurisdictional Accumulation* (2020).

Pal argues that colonial Europe's place in global history should be analysed through the prism of capitalism as the determinant of colonial law and territoriality. Her book is premised on Marx's argument of economic determinism; the capital superstructure found in early modern colonisation remained influential throughout colonial history, not just at the inception of colonies. The embedded overlapping between land, law and authority and its association with the symbiotic forces of expansionist capital and European polities makes *Jurisdictional Accumulation* a go-to in appreciating the macro forces behind the Company's rise.³

So far, only one half of the general literature has been considered. As proto-globalisation's expansionist capital pushed early modern Europeans to the east there was a growing empire in India, with its roots in Transoxiana. India's largest empire before the British was that of the House of Timur, or Mughals. Hailing from a pedigree of Genghis Khan and Timur the dynasty had humble roots in the adventurer Babur's rule, exile and then migration out from what is contemporary Uzbekistan through the Hindu Kush into the subcontinent. Having first encountered the plains of northern India, the Mughals settled their newly found metropole base in its heartlands; oscillating between different forts, eventually settling on Delhi.

³ Maïa Pal. *Jurisdictional Accumulation: An Early Modern History of Law, Empires, and Capital*. Cambridge: Cambridge University Press, 2020.

Through the Lens of War (2018) by Nath unearths the creation of imperial mechanisms through the conquests of later Emperors like Akbar and the consolidation of Mughal India in its northern metropole. Nath's analysis rests on the cooperative, collaborative nature of Akbar's sieges; recruiting and building alliance systems with zamindars, non-Muslims and military networks that leveraged 'borrowed' force.⁴

Beyond histories of the initial conquests, there is value in historians engaging with wider histories of Mughal expansion, rule and governance in understanding the extent to which there was a pre-existing imperial template for the British before Plassey. Fisher's *A Short History of the Mughal Empire* is one such starting text as a narrative history that provides the various imperial templates for how minority rule in India could function.⁵ Governing a massive, complex population as a minority, while also expanding imperial frontiers became the kernel of this imperial Indian template.

As a general picture, the historiography tends towards the direction of studying this kernel based on concept/chronology/location. Pardesi in *Mughal hegemony* (2018) argues a coercive hegemony became a staple for South Asia, as Mughal military power had its own notable constraints, namely in the ineffectual use of cavalry in the east. Like the British, Mughal India's political constraints forced coercion and collaboration, not outright conquest by military force.⁶ Like the Company servants three centuries later, the Mughal military elite's journey as an import from central Asia provided its own unique sense of constraints and opportunities. *Mughals, Mongols, and Mongrels* (2014) by Anooshahr argues the lack of

⁴ Pratyay Nath. "Through the Lens of War: Akbar's Sieges (1567–69) and Mughal Empire-Building in Early Modern North India" in *South Asia: Journal of South Asian Studies*, 2018, 41(2), 245–258.

⁵ Michael Fisher. *A Short History of the Mughal Empire*. I.B. Tauris, 2016.

⁶ Manjeet S. Pardesi. "Mughal hegemony and the emergence of South Asia as a "region" for regional order-building." in *European Journal of International Relations*, 25(1), pp. 276-30;

fixed political structure from central Asia created such adaptability in the military elite of the Mughal empire.⁷ A statement of elite adaptivity itself is examined as part of the argument in this thesis; how the Company's corporate structure enabled the Bengal polity and colonial officials to respond quickly to events on the ground.

Historians have examined how the same 'alien' status acted to undermine Mughal rule later on. Osborne's *The Ulcer of the Mughal Empire* (2020) showcases another area of the historiography that historians have argued for, which centres external minority elites as the ultimate factor in an empire's governing reality constraints. Osborne analyses the Maratha insurgency through such a lens; the breakdown of a collaborative imperial management style that was indispensable to ruling India as an imperial overlord.⁸ The breakdown in imperial inter-elite Indian cooperation produced similar effects later on in Bengal with Murshid Quli Khan's own fiefdom, Clive's own career and the loss of *de facto* Mughal control in the eastern subah.

The second aspect of the literature review pertains exactly to its relevance in Bengal, British colonialism, and its chronology between 1772-1834. There is a core corpus of texts on early British India, particularly its role in governing Bengal that would be indispensable to historians interested in the role of ideas and colonial polities. Before this, imperial ideology as a whole must be framed correctly. This thesis draws on imperial ideology as a shorthand for a collection of ideas associated with attitudes to non-Europeans, civilisations, power and founding myths. Imperial ideology rested on how colonial actors in the eighteenth-century regarded their own actions towards colonised peoples and colony building across the world.

⁷ Ali Anooshahr. "Mughals, Mongols, and Mongrels: The Challenge of Aristocracy and the Rise of the Mughal State in the *Tarikh-i Rashidi*." In *Journal of Early Modern History*, 18.6 (2014): pp. 559-577.

⁸ Eric W. Osborne. "The Ulcer of the Mughal Empire: Mughals and Marathas, 1680-1707." In *Small Wars & Insurgencies*, 31(5) 2020, pp. 988-1009.

This framing is useful in tying and defining the different scholarly contributions made across the domain of colonial ideas in early modernity as well as the specific applications to Britain's empire in India.

Building on this, this thesis sits between a deep historiography which to its earliest can be traced to P.J Marshall's work *Bengal: The British Bridgehead* (1987) whose guiding premise was many of the Mughal governing frameworks remained constant as there was a gradual march of imperial consolidation. Marshall's later work, *The Making and Unmaking of Empires* (2005) examines the impact of the loss of North America and its relationship to Indian expansion. Marshall argues that Indian expansion was a divergence of imperial trajectory, not a compensation for the loss of America.⁹

Marshall's two books centre Bengal as the epicentre of an imperial transition away from settler colonialism to empire managing more complex societies. This new Asian imperial trajectory, almost exclusively driven by Bengal led to far greater profitability, challenges and complicated local conditions in comparison to New England. Complexity afforded new opportunities, unlike in North America, the British footprint in India was as a minute demographic ruling class, often subjected for the swaying forces of a dying empire in Delhi. Jon Wilson, in his *The Domination of Strangers* (2008) intervenes by proposing Marshall's new trajectory premise produced a very different style of colonial polity in steep contrast to North America, very much tied to Mughal India's swaying force of decline.

⁹ P.J. Marshall. *Bengal: The British Bridgehead, Eastern India 1740-1828*, Cambridge: Cambridge University Press, 1987; P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783* (Cambridge: Cambridge University Press, 2007).

Wilson's arguments rest on the 'stranger state' thesis; its new imperial trajectory warranted a colonial state that was impersonal, not all-encompassing, invisible – run by bureaucrats, not soldiers or flamboyant rulers. This newly reconfigured polity argues Wilson through topics like the Permanent Settlement and development of the Joint Hindu Family had little coherent overarching vision. The difference between the two authors is Wilson is very much focused on the inner administrative workings of government, how its officials thought and crucially the granular details of this stranger state. Driving these developments were the consequences of governing as a small, demographically alienated ruling class. Every step and reform act of governance argues Wilson required a calculated pragmatism at the heart of Fort William's officialdom.¹⁰ This thesis is building directly on that of Wilson. It will argue by examining other building blocks of the colonial polity, while positing Wilson's stranger-state thesis. Whereas Wilson identified anxiety, universalism and the dominance of abstract political principles in governance – this thesis will examine revenue, formation of colonial legal system, competing sources of legitimacy, knowledge production and then finally a coherent imperial ideology. Wilson's work also pinpoints anxiety of officials as the driving impulse, as this thesis argues the driving force was the constraints imposed by real world governance problems.

The final anchor of historiography for this thesis is, confusingly, an intervention by another Wilson. Nicholas Hoover Wilson's work, *From Reflection to Refraction: State Administration in British India, circa 1770–1855* (2011). If Jon Wilson's work narrowed in on colonial administrators and their pragmatism stemming from anxiety, *From Reflection to Refraction* is an even deeper examination of the inner mental workings of officials; how they

¹⁰ Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (London: Palgrave Macmillan).

perceived their Indian environment and in turn how this contributed to decision-making. Wilson argues for a spectrum in assessing this; firstly, the refraction model which considers the similarity/difference in how officials saw Indian society. Wilson's second model, reflection, considers decision-making as a mere reflection of imperial logic or the local conditions on the ground in Bengal or the wider geopolitical conflicts in the subcontinent.¹¹

This thesis builds on the arguments presented here by primarily examining the top-down, inner workings of officialdom posited by both Wilson and Marshall while maintaining the larger, 'narrative history' framing of Marshall's work on the machinery of Britain's global empire. Currently, there is little substantial, comprehensive book-length works that consider this relationship between pragmatism and abstraction at both the individual official and institutional level. In conjunction with this, while the closest piece of substantial research on this is *The Domination of Strangers* Wilson's analysis tends towards specific reforms and individual, at the expense of institutions or wider reference to events in beyond Bengal and Britain. The next section will be a concise summary of the primary sources. The chapter-by-chapter section outlining my argument will contain a specific literature review. This open space in the historiography warrants this thesis as it lays out an expanded investigation based on the original analysis made in *The Domination of Strangers*. The core foundation stones of government: revenues, law, legitimacy, knowledge and finally vision are examined, dissected and understood through the stranger-state characterisation initially proposed by Wilson.

¹¹ Nicholas Hoover Wilson, "From Reflection to Refraction: State Administration in British India, circa 1770–1855", *American Journal of Sociology*, vol. 116, no. 5 (March 2011): pp. 1437-77.

Overview of Primary Sources

The arguments made by this thesis encompass the span of building a polity from the ground up by colonial elites who were outsiders to the very subject populations they colonised.

Scope therefore determined the breadth and slight limitations of the sources when considered from a ‘history from below’ angle. Considering the reformulation of the Bengal polity in its transition from indigenous, dual government to then full Company control warrants sources that are official and writings of administrators.

Research efforts were constrained by the tail end of the covid-19 pandemic and its subsequent social distancing guidelines. The sources contained in this thesis were primarily sourced in the British Library, Cambridge University Library and various online databases. In addition, sources were consulted that pertained to locale-specific revenue and judicial administrative documents that were in West Bengal. This culminated in a visit to the West Bengal State Archives in Kolkata, with the intention of sourcing material for the entire thesis.

Unfortunately, this did not occur, primarily the useful material in this work’s chronology was only composed of revenue and judicial records. Archives of Jesus, Queens’ and Trinity colleges as part of the University of Cambridge were vital in obtaining original manuscripts, including translated texts.

The sources spanning this thesis were selected to give as broad a possible angle to capture the reconfiguration of the Bengal polity and the ideational changes associated driving or responding to it. Therefore, the sources were divided – formal, impersonal accounts of administration by the colonial state for its own operations, and then personalised accounts,

correspondences or media written by officials, Governor-Generals, and other figures in the public sphere both in Britain and India. Conjoining the impersonal and personal enabled this thesis to piece together a more complete picture of colonial governance and the ideational conflicts surrounding this inflection point in Indian history. For a study of colonial Indian history, the research conducted made a deliberate effort to investigate sources that contextualised ideational patterns that influenced colonised Indians' lives. One effort was attempting to define what officials' subconscious were informed by linking personal writings to larger ideational trends and material events.

Establishing the inner patterns of thought and decision-making while linking it to the broader historical context of Bengal's dramatic political changes after 1773 determined the sources selected. Works like the James Ferguson's *An Idea Of The Material Universe Deduced From A Survey Of The Solar System* ¹² (1800) appear at odds with an enquiry into Britain's Indian empire. Such sources exist beyond the typical scope of works in this field; but they remain indispensable in reconstructing the 'eighteenth-century world' that real humans existed in and were informed by. Although for the most part, this dissertation is based on sources more familiar with historians of empire, India and colonialism. Works like *S/987 Selections from the Ochterlong Papers 1818-1825* ¹³ remain the standard format of individual officials and their personal letters revealing the inner details of both their minds and colonial governance.

¹² James Ferguson. "An Idea Of The Material Universe Deduced From A Survey Of The Solar System" in *A method of ascertaining the latitude in the northern hemisphere, by a single altitude of the polar star, at any time : with tables computed for that purpose* / By John Stevens. Cambridge : printed by F. Hodson. And sold by W. Heather, London, 1800. St. John's College Old Library, 4.45.35(11).

¹³ S/978, *Selections from the Ochterlong Papers 1818-1825*, National Archives of India. Calcutta: University of Calcutta, 1964, British Library, p. 37.

Sanctioned formal sources accounting for administration and decision-making were also used; primarily this is because they were sources reporting ‘as is’ on the ground and were semi closed/semi open information sources. Examples like *BLL01001306727 Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal (1776)* are best placed for investigating narratives in conjunction with other primary sources. Inevitably this asks the question how reliable are Company sources in determining decision-making? Generally, the official sources reflect the major debates within the administration in Fort William, not London. Minutes of meetings and correspondences of Governor-Generals do not exhibit a monolithic worldview. Rather, four years of research into official administrative sources do exhibit a trending constraint.

This constraint rests on the inability to make direct inferences on the ground zero of colonial Bengal. This means that across the consulted sources, reliable inferences of the colonial state on the ground are primarily obtainable indirectly, not directly. This complements, what might be a criticism of this thesis; that the sources used are derived from the colonising power and English or translated Indian languages. This critique, however, masks the task for any type of historian working on late eighteenth-century Bengal whether in English, Farsi or Bengali. One of the problems, not only for historians in the twenty-first century but officials in eighteenth-century Fort William was the general lack of written records – in any language.

The persistent problem is that the type of sources one would expect to consider the effects of rule on the daily life, notable zillah records are very scarce. Like all agrarian societies there was a low level of literacy, in Bengal there is a notable absence of sources in some areas especially closer to the ‘ground’ picture. Colonial officials’ had frustrations with verbal agreements like *pottahs*, community dispute-resolutions and the often absence of codified

land records – not to also forget the absence of colonised peoples’ own voices. This dissertation attempted to mitigate for this by consulting sources which could deliver some insight indirectly or were a codification of verbal accounts or lost original written records. One such example used were sources that could provide such insight like *IOR/V/27/141/4, Clarke, Longueville, The rules and orders of the Supreme Court of Judicature at Fort William* (1829-1834). The nature of appellate judicial institutions means works like this ‘feed’ historians an indirect picture of daily life and colonised peoples who have no voice in written texts or officialdom’s debates.

The Intervention

The intervention is: to what extent was British colonial rule in Bengal determined by the constraints of day-to-day rule or ideas associated with imperialism? This foundation question is derived from an empty space in the historiography to consider the tension between the abstraction associated with imperial rule found in Wilson’s refraction model and Jon Wilson’s stranger state premise. The failure in the historiography is rooted in the lack of examination of this tension as a function of Bengal’s overall development and transition from a colonial polity in 1772 to an imperial province by 1834.

Examining this tension at the scale of an entire polity requires a careful consideration of factors and sources spanning the British metropole, Bengal, anonymous administrative documents, individuals, statistics, the creation of institutions and the dismantlement of other ones. Crucially, this thesis is examining, when required, how such tension can change and respond to events; whether in Bengal, London, the subcontinent or elsewhere. This

encompassing, top-down examination of the colonial petri dish makes this contribution unique in the field. Previously cited works and the works cited in the following chapter-by-chapter pages also tend to deviate on considering either ideologies, individuals, moments or institutions in isolation. This thesis will examine Bengal's colonial polity development from all planes between the chronological benchmarks 1772-1834, the latter date being the complete colonial 'annexation' to Britain's overlord status in India.

At a higher-order level, this thesis will argue the lack of a coherent worldview determined colonial rule in Bengal, not a set of fixed, fully formed ideas. Hence colonial polity development is seen more-so as a 'reaction' to the constraints of governing; negating a pre-determined course of action based on a vision. The Company's only pre-determined course, as examined in each chapter was its primal political instincts to survive and defend its power base in India. This dissertation will explore through the various 'building blocks' of governance that officials were still reacting to events and constraints on the ground, not determinants. Hence the argument's kernel is uncovering the ideational development of imperialism during this period through those base political instincts of a polity's survival.

Evaluating the dynamics between the event-driven realism of colonial Bengal and the governing of its terrain from Calcutta requires a careful division. Chapters one and two concern the fundamental building blocks of a polity; how to extract a fiscal surplus and create a jurisdiction and legal system to define its boundaries. Chapter one begins with the aftermath of the devastating Bengal famine and how its chaotic land holding system, tax farming and an absence of government led to radical reforms to 'rationalise' the agrarian economy. Chapter two, chronologically parallel to the first charts the creation of a legal system and judicial institutions that were inserted on top of Bengal's precolonial systems. On top of this layer sits

chapter three, which traces the dual sourced nature of the Bengal polity and the deformation of the Company's corporate structure as its sovereignty was slowly annexed.

Chapters four and five move away from the building blocks of a governing colonial polity to what can be traced as an emergence of a coherent, more universal set of ideational and ideological visions of India and empire. Chapter four touches on the organised process of knowledge production in Bengal; as a means of controlling and alienating its Indian subjects. Finally, chapter five ends the chronology of this thesis by proving the emergence of a coherent imperial ideology centred on improvement and superior civilisational claims. The guiding argument connecting these chapters is discovering the extent to which colonial day-to-day administration as well as higher thoughts about the future of empire were driven by the practical limitations of stranger rule or decisions informed by an ideational framework.

Chapter one, *Overcoming a Holocaust* begins with the core problem faced by all polities as old as time – how to manage, tax and legitimise an agrarian economy. The background of the Company's involvement in Bengal's rural economy stems from its original 1765 grant of the *diwani* - to collect tax on behalf of the Mughal emperor. Bengal's formal tax farming arrangements masked its very own crisis of who owned what land, who owned money to whom and who, what, were, their obligations to the state in Murshidabad and then Calcutta? Wilson's foundational premise is that there was an already preexisting crisis of meaning in Bengal; a fluidity of socio-economic structures that for administrators operating in its 'stranger-state' posed significant challenges.¹⁴ Such challenges amounted to the crisis of semantics that this thesis investigates.

¹⁴ Wilson, *The Domination of Strangers*.

Navigating this semantic crisis under the backdrop of famine and the urgent drive to collect revenues is the subject of chapter one. Correcting the crisis through a fixed sense of roles, land tenures and fiscal obligations invited officials to proactively ‘define’ the strange lands they came to rule over. This chapter’s argument is centred on the perception dimension; what were the factors which influenced how officials sought to define and rationalise such an agrarian system? Reforms were driven by the pressing need to stabilise the rural economy, maximise productivity and widen its tax base as officialdom fiercely advocated for its zamindari system in The Permanent Settlement. Rooted in how officials perceived conditions as outsiders, this chapter’s argument leans on the work of the other Wilson in his *From Reflection to Refraction* article that examines colonial administrators’ two distinct forms of perceiving India.¹⁵

Chapter one’s argument, that the zamindari system’s reforms were more tied to the realpolitik conditions of raising revenues and integrating elite landholders sets the stage for the broader thesis. The focus of Fort William on private property, larger estates and fixed revenue assessments was not due to any prevailing ideological preference. Rather, the lack of semantic clarity facilitated British exploitation of pre-existing loopholes to consolidate and enlarge their new tax base in Bengal. Stability came in the form of the Permanent Settlement; a predictable, rules-based system hyper fixated on the optimised tax extraction from Bengal’s agrarian system. This fixation ironically was itself fluid, favouring zamindars, continuing Mughal-era systems and pitting labourer, tenant farmer and landowner all against one another at various points. The chapter’s closing argument charts another change of policy in 1819, largely seen as a major reversal; with many compromises on the original 1793 Permanent

¹⁵ Wilson, *From Reflection to Refraction*.

Settlement. Further proving that ideological assertions around private property, ryot welfare and state 'duty' were largely performative.

Chapter two follows on by considering another core building block of politics – its legal system. Newfound responsibilities to Bengal's populace added new tasks and pressure to what was a profit-seeking venture. As an alienated, urbanised demographic minority Fort William's vision of a colonial legal system was centred on compromise, institution-building and winning the hearts and minds of colonial Bengal's majority Hindu and Muslim populace. This chapter's driving argument is that this new colonial legal system was inherently positivistic; command-driven but also built from consensus as it required Indians to recognise its rules for a sense of legitimacy.

This argument draws on two distinct secondary sources: jurisprudential texts from the positivist school and then what can be termed standard arguments made by historians. Hart's landmark text, *The Concept of Law* (1961) lays out the core pillars of analysis used to describe Bengal's emerging legal system. Hart's characterisation of law through his book is that it functions on two planes, as rules – primary and secondary; both of which will be explored later. Particularly though, this chapter will argue it was the prevailing dominance of secondary rules in the form of institutions, judiciary and a growing jurisdictional limit that characterised Bengal's system. At a surface level, both rules can be summarised; the primary being that which imposes duties on agents and the secondary that which provides the means of creating, modifying, and adjudicating primary rules.¹⁶

¹⁶ H. L. A. Hart. *The Concept of Law Third Edition*, edited by Paul Craig. Oxford: Oxford University Press, 2012.

Schmidhauser's in *Legal Imperialism: Its Enduring Impact on Colonial and Post-Colonial Judicial Systems* (1992) builds directly on the jurisprudential arguments made by Hart. *Legal Imperialism* captures how the superimposition of colonial rule was delivered through an insertion of institutions, rules, and alienation of indigenous systems. Schmidhauser reminds historians of the simple reasoning behind this – judicial institutions are created to serve, maintain and expand the needs of the colonial polity.¹⁷ Focusing this argument on the creation of institutions like the Sadr Diwani Adalat, codification of Indian jurisprudential texts and a growing jurisdictional coverage highlights how these measures were attempts to coercive more ordinary Indians into the command-driven secondary rule framework.

The creation of this positivist system that was designed to intrude upon the lives of Fort William's colonial subjects was itself part of a larger reconfiguration of the Bengal polity. Inagaki's *The rule of law and emergency in colonial India* (2021) complements the scholarship in this area by arguing the wider framing of the Company's own changes. Bengal's polity did indeed radically alter, as the dual government's status quo faded from its consensus, personally networked colonial politics centred on its coastal to impersonal, militarism which looked towards territorial domination of the interior.¹⁸ Indian recognition of colonial law, the raw power to reshape how law is made, and the extent to which it is imposed by a Company of strangers is examined in chapter two.

With the core foundations of running a polity secured – raising revenue and creating a legal system chapter three evaluates the superstructure of the Bengal polity itself – the East India Company. Investigating how both a joint Anglo-Indian source of legitimacy and the

¹⁷ John R. Schmidhauser, "Legal Imperialism: Its Enduring Impact on Colonial and Post-Colonial Judicial Systems" in *International Political Science Review*, vol. 13, no. 3 (July, 1992): pp. 321-334.

¹⁸ Haruki Inagaki, *The rule of law and emergency in colonial India: judicial politics in the early nineteenth century* (Cham: Palgrave Macmillan, 2021).

Company's own fluid operational structure allowed it to be successful in moulding colonial rule to whatever the reality constraints were. This chapter will ask how did Bengal's source of sovereignty change and what mechanisms played a role? Such a dual source of legitimacy, stretched from formal acquisition of rights to collect the *diwani* after the Battle of Buxar in 1764 to the Company's foundation rights via royal charter in 1600.

Chapter three will argue that the tension between these sources is overstated; instead, focusing on how the structure of the Company itself was fluid, constrained and controlled leading to operational flexibility. This argument is built on an emerging section of scholarly thought that evaluates the relationship between the metropole and the Company's internal ruling elites. One such scholar is Mulligan, in *The East India Company: Non-State Actor as Treaty-Maker* (2018) the kernel of which argues that it was the self-possessed power that came from organised violence and the ability to form treaties with sovereign powers. This was coupled with what Mulligan argues was a legal ambiguity from the perspective of the metropole; the Company behaved as a state while it sought private commercial ends, as seen with the Bengal famine in the previous section.¹⁹

Srivastav in *Corporate Sovereign Awakening and the Making of Modern State Sovereignty* (2022) remains a significant contribution to this area by proposing war and behaving like a state emboldened the Company to have a self-possessed sovereignty. This chapter's premise is that Company rule's flexibility in quickly responding to the reality constraints of local conditions was itself a by-product of what Srivastav terms as a hybrid system in Bengal. The Company-state as a rejection of the Westphalian order serves as a useful starting point for

¹⁹ Michael Mulligan, "The East India Company: Non-State Actor as Treaty-Maker" in *Non-State Actors and International Obligations* ed. James Summers and Alex Gough (Leiden, The Netherlands: Brill, 2018), pp. 39-59.

what Srivastav regards as sovereignty, which is an ongoing system of practice, not a fixed norm.²⁰

Positing the ongoing reimagining of the legitimate right to rule, this chapter traces the gradual erosion of sovereignty; by arguing gradually both Mughal and Company sources were undermined by parliament and officials in London. Drawing on the foundational scholarly works aforementioned, it was the openness of the hybrid system which eventually undermined Company sovereignty. Facing a profitability crisis, parliamentary probes and a series of public-facing allegations like fraud eroded the legitimate source of rule that the Company exercised. This process, culminated in the annexation of the Bengal polity as it became a fully integrated into the British empire – shedding both its corporate and Mughal roots.

This section will show that London's control over Bengal was indeed indirect, regulating the Company and issuing debt became the principal mechanisms available for non-Company officials to exert power and influence over the Bengal polity. Despite the formal abolition of the East India Company in 1874, and direct crown possession after the Indian Revolt of 1857, this chapter will show the annexation of Bengal came far earlier; as a function of time a gradual erosion in both Indian and Company legitimacies. Profitability, the sole source of the Company's astronomical rise in both India and England became its eventual downfall in Bengal. Research conducted for this thesis will argue the correlation between the decline of profitability, debt and then state financing with the greater intrusion of London and erosion of Bengal's sovereignty.

²⁰ Swati Srivastav "Corporate Sovereign Awakening and the Making of Modern State Sovereignty: New Archival Evidence from the English East India Company." *International Organization*, vol. 76, no. 3 (2022): 690–712.

Revenue, a legal system and the Bengal polity's sovereignty form part one of this thesis. Each chapter evaluates the extent to which the foundations of a functioning polity, tax, justice and legitimacy were contested, shaped and defined by colonised and coloniser alike. The second part of this dissertation occupies the abstracted realms of governance. Information processing and knowledge creating, perhaps not immediately obvious functions as the hidden fuel behind a functioning state. Chapter four reintroduces the positing of Wilson's stranger-state hypothesis as it examines the dynamics behind how the reclusive officials in Fort William collected knowledge from a physical and cultural distance.

While colonial knowledge production and application has seen a reemergence in scholarly debate, chapter four is fixated on two correlating strands – the production of it and the emerging ideology attached to it. Bayly, in *Empire and Knowledge* (2008) begins with knowledge itself; knowledge, for Bayly is an inherently institutional taxonomy legitimised by power and the state itself. Ehrlich's *Politics of Knowledge* (2023) traces the effect of wider trends in eighteenth-century intellectual history and the connection forged between Europe's Enlightenment and the role of information in colonial Bengal. The previous chapter focused on the legitimate right to rule; in *Politics of Knowledge* it was the patronage of learning that Ehrlich argues became crucial in legitimating power for the eyes of both Britons and Indians alike.²¹

Chapter four will consider the broad question of – how was knowledge produced and used to enhance the Bengal polity's power and legitimacy? Through considering the intensive

²¹ C. A. Bayly. *Empire and Information Intelligence Gathering and Social Communication in India, 1780–1870*. [Online] Cambridge University Press, 2009; Joshua Ehrlich. *The East India Company and the Politics of Knowledge*. [Online] Cambridge University Press, June 2023.

knowledge-production in colonial Bengal spanning its plurality of sources the guiding argument in this section sought to engage in traditional exercises of power. Institution-building, map-making and using the historical past to legitimise the state have all been deployed by history's empires. In Bengal, as this thesis will show the Company's efforts were also dependent on first using traditional Indian elites, and then later on alienating them from government participation.

Both Bayly and Ehrlich are critically engaged with how information is legitimised; the means, institutions involved, power dynamics and transformed into 'knowledge' that was retained and used by the colonial state to rule. The emerging ideology was itself a reaction to the declining legitimacy of the Company state within India and Home. This thesis argues that the vehicle for this domination centres on the Bengal polity's creation of a colonial archive and the emerging ideology which emerged as a subsequent process. This chapter stands above other ones as being an example of Anglo-Indian cooperation in Bengal's colonial state. Bengal's 'archive' functioned as a collection of institutions and practises which progressively alienated Indians from the very knowledge base they helped to create.

Chapter four's second section is occupied with how this archive was applied directly to governing the non-European population and using historical knowledge to legitimise building an empire in India. Within this chapter, an ideological shift takes place as the receptive Indophilia which so defined the British orientalist movement in colonial times started to rapidly lose ground. A clearly defined ideological shift away from orientalism also affected the institutional backing and network which arose from the early patronage under Hastings throughout the 1770s and 1780s. If chapters one and two were the side story of how

knowledge was used to close the distance between colonised and coloniser, four is the narrative of divergence.

As the distance between ruled and ruler grew, British hard power in India was becoming more self-assured. By the early nineteenth century these two forces fulfilled the conditions of a coherent imperial ideology which asserted the empire as an assertive, interventionist supremacist unit with the ultimate aims of improving humanity. Hence chapter five is the story of how for the first time, an ideology emerged which outlined a teleology for India that bound the two parts of the empire together in history.

Chapter five will pursue this direction towards what is the best-defined example of a coherent ideology in Britain's empire. For general purposes this thesis will characterise this as "imperial liberalism" with its application in India focused on improving the world. Empire, with its own set of ideological assertions has enjoyed an interest in recent times much as it did in the colonial period. Koditschek in his *Liberalism, Imperialism, and the Historical Imagination: Nineteenth-Century Visions of a Greater Britain* (2011) introduces the oversized role of history and historical imagination in informing how colonial administrators, politicians in London and the general public thought about their empire in India and its role in Indians' lives. Unlike previous chapters, Koditschek weaves the personalities and intellectual journeys of leading figures like Mill, Gladstone, Scott into the ebbs and flows of colonial thought and the fight for Britain's imperial future.

This chapter differs in assessing the extent to which colonial rule was driven by an ideological vision or simply a response to ever-changing conditions of governing India as a tiny minority. Civilisation, as a concept and justification for interventions is argued by this

chapter as the principal driver behind the formation of this more coherent ideology as the grand vision for empire in India began to unfold. Knowles in *Conjecturing Rudeness: James Mill's Utilitarian Philosophy of History and the British Civilizing Mission* (2011)²² invites a core concept that builds on Koditchek's core claim about the importance of individuals.

Rudeness in this chapter functions as a useful ideational origin point for this argument. The final part of this thesis posits that by the early nineteenth century in Bengal attitudes to non-European people and Indian culture was regarded as "rude." India as a plane of rude civilisations, cultures and lifestyles morphed into a mainstream ideological consensus across Britain which in turn justified colonial interventions in culture. Sati became the most notable example of this, with its various attempts to regulate, delegitimise and eventually ban the practise. The final chapter sets the case for a convergence of various ideas to form a more coherent ideology for governing India; the rudeness of India was juxtaposed by enlightened British civilisation and governance in Bengal.

There is also somewhat of a tension between whether Bengal during this period can be defined as a colony or imperial province. This thesis posits that during the 1772-1834 window, Bengal comfortably transitioned from the former to the latter. Bengal, and its British institutions cannot neatly be labelled colonial or imperial. Governance, in this thesis is therefore the transition from Bengal with its East India Company factory roots to the fortified imperial capital province of Britain's empire in Asia by 1834.

²² Adam Knowles. "Conjecturing Rudeness: James Mill's Utilitarian Philosophy of History and the British Civilizing Mission." In *Civilizing Missions in Colonial and Postcolonial South Asia: From Improvement to Development*. Edited by Carey Watt and Michael Mann. Anthem Press, 2011, pp. 37–64.

The closing argument of this thesis ends in 1834 with a much-unified set of ideological assertions that can be used by historians to analyse future trends in British India. Once British India's revenues were stabilised, its hard power more secure and rivals crushed a shift occurred which focused on the teleology of empire as a force for improving India. This concluding argument marks a deviation in the trend argued for in this thesis; previously, thoughts about governance were determined by the constraints of governing, not ideology. For the scope of 1772-1834, Britain's *Empire of Thought*, was equally an empire of constraints; any vision was terminated once these clashed with the demands of surplus extraction, building a colonial polity and stabilising British rule in India.

I

The Riddle of the East India Company:

Defining a Behemoth

I am a commercial entity, but I govern a population of millions. I report to shareholders, yet I am responsible to parliament. I am managed by merchants, but I have an army. My rights come from a King and Emperor, yet I behave like a sovereign. My purpose is to generate a profit, yet I am always in debt.

What am I?

This riddle and attempts to answer it had an enormous historical impact on the lives of millions of people across South Asia and Britain. Its legacy spanned all of the Company's settlements in India; determining the course of imperialism in India until 1947. In the eighteenth-century into the nineteenth the Company's ambitions in India were wholly different from Roe's lonely audience with Jahangir. As the British presence in India became complicated an answer to what the Company was and what it *should* be became imperative.

Bengal's story in the eighteenth-century mirrors the Company's ascendancy as a polity. From 1727-1757 Bengal's upstart Murshidabad cluster created a buffer polity between a dying empire and an independent state. There existed Clive's legacy, which up until 1772 inherited a distinct political identity that Bengal's importance to empires granted a high degree of operational autonomy from imperial structures. This identity in conjunction with the East India Company's riddle will be the subject of this enquiry by charting a different narrative history of the East India Company in India. This chapter will argue that from 1772 the challenge to define the Company was an attempt to correct its intrinsic contradictions that arose from its gradual operations in India. Such contradictions rested on what the Company's exact purpose was, what was its authority and ultimately why did it still exist?

Scholarship on the transition of the East India Company in the late eighteenth-century is currently fragmented between micro historians like Singh's work on the Treaty of Allahabad; Travers and Wilson's study of the British empire's intellectual history; and the more recent works of Mulligan and Srivastava who focus on the Company's authority.²³ This chapter will

²³ Jon Wilson. *The Domination of Strangers*. (Basingstoke: Palgrave Macmillan, 2008). Michael Mulligan, "The East India Company: Non-State Actor as Treaty-Maker" in *Non-State Actors and International Obligations* ed. James Summers and Alex Gough (Leiden, The Netherlands: Brill, 2018), pp. 39-59. Robert Travers. *Ideology and Empire in Eighteenth-Century India* [Online]. (Cambridge: Cambridge University Press, 2009). Sonal Singh. "Micro-History Lost in a Global Narrative? Revisiting the Grant of the 'Diwani' to the English East India Company." *Social Scientist* 45, no. 3/4 (2017): 41–51. Swati Srivastav "Corporate Sovereign Awakening

contribute to the most recent historiography, Mulligan and Srivastava by suggesting that the riddle of the East India Company was partly solved in 1772-1834 through redefining the institution's power as a "privatised national sovereign."

Mulligan anchors the Company's rise from a commercial body of armed traders to Governor-Generals of India in its legal personality and political constitution ²⁴ where the embryo of a new body politic, the Company-state was growing. Its dependence on charter renewal entailed the benefits of monopoly power with the incumbency of constant metropolitan interference. Its charter created a legal corporation that was political in nature – owned by members of the public who bought shares, voted and participated in a corporate political structure. These served as the foundation stones of the Company's operational fluidity in eighteenth-century India; which explains its operational bandwidth from armed traders to Governor-Generals of India.

The East India Company's versatility coexisted with the ever-changing political landscape of eighteenth-century Bengal. Between Nawab Murshid Quli Khan's appointment in 1717 to Warren Hastings as Governor-General in 1773 Bengal had endured anarchy, Maratha raids, coups, a famine, revolution and an internal conquest by Clive. The Company's structural fluidity joined with Bengal's turmoil argues Srivastava transformed how sovereignty was understood; first dependent on royal charter in England then post-1765 to a state of confident, self-possession. ²⁵

and the Making of Modern State Sovereignty: New Archival Evidence from the English East India Company." *International Organization*, vol. 76, no. 3 (2022): 690–712.

²⁴ Mulligan, "The East India Company: Non-State Actor as Treaty-Maker", p. 42.

²⁵ Srivastav "Corporate Sovereign Awakening", p. 692.

Understood literally, a privatised national sovereignty to readers in the eighteenth and twenty-first centuries would appear oxymoronic. Charting the governance of Bengal as an example of privatised national sovereignty divides this chapter into three parts. Firstly, how the Company's presence in Bengal had a historic dependence on domineering polities; secondly, how warfare and treaty making moved post-1772 Company rule away from this dependence; thirdly, how between 1772-1834 the Company was essentially a shell through which national imperialism dominated Bengal.

In solving the riddle of the East India Company, this chapter is divided into three parts. *White Nawabs* traces the Company's legitimacy to two, often competition sources of colonial Bengal's legitimacy: its *firman* granted by Jahangir in 1615 and the 1600 charter grant by Elizabeth I. These two sources provided a powerful precedent for Bengal's governance to expand the Company's executive power while in other areas restricting it. This section investigates the transition away from White Nawabs into a very different sense of imperial duties and legitimacy in the early nineteenth century.

Bullets and Power features the battle of the Company in its stronghold of Calcutta and the corridors of power in London to shape its own destiny. Growing regulatory pressure, declining profitability and increasing debt made the British source of the Company's legitimacy the dominant factor. This section traces how such dominance witnessed a migration, both in *de jure* and *de facto* from the Indian subcontinent to London.

As the migration occurred, colonial Bengal retained its initial corporate structure. In *Privatised Imperialism*, the final part of this chapter unearths how the exoskeleton of a trading company maximised *de facto* imperial control over India from London, not Calcutta.

As the Company's finances declined, the British metropole injected greater amounts of capital which compounded the control exercised over this political exoskeleton in Bengal.

White Nawabs: Legacies of sovereignty 1772-1783

Unlike the earlier Iberian colonial expeditions of royal patronised explorers and mercenaries the English East India Company was accidental; its purpose, a joint stock company engaged in international trade. Specifically, its operations in India were guaranteed by two distinct sources of sovereignty: from Britain its royal charters, shareholder accountability and parliamentary scrutiny; from India the *firman* issued by Jahangir in 1615 and the later cooperation of provincial Mughal elites at the *subah* level. These two domineering sources of authority gave the Company legitimacy until its cessation in 1874 while in the eighteenth-century Mughal decline and British ascendancy created fluidity for the Company to play off each distinct source of legitimacy.

Biersteker and Bruce (2002) consider the colonial – imperial transition in the eighteenth-century as a move away from Mughal legitimacy. Their argument sources the Company's fluidity in its teleology as an early modern international trading company. Instead of the Mughal sovereign authority being supplanted by the private authority of the Company the sovereign accommodates the burgeoning demands of the market by participating in its direct transformation.²⁶ Although this transformation of Mughal authority by markets has no exclusivity with the Company; Stern argues this was merely the continuation of India's domestic landscape by which political economy and military power were held together by

²⁶ Rodney Bruce Hall and Thomas J. Biersteker, *The Emergence of Private Authority in Global Governance* [Online] (Cambridge University Press, 2002): p. 209.

mediated relationships and fragmentations of power.²⁷ After Plassey, the Company nominally held both the political economy and military power of Bengal, but it was the Treaty of Allahabad in 1765 which confirms Mughal sovereignty formally participating in market transformations. Having been commanded by English monarchs already on receiving the “Firmund from the king Shah Aulum” submissive officials declared they would be “most strict and positive” in their adherence to a very different royal charter in Bengal.²⁸

The strict and positive adherence to the *Diwani* of Bengal created a juxtaposed role that complicated the riddle of what exactly the Company’s role was from the mid 1760s into the 1770s. Rooted in *de jure* claims the Company’s exercise of authority in Bengal and the polity’s provincial sovereignty meant officials in Bengal had to roleplay as nawabs in Delhi and the honourable merchants in London. By 1772 day to day administrators were far more comfortable playing the nawabs of Calcutta even exercising an earlier privilege granted to Bengal’s nawabs of exercising the authority to mint coins within the *subah*. While Bengal’s previously minted coins were often higher than the British standard officials invoked the “Princes of Hindoostan” as eternally codifying “the coining of money as an appendage of sovereignty”²⁹ to support their new vision for this eastern frontier of empire.

The authority to mint coins in eighteenth-century Bengal enjoyed its own unique history that was symmetrical to the turmoil in India. During Nadir Shah’s invasion of Delhi in 1739 Bengal’s nawabs issued new coins with Quranic verses and a portrait of Shah, only to realise Mohammed Shah had not been executed. India’s lack of clear sovereignty combined with

²⁷ Philip J. Stern, “A Politie of Civill & Military Power”: Political Thought and the Late Seventeenth-Century Foundations of the East India Company-State”, in *Journal of British Studies*, vol. 47, no. 2 (April 2008): p. 260.

²⁸ C.U. Aitchison, “A collection of treaties, engagements and sanads, relating to India and neighbouring countries” (Calcutta: Superintendent Govt. Printing, India, 1929-1933), p. 241.

²⁹ IOR/5/62, British Library, *Currency and Coinage in India 1700-1806*, p. 83.

Bengal's history of crafty rulers allowed for a pivot at the start of the 1770s by which the company-state in Bengal could claim two simultaneous legitimacies. In a report on coinage the author compares officials' tasks to William the Conqueror in Bengal; whose own tax survey perhaps was the inspiration for the later Permanent Settlement encountered in chapter one.³⁰

Despite abolishing Bengal's dual system of governance, throughout the 1770s and the administration of Hastings the Company were still regarded as petty white nawabs – beholden to the Mughals for their *subah* with its lucrative tax farming benefits. By 1787 the Treaty of Allahabad and Roe's gallivanting with Jahangir may have appeared ancient history to parliament. In the trial of Hastings in 1787 an area of investigation for Burke was precisely this allegation that Hastings violated not only parliamentary sovereignty but that of the Mughal emperor too. As the trial raged on, Burke reminded Hastings he was "bound to observe the laws and privileges of the people of India upon the Mogul system."³¹ At a glance, it may seem absurd that by the late 1780s, with the British footprint in the Mughal empire spanning over one hundred and fifty years a Whig peer would still invoke the strength of the Mughal system in conferring legitimacy.

Mancke's work on early modern empires rationalises the absurdity of Burke invoking the Mughals by recognising the dual source of the Company's sovereignty. Early modern colonial powers had two very different senses of space, authority and sovereignty: *imperium* and *dominium*. The former was the extent of a ruler's jurisdiction over which no other power held jurisdiction. The latter refers to the possession of territory and the attendant right to govern it,

³⁰ IOR/5/62, British Library, *Currency and Coinage in India 1700-1806*, p. 176.

³¹ Add MS 29219, British Library, *VOL. I. ABSTRACTS and notes of the charges, proceedings, speeches, and evidence; chiefly in the handwriting of Warren Hastings; 1785-1795, viz ...*, p. 35.

though a higher authority might have *imperium*.³² This distinction adds to the riddle of the Company by asking – Who ruled Bengal: the King in London or the Emperor in Delhi?

Pinpointing where and what the sovereignty of Bengal was imposes on historians a significant restraint in regard to source work. *Firmans*, landmark treaties, parliamentary trials and Company mints in Bengal expose limitations in locating sovereignty – only how it was spoken about. The second half of this section will draw on historiography, sources and other scholarly works to provide an approach to engaging with the limitations of sources. Jens Bartelson, a political scientist working in international political theory cautions historians to avoid studying sovereignty as a timeless ontology by attempts to define it³³ offering some assistance to the limitations found in the sources.

Chapters one and two demonstrated that from Warren Hastings to Charles Cornwallis, broadly stretching from the early 1770s into the late 1780s the basic building blocks of a functioning polity in Bengal was in a wild flux. This dissertation's starting point is 1772 – The Regulating Act and the promotion of Warren Hastings to Governor-General. It is with the later Regulating Act of 1773 that remains the only aspect of British rule that remained fixed until 1947 – its anti-democratic DNA. Marshall observes that in India, the driver behind polity-reconfiguration lay with the metropolitan move in creating an Anglo-Indian autocracy accountable to parliament³⁴ - eroding the Clive legacy altogether. With a strong sense of irony, Warren Hastings as Governor-General was intended by The Regulating Act to be a death sentence to the authority via horseback style exercised by Clive and previous rulers like

³² Elizabeth Mancke, “Negotiating an Empire Britain and Its Overseas Peripheries, c. 1550” in “Negotiated Empires: Centers and Peripheries in the Americas, 1500-1820”, ed. by Christine Daniels, and Michael V. Kennedy, [Online] Taylor & Francis Group, 2002, p. 236.

³³ Jens Bartelson, *A Genealogy of Sovereignty* [Online] (Cambridge: Cambridge University Press, 1995): p. 53.

³⁴ P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783* [Online] Oxford University Press, 2007, p. 202.

Alivardi Khan. Articles VII and VIII stipulate an authoritarian, oligarchic model of the Governor-General and a tiny council of four members exercising autocratic authority through consensus building.³⁵

Such a move from parliamentarians completed the shift between Mughal-appointed Nawabs in Murshidabad and the London-appointed White Nawabs in Calcutta; a move intended to dismantle Clive's legacy. Clive's legacy of horseback authority grew not only from Bengal's century of turmoil but India's total absence of agreed sovereignty. Singh explores this in a micro-historical study of Shah Alam II and Clive during the Treaty of Allahabad. Given the whole Company's operations in India was based on the legitimacy stemming from Jahangir onwards granting *firman*s, *Diwanii* grants and exclusive audiences Singh questions this authenticity by the mid eighteenth century. Between Aurangzeb's death in 1707 and 1765 Mughal authority had long haemorrhaged, but by granting Clive the *Diwanii* of Bengal and the reciprocal recognition of such legitimacy Shah Alam II could claim ownership over an area of land which was not, in *de facto* terms a Mughal *subah*.³⁶

Hence after The Regulating Act, Bengal's new White Nawab with a new petty court, *dewan*, red coated *mansabdar* and a new source of legitimacy resembled the third cousins of Bengal's previous nawabs earlier in the century. Unlike the Treaty of Allahabad, the Act returned Bengal to a subjugated province as parliament nominated term lengths for Governor-Generals, the state opening of parliament often made references to India and parliament obtained the right to receive copies of all political exchanges between the Company internally

³⁵ *The Regulating Act in Volume 11 of The Statutes at Large*, London, 1774, p. 816.

³⁶ Sonal Singh, "Micro-history Lost in a Global Narrative? Revisiting the Grant of the "Diwani" to the English East India Company." *Social Scientist*, vol. 45, no. 3/4 (March-April 2017): pp. 41-51, p. 45.

and with Indian rulers.³⁷ By deconstructing the Clive legacy in favour of institutionalised control over the East India Company and not just Bengal, parliament successfully moved the sovereignty of power exercised in Bengal by making a surgical break from Delhi and a shift to London.

Misra concurs that effective British sovereign exercise of power began in 1773 and not on the battlefield of Plassey once the Company's commercial council was institutionally transformed into a political apparatus of the British state.³⁸ Sovereignty in Bengal thus as a remote indirect control through an intermediary produced a British administered Bengal that resembled earlier days of Mughal rule. The right to rule was thus, even in performative expressions abandoned as ornate *firman*s of rulers like Akbar were removed. Instead, in 1784 Pitt's India Act replaced the *firman* with George III's hand as a power entitled by "Writing under their [monarch's] Hands, to remove or recal the present or any future Governor General of Fort William at Bengal."³⁹

However, Pitt's India Act was not a performative claim of sovereignty in Bengal. Article VIII declared the disparate towns, factories, ports and even a *subah* were to be "British Possessions in the East Indies." The most substantive evidence for a geographic shift of Bengal's sovereignty is the timeless defining factor of a polity's boundaries: war. Depriving the Company's right to independently wage war created an operational earthquake.⁴⁰ The restraints on the fundamental expression of sovereign power – to declare war independently

³⁷ Lucy S. Sutherland, *The East India Company In Eighteenth-Century Politics*, Lucy S. Sutherland. Oxford: Oxford University Press, 1952, p. 273.

³⁸ B.B. Misra, *The Central Administration of the East India Company 1773-1834*. Manchester: Manchester University Press, 1959, p. 20.

³⁹ *East India Company Act 1784*, Article XXII.

⁴⁰ *East India Company Act 1784*, Articles XVIII and XXXIV.

was the final blow to Clive's legacy in 1784 by compelling the Company institutionally to become more peaceful and be perceived as a reliable ally in London and across India. ⁴¹

How the White Nawabs were controlled is indispensable in tracing the origin of a new geographic and conceptual source of sovereignty in India – which began in late eighteenth - century Bengal. Strand's work, while a nineteenth century study has its roots in this 1773-1784 window as the conscious Western delegitimising of non-European sovereignties opened up the opportunity for metropolitan parlour statesmen to centralise decision-making at the expense of officials like the White Nawabs lording over the colonial peripheries. ⁴²

Bullets and Paper: A self-possessed sovereignty

Legislation emanating from parliament sought to prevent the Company exercising power like a sovereign state, the trial of Warren Hastings in the same parliament sought to punish the abuse of power by a White Nawab, while metropolitan officials receiving copies of letters closed an information loop inside Bengal. But there is a problem with this statement, one which contributes to redefining the corporate behemoth: intended effect and actuality.

Between the Court of St. James's, the great Palace of Westminster and the fortified walls of Fort William there was a sailing time of between six to nine months, on/off Maratha incursions, Rohilla battles, Byzantine politics in Delhi and the bickering of the White Nawab

⁴¹ Mandar Oak Anand V. "Swamy, Myopia or strategic behavior? Indian regimes and the East India Company in late eighteenth century India" in *Explorations in Economic History*, vol. 49, no. 3 (July 2012): pp.352-366, p. 353.

⁴² David Strang, 'Contested sovereignty: the social construction of colonial imperialism' in 'State Sovereignty as Social Construct' ed. by Thomas J. Biersteker and Cynthia Weber (June 2011): pp. 22-49, p. 34.

and his courtiers in Calcutta. In the previous section the location of recognised sovereignty in Bengal was a conscious change; but Bartelson cautions studying sovereignty as an exclusive location instead as a discourse on power beyond a statement of factual power relations ⁴³ like Pitt's India Act. This section will instead argue that while the recognised *de jure* and to some degree *de facto* sovereignty of Bengal did move geographically to London it was through Indian warfare and peace-making coupled with a long sailing distance which returned *de facto* sovereignty back to the Governor-General office.

From leather chairs and parlours in 1770s and early 1780s London the Company had been brought back from the brink of Bengal's famine, near bankruptcy and the trial of Warren Hastings. This was far away from the blood-soaked fields and plains which were making Indian history. As the Treaty of Allahabad granted the Company the right to exercise power in Bengal, so too did war bestow upon the Company the principal right of the ancient primal function of a polity – to make peace and war. ⁴⁴

Hastings recognised the perpetual wars across eighteenth-century conjoined with sailing distances placed the Governor-General of Bengal in a unique position to shape policy. In 1782 this naked exercise of power was apparent in a letter to India house by which he declared the Company must make peace with the Marathas and the immediate military-strategic priority must centre on European powers in India. ⁴⁵ This tension between greater metropolitan oversight, half a year or more sailing time and the succession of violent conflicts in India created a brief metamorphosis from the institutionalised legitimacy of the Company's executive organ and parliament to a single personality. Deliberating on war and

⁴³ Bartelson, *A Genealogy of Sovereignty*, p. 83.

⁴⁴ Srivastav "Corporate Sovereign Awakening", p. 699.

⁴⁵ *Fort William – India House Correspondence Vol. X Foreign and Secret 1782-1786*, edited by C.H. Phillips and B.B. Misra. Delhi: Albion Press, 1963. OIR 35454I, British Library, p. 5.

peace sourced Warren Hastings's idiosyncratic vision of Governor-Generalship conforms to what Blake terms the patrimonial bureaucratic empire in which "the emperor took direct and personal responsibility for all facets of governance."⁴⁶

The emperors of old at least partially claimed their sovereignty by granting *zamindaris* and *mansabdaris*; in the first chapter Hastings himself was personally invested in defining the state of zamindars in Bengal. Sitting in his own court, Hastings determined the rights and obligations of his feudal vassals, remarking if the zamindars could no longer make tribute to the company-state, their titles must be relinquished.⁴⁷ Executive decision making of Bengal's Governor-General thus engineered the self-assured sense of distinct sovereignty the Company enjoyed as it sat in between the legs of Delhi and London. Company operations in India were entirely underpinned by an information network of alliances, indigenous customs and the changing political climate of India which Roukis proposes gave it a far greater executive capacity than the eighteenth-century English state or even the Mughal empire.⁴⁸

War and peace in eighteenth-century India was very much the century of 'contested sovereignties' as the vulture successor polities found in Mysore, Bengal, Tamil Nadu and the Deccan all competed to eat the Mughal carcass. In London however, there was great division sharply amongst Company Court of Directors, officials in Bengal, non-Company parliamentarians, metropole officials and cabinet. Despite the dismantlement of Clive's

⁴⁶ Stephen P. Blake, "The Patrimonial-Bureaucratic Empire of the Mughals" in *The Journal of Asian Studies*, vol. 39, no. 1 (Nov., 1979): pp. 77-94, p. 88.

⁴⁷ BLL01001306727, *Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal: with a plan of settlement, recommended to the Court of Directors in January, 1776. By Philip Francis, Esq.* London: Printed for J. Debrett, 1782, pp. 7-8.

⁴⁸ George S. Roukis, "The British East India Company 1600-1858: A model of transition management for the modern global corporation" in *The Journal of Management Development*, vol. 23, no. 10 (2004): pp. 938-948, p. 945.

legacy, waves of legislation and the metropole microscope fixated on Hastings throughout the 1780s. This made the Company in Bengal perceive itself as sovereign, ruling as a sovereign and critically make war and peace as a sovereign.

In September of 1785 the Court of Directors capitalised by redrawing the lines of territorial limits in India by announcing a “chain of connection between our Bengal provinces and the Caranatic”⁴⁹ that could only be realised through direct inter-polity violence in India.

Redrawing a map, whether in belief or action inserts the Company in the family of the Sykes-Picot agreement or the Berlin Conference as imperial powers assumed the legitimate exercise of power in dividing extra-European space. Officials in London were powerless against this self-assertive power in Asia; the following year in July the principal object in India was a general peace with European arms banned from entering India.⁵⁰ Such a division in the 1780s over the employment of state violence and claims of extra-territorial limits confirms the Company perceived itself as a sovereign power while resisting the state’s efforts to define it. Srivastava introduces this relationship between war and the Company as an “awakening of sovereignty” as a direct consequence of the governance of Bengal – its revenues, greater troop numbers forged a new polity able to possess its own sense of legitimacy.⁵¹

Chapters one and two exhibited how the Hastings administration reacted to the practical impositions placed upon it to avoid famine, civil unrest and a loss of colonial power. But the vast scope of the Company in the 1770s and 1780s triggers a problem the metropole faced when defining the Company and solving its riddle. Namely, how did successive waves of legislation still fail to concretely root sovereignty in a place or institution? Bowen offers a

⁴⁹ *Fort William – India House Correspondence Vol. X Foreign and Secret 1782-1786*, British Library, p. 79.

⁵⁰ *Ibid*, p. 92.

⁵¹ Srivastava, *Corporate Sovereign Awakening*, p. 699.

limited explanation to this process; the British empire globally became prosperous through a loose grip on its various colonies and its entire position in India was through rights obtained by the East India Company in Bengal.⁵² However, as this chapter has sought to frame eighteenth-century India as a ‘century of sovereignties’ the conventional conception of sovereignty as a single, unifying source falls short.

Srivastava’s proposal of Company officials claiming sovereignty misses another source in the century of sovereignties: Indian polities themselves. In their criticism of the Company, both Adam Smith and Edmund Burke brokered a consensus that the Hastings administration had exceeded its duties and deformed Indian markets through accepting the *diwani*, operating a private army and morphing into a foreign government in India.⁵³ While accepting the *diwani*, deformed Indian markets in parallel signalled to other Indian polities it was not exclusively a market actor in the definition of Burke and Smith. Indeed, they took note; in Hyderabad, Nizam ul-Mulk addressed Fort William directly when offering an alliance to the Company in 1783 that would form a triumvirate of himself, Hastings and Madhavrao II to destroy the Tipu Sultan.⁵⁴ It was a reciprocal recognition among powerful *de facto* rulers that mirrored the Westphalian settlement of statehood a century earlier - at the expense of the *de jure* claims of Britain’s parliament and Britain’s own pundit class found in Burke and Smith.

Unlike its generally ‘reactive’ administrative changes there is evidence Fort William actively sought and exercised this reciprocal Indian inter-state recognition of sovereignty. A year

⁵² H.V. Bowen, “British conceptions of global empire, 1756–83” in *The Journal of Imperial and Commonwealth History*, vol. 26, no. 3 (1998): pp. 1-27, p. 20.

⁵³ Gregory M. Collins, “The Limits of Mercantile Administration: Adam Smith and Edmund Burke on Britain’s East India Company” in *The Journal of the History of Economic Thought*, vol. 41, no. 3 (2019): pp. 369-392, p. 370.

⁵⁴ *Fort William – India House Correspondence Vol. X Foreign and Secret 1782-1786*, British Library, p. 205.

earlier when peace was negotiated during the second Anglo-Mysore War Fort William considered itself equal to the Mughal successor states as it inserted clauses with the Marathas which were not only peace treaties with the Company but a simultaneous peace treaty with Mysore.⁵⁵

Reciprocal recognition of Indian polities' *de facto* sovereignty forged in war and peace, including Company Bengal posed an existential threat to British empire-building in Asia, perhaps as the start of a loss of India like in north America. In the trial of Hastings, Burke did obtain his revenge as the former's brokering of peace with Madhavrao II and conduct during the Rohilla war were used as evidence in the abuse of executive power.⁵⁶ Warfare as the principal driver of Bengal's Company-state witnessed a dramatic decline in the succeeding decade. The metropole's *Act for better Recruiting the Forces of the East India Company* (1799) became the failsafe mechanism by which the Clive or Hastings legacy could not be resuscitated by another ambitious White Nawab. It enshrined the power of the sovereign and parliament to recruit soldiers for Company service; oaths were made in reference to the monarch's commands to obey Company officers. Critically, the Company's military power was integrated into Britain's global empire as Company-trained soldiers could now be stationed in a "other Place or Places within Great Britain."⁵⁷

Military muscle, the ability to sign treaties and enjoy reciprocal recognition among Indian polities didn't disappear after the Hastings trial. Gradually, institutionalised violence and

⁵⁵ *Fort William – India House Correspondence Vol. X Foreign and Secret 1782-1786*, British Library, p. 205

⁵⁶ BLL01019746622, *The speeches of Mr. Sheridan, Mr. Fox, Mr. Burke, Mr. Pitt, Major Scott, Mr. Beaufoy, &c. &c. on the charges brought against Mr. Hastings, and on the commercial treaty*. London: Printed for John Stockdale, 1787, pp. 4-6.

⁵⁷ *An act for the further regulation of the trade to and from the places within the limits of the charter of the East India Company, 17th December 1813, East India Acts 1793-1833*. London: printed by George Eyre and Andrew Strahan, 1817. Cambridge University Library, pp. 842-843.

peace-making associated with a legitimate polity became the feature of British rule in India and not Company rule. *An Act, to amend Two Acts, relating to the raising Men for the service of the East India Company* (1810) was the *de jure* annexation of Company control over its own soldiers by the metropole. Even though soldiers could be trained and recruited by the East India Company, their quartering and pay would all be subjected to British parliamentary legislation.⁵⁸ The metropole's gaze towards Company warfare as the lynchpin of its reciprocal sovereignty in India challenges Mulligan's claim that once Warren Hastings became Governor-General there was a general reluctance about accepting local notions of legitimacy, political conduct and sovereignty.⁵⁹

Institutionalised violence, inter-state violence and subsequent peace-making whether by the Company itself or the British state were the primary interposes between India's century of sovereignties and parliament. This dynamic of violence and legitimate power were present even in 1829 with Bentinck on Nagpur; in this instance it is the British directly engaging in the reciprocal legitimation of Indian polities. As the British resident administered the Kingdom of Nagpur for the young Raghoji III Bhonsle Bentinck announced the Kingdom's army in de facto terms was a "British force, at the exclusive command and disposal of the representative of the British government."⁶⁰ While violence was hallmark of colonial domination everywhere, in India it enabled the Company to play a *tertius gaudens* part by creating a space for itself to operate between overlapping layers of sovereignty in India and Britain.⁶¹

⁵⁸ *An act for the further regulation of the trade to and from the places within the limits of the charter of the East India Company, 17th December 1813, East India Acts 1793-1833*. London: printed by George Eyre and Andrew Strahan, 1817. Cambridge University Library, p. 546.

⁵⁹ Michael Mulligan, "The East India Company: Non-State Actor as Treaty-Maker", p. 49.

⁶⁰ *The Correspondence of Lord William Cavendish Bentinck. Volume I. 1828-1831*. Edited by C. H. Philips. Oxford University Press: 1977, p. 350.

⁶¹ Stern, "A Politie of Civill & Military Power", p. 267.

Corporate sovereignty did awaken through warfare and peace-making, as Srivastava notes. But in India's century of sovereignties Bengal's Governor-General, exercising executive control over British enclaves in India assumed the role of sovereign partly by design and partly by circumstance. Metropolitan dismantlement of the Clive and Hastings legacies of White Nawabs proved testing. During the eternal struggle with the Tipu Sultan ancient habits were resurrected as Charles Cornwallis morphed into a White Nawab as he was "invested with full powers to direct and control all the affairs" of the Company in peace-making. Article III elevated Cornwallis on par with Shah Allam II, Nizam ul-Mulk or Madhavrao II as he annexed the Kingdom of Mysore's lands, granted amnesties to receptive zamindars and distributed land and spoils to allies.⁶²

Into the early nineteenth century as greater competing polities emerged the process of legitimation via warfare increased independent of characters like Hastings or Cornwallis. Bengal's White Nawabs were almost sitting on ivory thrones appearing like petty Rajas as the House of Timur collapsed; the Company remained the product of an authority constituted at the far-flung colonial periphery six to nine month's distance from the metropole.⁶³ Fort William's Governor-General perceived as a petty Raja extended beyond aging Indian monarchs. The Rana of Oodeepor, a Rajput warlord who self-described as a *Hindooput* sent a letter to Lord Hastings in September of 1818 pledging allegiance to Hastings personally by informing him he must "consider me and my Rajpoots as entirely at your service on every

⁶² IOR/L/PS/19/3. *Persian and English copies of the peace treaty signed between Tipu Sultan, Ruler of Mysore, and the Allied Powers*, 1792.

⁶³ Elizabeth Mancke, "Negotiating an Empire Britain and Its Overseas Peripheries, c. 1550–1780" in *Negotiated Empires: Centers and Peripheries in the Americas, 1500–1820*. Edited by Christine Daniels, and Michael V. Kennedy [Online] (Taylor and Francis Group, 2002): pp. 235–267, p. 236.

call to the field of duty.”⁶⁴ Such interactions undermined the vision of the East India Company after the Hastings legacy of the 1770s and 1780s. Irrespective of attempts to solve the riddle of the Company by defining it in regulatory terms the model of colonial conquest for the sake of national interest⁶⁵ ennobled the Governor-General’s office as a sovereign power in the eyes of many Indian *de facto* rulers.

Defining the East India Company and the office of Governor-General of India was an attempt over the course of decades to solve the riddle. Although in the realm of warfare, peace-making and communicating with Indian rulers of all sorts this enabled the Company in Bengal to successfully define itself. How this remained a viable strategy employed by successive Governor-Generals is explained by Bayly’s argument that Islamicate polities during the eighteenth-century endured a form of change by which regional magnates seized power through creating more compact and exclusive domains.⁶⁶ Bengal’s Governor-Generals were simply the new upcomers in a long line of ambitious provincial Indian elites.

In the search for sovereignty and successfully defining it in Bengal a return to Bartelson is needed; statements and actions around the legitimation of power exist in the form of a discourse which is a system of producing such statements.⁶⁷ Explaining the dynamics of bullets and paper to a Company-state is but one discourse of sovereignty. Warfare rewarded the Governor-Generals of Bengal with the opportunity to be seen as on par to Emperors, provincial warlords, Rajas who governed defined territories *de facto*. But this was only one

⁶⁴ S/978, *Selections from the Ochterlong Papers 1818-1825*, National Archives of India. Calcutta: University of Calcutta, 1964, British Library, p. 37.

⁶⁵ Mithi Mukherjee. “Justice, War, and the Imperium: India and Britain in Edmund Burke’s Prosecutorial Speeches in the Impeachment Trial of Warren Hastings” in *Law and History Review*, vol. 23, no. 3 (Fall 2005): pp. 589-630, p. 595.

⁶⁶ C.A. Bayly, *Imperial Meridian The British Empire and the World 1780-1830* [Online], (Routledge, 2016): p. 18.

⁶⁷ Bartelson, *A Genealogy of Sovereignty*, p. 70.

discourse. Unlike other Indian polities Bengal's White Nawabs were defined by another discourse thousands of miles away in London. Detached parliamentarians and public figures defined the capacity of the Company in *de jure* terms to wage such warfare; gradually taming its nawabs by blunting the control of their own soldiers in that impacted their sense of sovereignty rooted in *de facto*.

Privatised Imperialism

To the millions of Bengalis ruled by Fort William the Company was simply the most recent in a long line of momentary figures who loomed over their lives. Superficially, the White Nawabs were different – they had white skin, dour faces, were neither Hindu or Muslim, awkward in public and generally reclusive in comparison to the flamboyance of eighteenth-century India. Below the superficial, moreover, the Company radically administered Bengal in a different manner; crucially by the end of 1834 the Company was a wholly different political animal than 1772.

The span of this thesis encompasses the vast change implemented in colonial Bengal; in ways more than one it is a story of a colony jumping from fiscal crisis to an imperial province. Bengal's tribulations, chaos and idiosyncratic officials provided the ideal petri dish for experimentation in colonial administration. Parallel to such changes, the East India Company's existential crisis in the western and eastern hemisphere functioned as a catalyst. Bayly argues this was primarily because the Company's financial stability and commercial aims were integrated into the national interest ⁶⁸ which started with Hastings and ended in

⁶⁸ Bayly, *Imperial Meridian*, p.250.

Bentinck's coronation as Governor-General of India. Although this section partially rejects this line of argument; the Company's skeleton of a corporate structure enabled the British state to maximise imperial control while assuming the financial responsibility of a defunct commercial outfit.

Once upon a time, England's East India Company was conceived of as a business owned by hundreds of investors that held a monopoly on international trade in the eastern hemisphere. By the late eighteenth-century this heritage translated into a migraine for the metropole as the growing importance of the Company in India coexisted with its deteriorating levels of professional competency.⁶⁹ The Company's attachment to Bengal's agrarian revenues as a major income stream produced a quick succession of financial failures stemming from Bengal's famine of 1769-1770 and Company mismanagement, both of which will be examined in greater detail later in this thesis. From 1772 onwards the financial health of the Company was propped up by the British state; in 1773 one million four hundred pounds was loaned by the Exchequer and in 1783 there was an increase in the Company's bond debt of five hundred thousand – a core financial instrument which underpinned its global operations.

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That the Company was in stark financial crisis was no doubt, in 1773 its General Court met over thirty times⁷¹ but unlike in Sir Thomas Roe's day this reality set off warnings to metropolitan officials whose coin purse drew heavily from Company profits. A year earlier,

⁶⁹ P.J. Marshall, *Problems of Empire Britain and India, 1757-1813*, first edition (1968) Routledge Library [Online], 2018, p. 24.

⁷⁰ IOR/L/AG/10/2/3, *Accounts compiled for Parliament, the Treasury and the Board of Control No.3., 1793-1798*, p. 37.

⁷¹ Nicholas Hoover Wilson. "A State in Disguise of a Merchant?" *The English East India Company as a Strategic Action Field, ca. 1763–1834* chapter in *Chartering Capitalism: Organizing Markets, States, and Publics* ed. Emily Erikson (2015): p. 271.

following the Bengal famine a trade collapse led to a cover-up of the Company's credit crisis; growing demand for EIC bills of exchange which were understated decimated trust in its officials.⁷² Loss of confidence, declining profitability and an institutionalised cover-up between Calcutta and London inevitably invited the gaze of parliamentarians onto the 'Honourable' Company. Fligstein's work on states and markets (1996) explains why commercial failure invited metropolitan involvement. Markets are constantly being reorganised and destabilised by engulfing episodes like Bengal's famine; commercial firms lobby state actors to make interventions on their behalf⁷³ at the minimum throughout the 1770s and early 1780s this came in the form of survival loans avoiding the collapse of Britain's empire in India.

Domestically, as Bengal's agrarian revenues faltered under demographic pressures from famine its domestic trade looked bleaker – compounding greater pressure. As a report between 1772-1773 mooted over a return to bronze age civilisation in the form of a barter economy using diamonds to prop up trade by ensuring capital liquidity.⁷⁴ A storm was brewing – What to do with a secretive, unprofitable corporate entity that investors and the British state depend on? Early regulation in the form of The Regulating Act and Pitt's India Act correlate with (i) Company financial ruin; (ii) Management turmoil within the corporation. Thus, it is starting in 1773 that British rule in Bengal resembles what Cutler (2009) describes as a private international regime as “an integrated complex of formal and informal institutions that is a source of governance for an economic issue area as a whole.”⁷⁵

⁷² Sutherland, *The East India Company In Eighteenth-Century Politics*, p. 229.

⁷³ Neil Fligstein, “Markets as Politics: A Political-Cultural Approach to Market Institutions.” *American Sociological Review* 61, no. 4 (August, 1996): pp. 656-673, p. 661.

⁷⁴ IOR/H/62, *Currency and Coinage in India (1700-1806)*, p. 164.

⁷⁵ Claire Cutler, “Private international regimes and interfirm cooperation” in *The Emergence of Private Authority in Global Governance*. Edited by Rodney Bruce Hall and Thomas J. Biersteker [Online], pp. 23-24, p. 29.

Britain's empire in India was governed as a privatised form of imperialism whereby the metropole's aims of empire building became filtered through the corporate shell persona of an unprofitable trading outfit.

But the economic issue of Bengal, as so often with various aspects of governance in the region was ever-changing. Already the Company's flexible governance structure of operational, autonomous Governor-Generals ruled over by the Court of Directors and held accountable by public capital markets proved irresistible. Hence in defining the role of the Company in its new empire the British state retained the corporate shell but long desired the predictability of direct metropolitan governance in India. In the East India Company Act of 1782 London did broker this by forming a state-commanded private corporation; Article I stipulates that seventy five percent of Company profits be allocated to the exchequer. Metropolitan intervention went further as Article II dictated between March of 1782 and March of 1783 dividends on Company stock would be capped at eight percent on a stated capitalisation of three million two hundred thousand pounds.⁷⁶

A state-commanded corporation that was underwritten by British taxpayers drove the expansion of the Company's patchwork governance of India. Marshall argues after Pitt's India Act of 1784 Britain's empire was both formal and informal; Bengal was virtually a British province, Oudh was governed by British soldiers, further north the Northern Circars was directly annexed, in western Indian gains outside of costal enclaves was miniscule.⁷⁷ The patchwork of Indian land newly defined as 'British possessions' in Pitt's India Act created an emergent trend – the furnishing of information. Included in the Act entitled the

⁷⁶ *East India Company Act 1782* [Public Finances], Article I and II.

⁷⁷ P.J. Marshall, *Trade and Conquest: Studies on the rise of British dominance in India*. Variorum: Hampshire, 1993, p. 28.

Members of the Board, who were selected by the state to have access to all East India Company documents.⁷⁸ After 1784 the state could successfully exert its own influence on the corporate shell of the Company by closing the information loop in what this chapter defines as ‘shareholder imperialism.’

Shareholder imperialism ended the metropole-peripheral dynamic by having already neutered independent executive decision-making in the Clive and subsequent Hastings trials. The remaining block of control held by the Company: its closed information loop was also undermined. Not content with its trial, the House of Commons moved in 1788 to order the Company to provide accounts of all goods, liquid, illiquid assets and of its trade to China.⁷⁹ Behaving as a behemoth shareholder was Britain empire-building by beating the Company at its own rules, ultimately at its expense. Carruthers (1994) unravels Company shareholders as to no surprise also being distinct to public companies in early modern England. Its internal politics invited external interest with the even historic distribution of Tory and Whig shareholders embedded boardroom spats into the national consciousness.⁸⁰

The Board of Control as the representative of the EIC’s grand shareholder was apparent decades later in 1833 in a famous court case titled not the Board of Control vs the EIC but *The King against The Directors of the East India Company*. The Directors sent a dispatch under the secretive Political Department to the Board, which made amendments. The directors objected to the amendments, but not to the jurisdiction of the board to make them. The directors then rescinded the resolution on which the dispatch was founded. In the judge’s

⁷⁸ *East India Company Act 1784*, Articles VIII and XI.

⁷⁹ IOR/L/AG/10/2/2, British Library, *Accounts compiled for Parliament, the Treasury and the Board of Control No.2, 1788-1793*, P. 21.

⁸⁰ Bruce G. Carruthers, “*Homo Economicus and Homo Politicus: Non-Economic Rationality in the Early 18th Century London Stock Market*” *Acta Sociologica*, vol. 37, no. 2 (1994): pp. 165-194, p. 177.

ruling he remarked “that the court of directors had no authority to rescind their resolution” ⁸¹

which cemented metropolitan control over the Company’s diplomatic operations in India.

Curtailling an essential expression of sovereignty as encountered in the previous section the shareholder imperialism became the state’s dominant model of ruling Bengal and engaging with Indian polities through the empty shell of a corporate bureaucracy.

In establishing a privatised imperial model of governance in Bengal and the rest of India so far this enquiry has focused on either Company-driven measures like reciprocal acknowledgments of sovereignty in India; or, the British state’s persistence in regulating the Company’s colonial rule. Beyond the Thames and the Bay of Bengal the world was also changing; dismantling the Company’s commercial basis in India.

Throughout this thesis, readers will now be familiar with the economic recession in Bengal and debt problems of the Company spanning the late 1760s into the early 1780s. Just as in this period its major Company revenue streams switched from import-export trade to primarily agrarian revenues as the exponential rise of trade with China translated to an existential crisis. Quantitative data from sources in England and Bengal confirm the commercial shift towards Indo-Chinese trade centring on Company-facilitated bullion transfers:

Table 1: Goods imported from China to India ⁸²

<u>Years</u>	<u>Value of imports</u>
1762-1765	£324,707

⁸¹ *The King against The Directors of the East India Company*, Court of the King’s Bench, 29 January 1833.

⁸² IOR/H/449, British Library, *Commercial Papers 1747-1795*, p. 14.

1765-1779	£501,137
1779-1784	£571,761
1785-1792	£1,611,692

Chinese trade hollowed out the Company's original financial basis in India leaving the corporate governance cast to be moulded by the turmoil of eighteenth-century India.

Commercially in Canton the Company returned to its roots, by adopting the role of trade pioneer in a new Asian market. Between the Middle Kingdom's entry port open to foreign trade and the White Nawab's ports in the period 1793-1810 seventeen million pounds was exchanged in trading. Charter renewal, a persistent source of anxiety ended the monopoly of trade held by the Company in 1813; leaving officials to remark that the China trade was the only profitable aspect of the corporation.⁸³

Marshall charts the trajectory of east Asian trade as British merchants looking for raw materials and exporting to east Asia from five percent 1803-1805 swelling to sixteen percent in 1838.⁸⁴ His analysis is incomplete though; evidence suggests the trajectory started much earlier from at least 1776 with a stark closing of the gap in under two decades:

Table 2: Company accounting of total costs of all goods and stores exported to India and China⁸⁵

<u>Year</u>	<u>India</u>	<u>China</u>
1776	£410,420	£107,849
1786	£305,787	£245,529

⁸³ P.J. Marshall, *Problems of Empire Britain and India, 1757-1813* [Online], Routledge Library: 2018, p. 190.

⁸⁴ Ibid, p. 129.

⁸⁵ IOR/L/AG/10/2/3, British Library, *Accounts compiled for Parliament, the Treasury and the Board of Control No.3.*, p. 129.

1795	£655,419	£620,522
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Loss of confidence in the Company's commercial purpose could not be confined to anonymous pamphlets and angry parliamentarians chastising the Anglo nabobs. Data associated with the Company's stock composition between 1798-1799 exhibit this loss of confidence from the Court of Directors. In their capital investments Bengal was smaller as the British *subah* received one million and fifty pounds while operations in China received one and a half million pounds.⁸⁶ Declining confidence in India's commercial prospects now spread from the Court of Directors in India House to a future Governor-General of India. Sir Charles Metcalfe writing to Lord Bentinck in October of 1829 reports if the profits from the China trade were to dry up the Company would "cease to be a company of merchants" and morph into a "company of sovereigns, with a territory already in debt."⁸⁷

Throughout this section inspecting the structure of the Company by its charters and investments, its officials ranging from Hastings to Metcalfe and those tasked with regulating it in parliament a paradox has emerged. Why was long term debts, restrictions and capital injections tolerated so long in a commercial corporation engaged in early modern colonialism? Britain's colonial experiment in India, especially in Bengal witnessed phenomenal change but the character of change from merchant colonialism to privatised imperialism was guided by two overarching historiographical factors of the British empire as proposed by Wilson. Firstly, the coherent position which adopts a systematic analysis of the Company's actions as rooted in a changing role in the imperial politics and economy that

⁸⁶ IOR/L/AG/10/2/4, British Library, *Accounts compiled for Parliament, the Treasury and the Board of Control No.4.*, p. 30.

⁸⁷ *The Correspondence of Lord William Cavendish Bentinck. Volume I. 1828-1831.* Oxford University Press: 1977. Edited by C. H. Philips, p. 310.

derived from national policy.⁸⁸ Secondly, Wilson's own reflection model which posits the effect of external structures that impose demands and constraints officials.⁸⁹

Rising financial costs and its relationship to debt is an objective metric of analysis which can transport historians into the all too real constraints of governing a colonial polity through the lens of Company administrators. Debt-driven expansion arguably had existed since the Company's inception; but only after Clive's acceptance of the Diwani in Allahabad the Company was no longer financed by investments in its stock.⁹⁰ The systematic analysis called for by Wilson is within Sivramkrishna's (2014) structure–conduct–performance paradigm which describes how a market environment has a direct, short-term impact on the structure of a market like colonial Bengal. The market structure then has a direct influence on the Company's economic conduct, which in turn affects its profitability.⁹¹

Bengal's newfound expressions of sovereignty in its wars during India's century of turmoil ironically contributed to the transplantation of sovereignty away from the Bay of Bengal down the River Thames. Bengal's White Nawabs in their adventuring and reconfiguration of its polity vastly raised the sunk costs of conducting business in India. British and sepoy soldiers had to be maintained in addition to expensive gifts given to rulers which all totalled an unsustainable debt model which did not exist at this scale even during Plassey.⁹² As its sunk costs grew the costs of colonialism shifted, in the form of debt to the British state itself; liquidity injections totalling one million pounds were transferred to the Company in 1789 and

⁸⁸ Nicholas Hoover Wilson, "A State in Disguise of a Merchant?", pp. 259-260.

⁸⁹ Nicholas Hoover Wilson, "From Reflection to Refraction: State Administration in British India, circa 1770–1855" in *American Journal of Sociology*, vol. 116, no. 5 (March 2011): pp. 1437-77, p. 1442.

⁹⁰ H. V. Bowen, "Investment and Empire in the Later Eighteenth Century: East India Stockholding, 1756-1791" in *The Economic History Review*, vol. 42, no. 2 (May, 1989): pp. 186-206, p. 188.

⁹¹ Sashi Sivramkrishna, "From merchant to merchant-ruler: A structure –conduct – performance perspective of the East India Company's history, 1600 – 1765" in *Business history*, vol. 56, no. 5 (December 2013): pp. 789-815, p. 790.

⁹² *Ibid*, p. 793.

1793.⁹³ This alarming reality by 1822 signalled parliament's *coup de grâce* in the National Debt Act in which parliament codifies the servicing of debt in Article V by directly connecting it to the Company's revenues as derived from the *Diwanii*.⁹⁴ The irony being the Company's monopoly on the use of state violence in Bengal, as sanctioned by the *Diwanii* could not coexist with its commercial monopoly derived from the charter issued by a British monarch. As the Governor-General expressed his newfound sovereignty more, this raised the Company's sunk costs; raising its debt; thus, exposing its finances to state financing thereby transplanting its ultimate sovereignty to the British state.

This is seen a decade earlier in the renewal of the Company's 1813 charter. Bengal's revenues, an area of interest to an assortment of emperors, kings, nawabs, warlords and *zamindars* could now add the House of Commons to its list. Britain's muscular metropolitan arm instructed an order of preference for Bengal's expenditure with the first two being military expenses and payment of interest owed to the state,⁹⁵ codifying the state's legitimate authority to control revenues in London. Debt thus functioned as a currency by which the eager dominating British state could purchase the Company's newly self-possessed sovereignty⁹⁶ at a heavily discounted price with no opposition or show trials in parliament.

Debt over the course of decades created the tiny opening for the metropole in 1813 to wean Bengal into its new privatised imperialism through the state footing the bills of a corporate shell. Charter renewal could put an end to British rule that was grounded in Indian legitimacy as well by incorporating the Act in the directors' oaths and announcing, in case Akbar II was

⁹³ IOR/L/AG/10/2/3, British Library, *Accounts compiled for Parliament, the Treasury and the Board of Control No.3., 1793-1798*, p. 37.

⁹⁴ *National Debt Act 1822*.

⁹⁵ *East India Acts 1793-1833*. RCS. Case.a. 169. University Library, Cambridge. London: Printed by George Eyre and Andrew Strahan, 1797, pp. 1141-1142.

⁹⁶ Srivastav, *Corporate Sovereign Awakening*, p. 692.

informed, the “undoubted Sovereignty of the Crown of the United Kingdom of Great Britain and Ireland, in and over the said Territorial Acquisitions [India].”⁹⁷ Weaning Bengal away from legitimate claims of Indian authority also changed the composition of future Governor-Generals and new imperial rulers. Britons at the throne of this new empire seated in Calcutta had to be Anglo-Saxon. Clive the warlord at home with Pashtuns or Rohillas was no longer welcome; Hastings the aspiring *bodhisattva*, too comfortable with the East was no longer welcome; Cornwallis the aging loyal *mansabdar* was no longer welcome in this new domination of India.

The character of those three men to remake Bengal in their image could no longer endure for the abstraction of numbers carried the machine of imperialism onto India’s shores yet again. Company debt remained the single greatest cause of the erosion of Indian sovereignty to London. Direct annexation of the East India Company did indeed occur later on after the failed revolt and creation of the British Raj. Both the East India Company and the remainder of legitimate Indian authority began their swan song with the passage of the Government of India Act in 1833 as the state successfully defined the Company. Sealing the end of this book’s chronology the Act permanently moved the sovereignty of Britain’s rising Indian empire to London; only returning to India’s shores after 1947.

Critically, parliamentary supremacy, a foundation stone of Britain’s unwritten constitution was codified into India’s new empire as not only did the Governor-General wield legislative powers, but such legislation would require votes in parliament to become legal. ⁹⁸ Bengal’s White Nawabs were elevated to mini emperors as the throne of Indian legitimacy switched

⁹⁷ *East India Acts 1793-1833*. RCS. Case.a. 169. University Library, Cambridge. London: Printed by George Eyre and Andrew Strahan, 1797, p. 1158.

⁹⁸ *East India Acts 1793-1833*, p. 1096.

from the Great Mughal to the Great Hanoverian. Metcalfe recognised this even before the passing of legislation, noting in 1829 “A king’s government is also the one which is most likely to be permanent, as the Company’s, held under a charter, must be liable to periodical changes and revisions.”⁹⁹ Indian sovereignty was under siege by Britons both in London and Calcutta as forces converged to wrestle control. James Mill, testifying to a select committee described Akbar II holding his “darbar every day, and gives pensions to people to come and present nutters, morning and evening, as if he were on a real throne.”¹⁰⁰ Removing the location of Indian sovereignty from India’s landmass successfully broke Britain’s new empire from its Mughal and Company ancestors.

During this period Bayly charts a new vision of India and breed of British official that enforced its vision of Indians as requiring liberation and dependence on British civilisation to join the family of civilised nations.¹⁰¹ Perhaps literally this could be seen in the 1833 Act that elevated Bengal’s very own Governor-General to the title of Governor-General of India.¹⁰² A sense of duty to empire-building in India that differed to Hastings interrogating *putwari* accounts from a tiny village and reading an English *Gita* on the other hand.

Britain’s privatised imperialism did continue after the charter renewal of 1813 and 1833. The resuscitated Company still had some worth as a lean empire; writing to the Duke of Wellington Bentinck reminded him of the Company’s ghost as “Our principal business [in Bengal] has consisted in the reduction of expenditure.”¹⁰³ A mischievous irony awaited the Company and those historians who study it in the stories spoken by numbers. Roe and Clive,

⁹⁹ *The Correspondence of Lord William Cavendish Bentinck*, p. 313.

¹⁰⁰ IOR/L/PARL/2/79, British Library, *Affairs of the East India Company. Minutes of Evidence, VI. Political and Foreign, with Appendix and Index, 1832* (735 VI), p. 10.

¹⁰¹ Bayly, *Imperial Meridian*, pp. 210-211.

¹⁰² *East India Acts 1793-1833*, p. 1093.

¹⁰³ *The Correspondence of Lord William Cavendish Bentinck*, p. 441.

clutching their *firman*s claimed the right to create a miniature England in India by promising numerical awards in the form of tax and trading. But the Company and India lost its sovereignty at the same time – the reaper of debt claimed them as its own from an island far away.

II

Overcoming a Holocaust: The Permanent Settlement Of Bengal 1773-1819

“[The Permanent Settlement as a] *liberal policy of an
European state with the strength
and energy of an Asiatic monarchy*”

*Fifth Report from the Select Committee of the House of
Commons [1812]*

This dissertation starts its chronology by placing the East India Company and Bengal in an existential crisis as all political actions were an attempt to create a political order that avoided the holocaust of the Bengal famine of 1769-1770. While the Indian subcontinent was no stranger to crop failings Bengal's chaotic dual governance system exasperated the devastation which allowed the Company to retain the *diwanii* and collect revenue while still submitting to Mughal rule.

Bengal's famine, which led to an estimated one-third of the population perishing tested the fundamentals of British rule in India; as grain prices continued to rise, Fort William panicked and imposed a heavier rate of tax in order to safeguard their revenue requirements. This test compelled the Company to focus on creating a predictable, administrative order that could adequately respond to the constraints of the Bengali Gangetic Basin. The solution in creating a predictable revenue order challenged the power-sharing agreement since Robert Clive's acquisition of revenue-collecting rights as stipulated in the Treaty of Allahabad, 1765. Hence, Company rule in Bengal became fused to the political imperative of revenue collection at all costs; maintaining its good graces with the Mughal emperor and the Board of Directors simultaneously.

The centrality of agrarian revenue collection to Bengal starts in 1717 with Murshid Quli Khan's appointment as Nawab of Murshidabad; the political fortunes, stability and political survival became fused to the management of Bengal's rich surpluses. The importance of effectively managing this surplus would only confront the English East India Company after the devastating depopulation and economic turmoil following the famine of 1770. This political watershed and immediate imperative to reform the Company administration lay on

the shoulders of Warren Hastings in the newly created post of Governor-General of the Presidency of Fort William in 1773.

Overcoming a Holocaust contributes to a rich scholarship centred on the Permanent Settlement. The central premise of *The Domination of Strangers* by Jon E. Wilson posits that British officials prioritised semantic coherence as a solution to the political problems of revenue administration. Sirajul Islam's argument in *The Permanent Settlement in Bengal* Company patrimonialism for its own ends rather than an eventual object of ideal governance. *Overcoming a Holocaust* will make an intervention in this space by demonstrating the shifting semantic debates were a product of a dynamic change in Bengal's agrarian landscape coupled with the essential drive of a polity to raise revenue. The scope of this chapter is divided into two phases of the Company's efforts to avoid an existential crisis that caused millions of deaths in the Bengal famine of 1769-70 – a debate on effective management of agrarian revenue. The second phase was how this debate was continually renewed and implemented as the constraints of ruling the troublesome countryside became apparent.

The first of these is what is termed the 'debate' phase by which the Company and others in the metropole identified how to reorganise Bengal's revenues and wrestle control away from indigenous sources. Officials' debates grappled with conflicting images of (i) how Bengali society *was* composed; (ii) how Bengali society *should* be composed; (iii) what was the most efficient means to achieve this while raising revenues. As the debates assumed a dialectical form this succession of changes materialised in the second phase: implementation. Ideas grounded in semantics and abstractions left the walls of Company offices and Fort William; they were enacted into being through legislation, surveys and allowing certain aspects of Bengal's agrarian system to remain unchanged. The organised intervention as a response to

Bengal's famine reached its peak with a set of regulations called the Permanent Settlement in 1793; undergoing several revisions this chapter closes with the Patni System of 1819 – the Company's own concession in favour of never returning to the events of 1769-1770.

The first section *A reaction to crisis* examines the immediate aftermath of the famine, and how officialdom was in a defensive position. Stability, in both Bengal's agricultural production and the subsequent fiscal 'returns' for Fort William guided reforms, not abstractions around private property. Bengal's famine exposed the disputed fault lines of the countryside; its uncertainty created the fluidity that could be exploited by Fort William to remake it in its own image.

Company rule as an imposition examines how this fluidity provided the backdrop for British officials to reimagine colonial rule as an adoption of the patrimonial style of governance that was in line with Mughal rule and India's historic political culture. Patrimonialism was the driving ideational stream behind the Permanent Settlement; as Fort William sought to impose itself on 'top' of zamindari rule by refashioning its system through claims of enforcing private property.

In the aftermath of the Permanent Settlement in 1793 the final section *Crisis: Power Over Vision* details the post-1793 landscape, and the decreasing relevance of any coherent ideology driving reforms. Abandoning any focused ideological assertion, the Company returned to the realpolitik position adopted in the years following the famine. Its boundaries narrowed as the building blocks of power – revenues, food production and submissive elites eclipsed any meaningful reforms in the countryside.

A reaction to crisis

Warren Hastings's appointment as Governor-General of the Presidency of Fort William in 1773 contended with three problems related to the state of the Company and the domestic condition of Bengal – all of which were connected by revenue administration. In assessing the changes undertaken in revenue, Company rule must be defined in contrast to what it was not: the tributary system of the Mughals. Across the subcontinent, the Mughals implemented a fiscal feudalism that rested on the balance between the needs of the *subah* and leaving just enough subsistence and sufficient capital to buy seeds for those engaged in farming.¹⁰⁴ This feudalistic arrangement entailed a class-based order; mainly consisting of *zamindars*, *taluqdars* and *ryots* which in theory were the agrarian cousins of the *mansabdar* and *jagir* grant.

Theoretically, all stakeholders enjoyed their agricultural estates, proprietor rights and fiscal privileges at the behest of the Mughal emperor, who as the sole owner of land and the origin of all tribute temporarily 'leased' across the empire. As Marshall argues this was a political fiction in eighteenth-century Bengal as its zamindars had so many origin sources and conflicting claims; the only unifying purpose of this class was its ability to raise revenues and a nominal sense of authority.¹⁰⁵ Bengal's dual governance, by a publicly traded company perpetuated the inconsistencies of ownership that contributed to the famine. James Grant, a leading official recognised this root problem as he remarked on the Company's latest woes in

¹⁰⁴ Albert J. Rorabacher, *Property, Land, Revenue, and Policy The East India Company, c.1757–1825* (London: Routledge, 2016), p. 284.

¹⁰⁵ P.J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783* (Cambridge: Cambridge University Press, 2007), p. 53.

the 1770s: “If the zemindars were allowed to be servants of the company, they were legally amenable to the court; if proprietor they were not subject to its jurisdiction.”¹⁰⁶

This tension between revenue status and if such status were grounded in property or proprietary claims between 1773-1793 constrained the Company by forcing it to intervene in society and crucially to invent a new justification for old distinctions. Almost twenty years before the Permanent Settlement Hastings had decided in minutes from 1775 that the zamindars were obliged to pay tax and tested if revenue obligations were not fulfilled, the state would relinquish existing titles.¹⁰⁷ A flexible attitude towards stabilising revenue came from the famine as a collective political trauma that had to prioritise administration over appealing to local elites.

Emphasising title, and the ability to relinquish a title places Hastings’s early conclusion between Grant’s dichotomy and Rorabacher’s explanation about the Mughal revenue system as feudalistic. Bengal’s lack of codified property rights created semantic and proto-legalistic fluidity for Hastings because while he makes the status quo concession to the Mughals by recognising the tributary nature of the class, in practise, the Company is not the sole property owner in Bengal, unlike the *de jure* claims in Mughal political culture. During the 1770s the Company still honoured such fiscal obligations stipulated in its *diwanii* grant; Hastings recognises this by referring to zamindars as a title-holder, but the Company having the ability to relinquish titles corrected the dual governance problems of 1769-1770.

¹⁰⁶ James Grant, *An inquiry into the nature of zemindary tenures in the landed property of Bengal* (London: J. Debrett, 1790) p. 9.

¹⁰⁷ BLL01001306727, *Original minutes of the Governor-General and Council of Fort William on the settlement and collection of the revenues of Bengal: with a plan of settlement, recommended to the Court of Directors. January, 1776* (London: J. Debrett, 1782. British Library, 757.i.39.(2.), p. 4.

Balancing the fiscal proprietary titles of the Mughal's tribute system and the Company's ability to dissolve claims to land explains why indigenous actors feature in the early discourses. Raja Shitabroy, a powerful zamindar who worked with the Company in offering local advice and political networks encourages such an early conclusion by advising the Company. He argued to the Company that if a zamindar heir cannot make immediate revenue demands the default position is a loss of rights, auctioned estate and the right to collect thus becomes that of the new buyer.¹⁰⁸ Even as the Company became the new overlords to the rajas, who in turn remained the same it always "tends to become a virtual but undefined proprietorship"¹⁰⁹ which expanded the operational flexibility that was not available in alleviating the rising grain prices during the famine.

Company willingness to emphasis a proprietary-based revenue system over one which was grounded in freeholding property remained a consensus across Bengal. In November 1776 the Revenue Department of Bengal recommended obtaining copies of leases between zamindars and their subsidiaries called *pottahs* which often stipulated flexible revenue therefore evidence of colonial revenue demands could be rationalised.¹¹⁰ The *pottahs* functioned as a subcontracted succession of tributary obligations which fused Bengal's agrarian classes to its nawabs and subsequently to the Mughal emperor. Company-issued *pottahs* based on new land inspections¹¹¹ conflicted with British notions of taxation via property; a lease pertained the revenue obligation and a greater degree of state penetration into the Bengali countryside. Expanding formalised state power into Bengal's countryside and rural class structures was therefore achieved by language, not saltpetre. This power, to

¹⁰⁸ BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 78.

¹⁰⁹ B. H. Baden-Powell, "The Permanent Settlement of Bengal" in *The English Historical Review*, vol. 10, no. 38 (April 1895): pp. 276-292, at p. 285.

¹¹⁰ BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 120.

¹¹¹ *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 129.

preserve rural magnates or break them was uniquely invested with the figure of the British collector, sent out into the countryside to shape the agrarian landscape post-famine.

Revenue, and the role of language as being the instrument of agrarian power allowed for the centralised state to have a greater intrusion into the countryside. One example is derived from 1772 in a letter regarding the jagirs paying revenue, the scope of a collector's power on the ground was defined in practise as being wholly unlimited. Another case showed the government being the arbiter of disputes on the ground level, not normally associated with a Nawab's administration. Fort William's collectors could assess if jagirs "may be in possession of a greater quantity of land than they are entitled to, and to enable government to determine upon the probable effect and expense attending general measurement of the lands."

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The Council of Patna emerged in 1772 as an essential institution in combining language and power to create a 'toolkit' of governance that could be deployed to define and therefore rule Bengal's countryside. In January of that year, the Council's register declared the office of Collector to have the authority to "ascertain the authenticity of these grants" that were rapidly coming to the attention of Fort William.¹¹³ The written word, as both an essential feature of law and plane of interaction between coloniser and colonised grew in prominence even before the office of Governor-Governor was created in 1773. James Mill's *History of British India* (1817) remarked on the prominence of the collector's newly acquired powers as they existed "to simplify accounts; to render uniform the mode of exaction; and to establish fixed and accurate rules."¹¹⁴

¹¹² *Board of Revenue Records Misc 1788, vol. 34, part II*, West Bengal State Archives, pp. 436-437.

¹¹³ *Ibid*, pp. 438-439.

¹¹⁴ James Mill. *History of British India Volume III*, 5th edition, 1858. London: James Madden, p. 367.

Empire's newly empowered collectors did not wholly owe their newfound authority to the dictates of Fort William and the musket. Sources from the West Bengal State Archives explicitly state the British preference for justifying the collectors' power on Mughal grounds. The British were still relying on previous Mughal legal instruments to determine land claims which suggests there was little break with the previous system; it was merely integrated into the collectors' scope. For example, all *sunnuds* and orders from "the Royal Firmann, whether by the vizer, sudder usuddoor, Nazim, Decan, or other officers of the empire"¹¹⁵ obtained legal parity with emerging colonial judicial institutions.

Retrieving rural Bengal's legal data connected the written word to indigenous collaboration. One case, from Allumgha, who could not "produce these original sunnuds, pleading loss of them" only narrowed the space between collaborators and collectors in Bengal's countryside. In Allumgha, the lack of documents incurred an investigation as collectors examined legal claims to lands based on all available documents from extended family members and official records held elsewhere; a process cementing the importance of language in establishing British power and Indian collaborations.¹¹⁶

Proprietorship and leases over property indicates a preference to absorbing pre-existing norms over imposing British conceptions of private property onto Bengal. This preference conforms to Levi's predatory theory of rule in which a ruler's primary objective is to extract revenue and will henceforth create structures that raise their bargaining power, reduce political costs and design institutions that will implement this objective.¹¹⁷ Despite Levi's theory being based in the contemporary world and modern states the predatory theory of rule

¹¹⁵ *Board of Revenue Records Misc 1788, vol. 34, part II*, p. 440.

¹¹⁶ *Ibid*, pp. 439-440.

¹¹⁷ Margaret Levi, *Of Rule and Revenue* (London: University of California Press Ltd., 1989), p. 17.

became the default position of administrators in regard to revenue. In an anonymous tract [1780] attributed to Commodore Johnstone the author argues the Bengal polity must be reconfigured “by giving to the natives a permanent inducement to industry.”¹¹⁸ A permanent interest in increasing productivity had twofold benefits for the Company as a mechanism for reducing grain prices in the event of a future famine as well as greater revenues in the long-term.

Essentially continuing the revenue system in the 1770s and 1780s as if it were a Mughal tributary system lowered the political risks associated with an increase of revenue obligations. In answering the ancient political question of surplus management, officials conceded the political imperative relied on: “the necessity of keeping up revenue generally obliges Government to support tax farmers.”¹¹⁹ Predatory theories of rule posit that the relative success of a ruler, in this instance officials in Fort William leans on the bargaining power deployed by the Company and substantive political actors like Warren Hastings.¹²⁰ Bengal’s agrarian downturn and depopulation shifted the bargaining power to actors like zamindars that grounded their socio-economic and political power in proprietorship, not freeholding property. The constraints of this bargaining power reflect the interdependence of all actors involved and the extent to which political exchanges are easy and the differences in policies that emerge from a predatory state reflect the degree of constraint.¹²¹ A fluctuation in the Company’s bargaining power occurred between 1773 and the issuing of *pottahs* in

¹¹⁸ BLL01001027226, Anonymous, *Thoughts on improving the Government of the British territorial possessions in the East Indies Tract 107* (London: Printed for T. Cadell, 1783), p. 21.

¹¹⁹ BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 51.

¹²⁰ Margaret Levi, “The Predatory Theory of Rule” in *Politics and Society*, vol. 10, no. 4 (1981): pp. 431-465, at p. 438.

¹²¹ Levi, “The Predatory Theory of Rule”, pp. 439-440.

1776 as the Board of Directors wanted to create an army of *sepoys* in 1773 to institute state-mandated violence in the collection of revenue and enforcement of transactions.¹²²

The oscillation between naked state violence in 1773 and Company-backed *pottahs* in 1776 complements Thelen's work on power-distributional accounts theory; the Company in this timeframe can be seen as reaching an equilibrium to then be in a position to bargain power as in Levi's theory of predatory rule. A position which differed significantly to the dual governance system before 1773 in which the Company could not entirely shape events in response to the famine. Power-distributional accounts theory posits that state genesis occurs out of conflict and strategic bargaining between powerful actors to create rules which structure outcomes in equilibrium between such groups and those which are most favourable to them.¹²³ For the Company these rules from 1773-1776 rested on achieving equilibrium via pre-existing means to enforce elite cooperation; in appealing to them arguments had to be made alongside the accepted idea of proprietorship.

If a new equilibrium emerging from the Company-nawab dual governance system was achieved through maintaining the subcontracted tax farming model as a 'rule' the preference to empower already powerful actors can be seen as a tactic of bargaining to realign elite interests with the polity. From a minute in 1777 Phillip Francis advocated a 'restoration' of the zamindars, not merely because of their status as revenue collectors but because they "are or ought" to be instruments of civil governance.¹²⁴ Company rule, much like in the preference of proprietorship exhibits a thought process that responds and reacts to Bengali

¹²² Add MS 28974, *Vol. ii. 1773* [Hastings's Papers], p. 18.

¹²³ Kathleen Thelen, "How Institutions Evolve" in *Insights from Comparative Historical Analysis* (Cambridge University Press, 2014) pp. 215-216.

¹²⁴ BLL01001026835, Thomas Law, *Correspondence of the Honourable Court of Directors of the East India Company, and of the Governor General in Council, respecting the permanent settlement of the land revenue* (London: Printed for C. Richards. British Library, 8158.b.1.(2.), p. 13.

society, rather than directly imposing newly devised political abstractions onto it. Collectors themselves were reminded that land grants could only be made based on the initial data gathered earlier from the *sunnuds* sanctioned by the Council of Patna in 1772.¹²⁵ Phillip Francis in arguing “are or ought” in conjunction with issuing *pottahs* confirms the endorsement of patrimonialism as a means to an end of Company rule in responding to the crisis of the Bengal famine. Wilson proposes that the Company’s Bengali political culture was an “anxious search for semantic coherence in a world they did not understand”¹²⁶ while the exact rights of Bengal’s revenue classes were disputed, as the examined Company officials did not seek out semantic coherence, rather a political settlement based on *realpolitik*.

Company attitudes to estate auctions, a hallmark from Murshid Quli Khan’s reforms in the early eighteenth-century remain mixed; within the space of a year Warren Hastings criticised the influx of newly minted zamindars in Bengal: “because the competitions are piqued to outbid the value of the farms, which too generally fall by this way into the Hands of desperate and knavish Adventurers.”¹²⁷ This opposition to Bengal’s auctions came from the belief in the 1770s that the largest revenue stakeholders in Company rule lacked any permanent interest in capital investment or long-term settlement in the countryside.¹²⁸ Productivity of Bengal’s estates, in particular their relation to revenues remained the sole object of the Company’s gaze in safeguarding the agrarian basis of the economy as a result of reduced

¹²⁵ *Board of Revenue Records Misc 1788*, vol. 34, part II, p. 442.

¹²⁶ Jon E. Wilson, *The Domination of Strangers: Modern Governance in Eastern India, 1780-1835* (London: Palgrave Macmillan), p. 105.

¹²⁷ IOR/L/PARL/2/348, *Warren Hastings* [Private Papers], p. 471.

¹²⁸ Najmul Abedin, “The impact of Whig and utilitarian philosophies on the formative phase of local administration in British India” in *Journal of Third World Studies*, vol. 30, no. 2 (Fall 2013): pp. 191+, at p. 191.

labour because of the famine, rather than the quest of semantic clarification on rights, and ‘who’ the zamindars were.

If British imperial thought sought semantic coherence in the instinctual classification and generalisation of officials ¹²⁹ what explains the reversal attitude given to Bengal’s estate auctions? An initiative first started during Murshid Quli Khan’s tenure, Bengal’s estate auctions, which allowed any member of society irrespective of experience to purchase estate created the very semantic incoherence that Wilson argues the British sought to solve. In opposition to his 1775 position Hastings in 1776 praised the auctions as being: “a transfer of landed property to monied people, who are able to make improvements, will be in some degree advantageous to Government and the Country.” ¹³⁰

Company endorsement of merchants and moneylenders from urbanised centres controlling estates came from Hastings’s criticism a year earlier; Bengal’s agrarian and fiscal ills were traced to inattentive ‘old’ zamindars which had little capital investment in their estates. ¹³¹ State intervention in Bengal’s rural landscape extended beyond the demographics of traditional zamindars; the Company wanted to force estates to hire *dewans* who would directly be answerable to Fort William and thus widen the scope of political control in the advent of future crises. ¹³² Company ideology thus has far more in common with what Travers terms the “1770s revenue hawks” who argued that Bengal was severely undervalued as a fiscal unit and that the state had to permeate society more to realise its value. ¹³³ The memory of 1769-1770 remained prominent as officials focus on stabilising Bengal and the

¹²⁹ Wilson, *The Domination of Strangers*, p. 12.

¹³⁰ BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 58.

¹³¹ *Ibid*, p. 12.

¹³² BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 58.

¹³³ Robert Travers, “‘The Real Value of the Lands’: The Nawabs, the British and the Land Tax in Eighteenth-Century Bengal” in *Modern Asian Studies*, vol. 38 (July 2004): pp. 517-558, at pp. 521, 529.

Company's finances sets out why semantic fluidity became a tool of the Company's political ideology during this period.

'Old' zamindars, argued Hastings had a vested interest in an unequal valuation of estates for fiscal or hereditary purposes¹³⁴ which caused the fluctuations of the *nankar*, or retention of revenue retained, normally between five and ten percent across India.¹³⁵ Semantic coherence played very little role in the early administration; as the Company *pottahs*, preference of proprietorship over Westernised property rights, the support given to auctions and estate management. Officials' anxiousness came from the very real possibilities of mass depopulation, bankruptcy and the end of the British rule in India rather than a fixed goal of imposing abstractions onto Bengal's rural landscape as Wilson argues.¹³⁶ Semantic incoherence allowed the Company to permeate the countryside by speaking the language of patrimonialism from inserting itself into leases, estates, and through a mercantile class already familiar with the Company.

Even collectors started to assume patrimonial duties associated with village life. The extent to which colonial governance had successfully supplanted local elite networks came in one very notable example in Beerboom. One local *talookdar*, Mohmabad Bailsuttah encountered wild elephants who caused "a good deal of mischief" on his land. Typically, the preserve of a local zamindar who could field a militia, Bailsuttah instead petitioned the local British collector who was granted powers to kill the elephants.¹³⁷ Replacing Bengal's 'old' zamindars opened

¹³⁴ BLL01001306727, *Original minutes of the Governor-General and Council*, 757.i.39.(2.), p. 144.

¹³⁵ Irfan Habib, *The Agrarian System of Mughal India 1556-1707* (New Delhi: Oxford University Press, 2000), p. 186.

¹³⁶ Wilson, "The Permanent Settlement: Land, Revenue and the Political Economy of Empire" in *The Domination of Strangers*.

¹³⁷ *Board of Revenue Misc, 16th-26th May, 1788. Vol. 37*, p. 111.

a new form of interaction, much like the early 1770s to collectors to become further embedded in the civil-legal culture of India, in Beerboom as deep as the zillah level.

The priority of stabilising Bengal's finances was a response to a holocaust which historians estimated one third of Bengal's population and the fiscal basis of the Company almost swept away; once the Company's rule was confirmed its political ideology shifted again in the 1780s. Its management of a prominent borderline zamindar Raja Cheyt Singh is indicative of how once its revenues became stabilised, Company ideology combined proprietorship with a right-based claim legitimised by property rights that justified political domination over an actor.

Managing frontier zamindars west and in the northeast posed a particular issue to the Company and such individuals received bespoke treatment. On the death of Siraj Dowlah in 1775, Hastings conducted a treaty with his successor whereby the "zeemendary of Benaris, with its dependencies, was surrendered, in perpetuity, to the Company."¹³⁸ Within the treaty Raja Cheyt Singh, the successor must "ensure his attachment to the Company", pay 22,48,449 sonnaught rupees to the Company annually and in return he may: "exercise a complete and uncontrolled authority over his zeemadary."¹³⁹ The fusion of *de jure* proprietorship in association with *de facto* hereditary property and power over a space that was guaranteed by a hegemon sets the argument that Company ideology became fused with Mughal political practice.

¹³⁸ BLL01001614968, Warren Hastings, *A letter to the Court of Directors of the East India Company, from Warren Hastings, Esq. Governor-General of Bengal. Dated, Fort William, March 20, 1783* (London: Printed for George Robinson, 1783) p. 9.

¹³⁹ *Esq. Governor-General of Bengal. Dated, Fort William, March 20, 1783*, p. 12.

Ray argues (1979) that the Raja of Burdwan, Bengal's most powerful zamindar existed as a creation of the Mughals to consolidate control as old claims to rights and land were overlaid by a new political super-structure.¹⁴⁰ In fusing these two claims together in the treaty Hastings navigated perceived the semantical fluidity of entrenched zamindars like Singh by assimilating their *huquq-i-zamidari* (fiscal claims) and the rarer *haqa-i-milkiyat* (land property claims).¹⁴¹ This treaty demonstrates how patrimonialism became a convenient political position to raise revenues while being grounded in non-European precedence.

What explains the persistence of non-European precedencies after the abolishment of the dual government? Fort William's consensus was Bengal's domineering zamindars required appeasement via indigenous norms like *huquq-i-zamidari* and *haqa-i-milkiyat* rather than state-sanctioned violence as seen with Bengal's Nawabs. Local power, as opposed to that nominally commanded at the subah level remained a threat because "the Company in general has suffered more than from famine, or any other calamity, this glaring evil did not originate with the English Government. Those ignorant Tyrants who hoisted themselves these counties during the imbecility of the Empire, thought imagine by destiny all order, regulations to increase their authority, that of the court of Dhelly on this principle the [illegible] were destroyed." ¹⁴²

In a letter Hastings justifies *ad hoc* practises as his local knowledge proved visible political results in Bengal.¹⁴³ Despite eventually revolting against the Company Hastings praised the unruly ruler as: "the son of a collector of the revenue of that [Benaris] Province, which his

¹⁴⁰ Ratnalekha Ray, *Change in Bengal Agrarian Society c. 1760-1850* (New Delhi: Manohar Publications, 1979), p. 91.

¹⁴¹ Habib, *The Agrarian System of Mughal India*, p. 179.

¹⁴² *Board of Revenue Misc, 16th-26th May, 1788. Vol. 37*, p. 35.

¹⁴³ BLL01001614968, Hastings, *A letter to the Court of Directors March 20, 1783*, [8022.b.51.], p. 40.

arts, and the ministries of this matter enabled him to convert to a permanent and hereditary possession.”¹⁴⁴ Far from finding concepts to navigate the semantic incoherence, Company officials knowingly contributed by speaking the language of patrimonialism as a means to create a rationalised, impersonal political order. Bespoke treaties that fused *huquq-i-zamidari* and *haqa-i-milkiyat* by a European trading Company who had *de jure* claims as a revenue collector that gave rise to more problems of ownership that the Permanent Settlement sought to correct. Parliament’s own Select Committee in 1812 remarked on this fluidity as MPs concluded Company *huquq-i-zamidari* recognitions had no basis in Mughal grants but in the immediate objective of raising revenue.¹⁴⁵

Semantic incoherence as a means of rationalising and integrating the zamindars actors tied the abstract with the realities of what Marshall describes as the transformation of Indian institutions into instruments of autocratic governance patterns.¹⁴⁶ Bengal’s Secret Department in 1786 set out the primacy of their perception of Indian society in creating an autocracy from Fort William. Officials wanted to ‘free’ indigenous collectors and revenue staff from “slavish dependence on zemindars” and place all under the direct chain of command of the Company.¹⁴⁷ The British perceived that class dynamics between the *zamindars* and *taluqdars* broke down through the estate auctions and the mounting insecurity as a result of the Company’s power over class relations and the legalistic status of their position.¹⁴⁸ Bengal’s new political order morphed from dual governance to the Company determining all relations in society as its new hegemon; this stemmed from the Mughal

¹⁴⁴ Hastings, *A letter to the Court of Directors March 20, 1783*, p. 26.

¹⁴⁵ *The Fifth Report from the Select Committee of the House of Commons vol. I*, Edited by Walter Kelly Firminger (Calcutta: R. Cambray, 1917), p. 32.

¹⁴⁶ Marshall, *The Making and Unmaking of Empires*, p. 185.

¹⁴⁷ Grant, *An inquiry*, p. 56.

¹⁴⁸ Sirajul Islam, *The Permanent Settlement in Bengal: A Study of its Operation 1790-1819*, (Dhaka: Bangla Academy, 1979), p. 40.

emperor's inability to react to events in the Indian subcontinent. Now the Company sought to actively shape events as Mughal power was in terminal decline from the Marathas in the south and weak rulers.

British rule in India was anchored to the centrality of officials' perception and how this is employed to interpret the world around them, including those of other actors like the *taluqdars* or *zamindars*.¹⁴⁹ Recognising the fragility of class dynamics as a result of semantic confusion the Company could claim its liberation of revenue employees over *zamindars* as a wider triumph of British civilisation over oriental despotisms, local and subcontinental. Autocratic governance thus permeated Bengal's countryside through its fiscal system; as the collectors themselves were in submission to a centralised dictatorial polity. Direct channels to revenue collectors on the ground is an example of how Bengal could be dominated beyond Fort William by the metropolis itself as metropolitan power bypassed elite competition and allowed for John Shore's grand strategy to "consolidate the minds of the Natives" by "securing to them their rights and property."¹⁵⁰

From 1772 to the first few years of the next decade, the Company's principal object of fiscal statecraft lay in ensuing the survival of itself and the recovery from the famine through adopting semantic incoherence as an ideological prerequisite to its *realpolitik* actions. Contributing and exploiting the fluidity of Bengal's revenue set the ideological battleground of the Permanent Settlement which was "to give shape and definition to existing circumstances that would be more conducive to the interests of the East India Company."¹⁵¹

¹⁴⁹ Nicholas Hoover Wilson, "From Reflection to Refraction: State Administration in British India, circa 1770–1855", *American Journal of Sociology*, vol. 116, no. 5 (March 2011): pp. 1437-77, at pp. 1443-1444.

¹⁵⁰ L/PARL/2/348, *Warren Hastings* [Private Papers], p. 495.

¹⁵¹ Ray, *Change in Bengal Agrarian Society*, p. 74.

Company Rule As An Imposition

In the first part of this chapter, the Company's ideological choice was a reactive *realpolitik* via exploiting the uncertain semantics of Indian society. The second section of this chapter deals with a more assertive, confident form of Company rule that sought to impose itself on all areas of Bengal's society through a conscious, redefining of it. Defining Company ideology in this period encompasses its worldview as a totality; in the 1780s disallowing Mughal the remnants of Mughal rule: patrimonial governance became the priority for Hastings and then Cornwallis in both realising and raising revenue.

Martin (2015) outlines this tension as tax farming, associated with patrimonial empires like the Mughals which persisted under the British. Hastings and Cornwallis manipulated the pre-existing tax farming system through creating institutions that subtly broke down the patrimonial order of agrarian Bengal by "reshaping the rights of tax collectors, facilitating the marketability of tax farms outside the discretion of patrimonial rulers."¹⁵² The Company's gaze returned to the *zamindars*; every aspect of their rights, land, taxes, class position became a subject of study, interpretation and object of imposition.

Bengal's revenues can be divided into three distinct types: *maal* – fixed and ascertainable; *sayer* – rents and profits that are uncertain; *bazee jumma* – fines and fees.¹⁵³ Therefore, the zamindars became indispensable in the Company collecting *maal* and *sayer*; all of the ideological debates

¹⁵² Malik Martin, "Patrimonialism, Bureaucratization, and Fiscal Systems of British Bengal, 1765–1819" in *Patrimonial Capitalism and Empire*, edited by Mounira Maya Charrad, Julia P. Adams, and Julian Go. Emerald Publishing Limited, [Online], 2015), p. 195.

¹⁵³ IOR/V/27/130/12 John Herbert Harrington, *An elementary analysis of the laws and regulations enacted by the Governor-General in Council at Fort William in Bengal for the civil government of the British territories under that Presidency: Vol 2 Revenue system and officers; land revenue; coinage*, (Calcutta, 1814-1815), pp. 60-61.

presented further on rest on these two pillars of what the Permanent Settlement sought to objectify and rationalise. Phillip Francis, in writing to Lord North a year after the ‘1773-1776’ violence to proprietorship window articulated the dominant discourse within the Company until the Permanent Settlement: “whether the lands shall be restored to the hereditary owners.”¹⁵⁴ In reality, the Company’s shift to private property in the 1780s was because officials believed a substantial part of Bengal’s revenue and agrarian sector was undervalued and underreported.¹⁵⁵

Private property thus became the principal tool to attack patrimonial forms of governance – agrarian and Mughal in the pursuit of creating a permanent system of revenue with secure *maal* and *sayer* streams of income to the Company. Francis attacked the preference for proprietorship on the grounds that the Company’s system: “annihilates the property, attacks the industry of the subject, invades the sources of production”¹⁵⁶ which affirms the priority of productivity as a means of offsetting potentially higher food prices and allowing for greater famine relief.

Whereas the early Hastings favoured the political flexibility that a fluid semantic political landscape entailed, Francis conceives of property, in its binary of ownership/non-ownership as an ideological weapon in the attack against patrimonialism. John Shore, a confidant of Hastings explains the next problem of Company rule: “It is a very capital defect in this Government, that no system is permanent”¹⁵⁷ which returns to the predictable systemic order that the Company desperately required in 1769-1770.

¹⁵⁴ BLL01001306716, Phillip Francis, *Letter from Mr. Francis to Lord North, late Earl of Guildford. With an appendix*, (London: Printed for J. Debrett, 1793), pp. 32-33.

¹⁵⁵ Ranjit Sen, “*Observations on Revenue Maximisation in Bengal in the second half of the Eighteenth Century*” in *Proceedings of the Indian History Congress*, vol.47, 1986, pp.559-566, at p. 563.

¹⁵⁶ Francis, *Letter from Mr Francis to Lord North*, p. 36.

¹⁵⁷ L/PARL/2/348, *Warren Hastings* [Private Papers], p. 499.

A permanent system could not be grounded in semantic fluidity; private property served as a medium for raising revenue, redefining Bengal's power anchored in the zamindars and as the most effective ideological counterbalance to Indian patrimonialism. Opinion shifted again when in 1786 the Board of Revenue reached a unanimous agreement that the "zemindars had neither proprietary, nor heritable rights to the lands they held."¹⁵⁸ The same problem existed lower down the hierarchy when the independent farmers or *taluqdars* held their "lands by Dewany Sunnud, or only by Pottah and a copy of the crown rental."¹⁵⁹ Much like the 1770s, this lack of clarity allowed the Company to deploy a broad strategy that would lead to the implementation of private property as the solid basis of civil society and a functioning administration.¹⁶⁰ Whig veneration of private property was part of the dispute between two ideational schools of British imperial thought between 1772-1834: the Whiggism of Cornwallis and the paternalism of Munro.¹⁶¹

To understand the use of private property as an ideological assault on patrimonial governance beginning first with the regulations enacted in the Permanent Settlement can observe the conclusion of Company ideas as they were implemented. The 1780s as an assault on patrimonialism can be seen in the initial support and then dismantlement of the *canongoe* office – who were hereditary registrars of the land. Initially the Company resurrected the *canongoe* office because of their belief that it would function as an "ancient constitutional check" in Bengal's rural political landscape thus reducing the likelihood of zamindari revolts in a precarious subcontinent.

¹⁶² Maintaining this office, which legitimated patrimonial governance, of what can be defined

¹⁵⁸ Grant, *An Inquiry*, p. 12.

¹⁵⁹ Ibid, p. 62.

¹⁶⁰ Ranajit Guha, *A rule of property for Bengal: An Essay on the Idea of Permanent Settlement*, (New Delhi: Sapra Brothers, 2016), p. 10.

¹⁶¹ Abedin, *The impact of Whig and utilitarian philosophies*, p. 190.

¹⁶² Harrington, *Analysis of the Bengal Regulations*, p. 47.

loosely as “property rights” was a reaction to the anxiety that British officials experienced in their alienness to Indian society.¹⁶³

Tension between the use of private property as an ideological weapon against patrimonial governance and the reality of using indigenous actors to legitimise *de jure* “rights” but were *de facto* property led to the eventual abolishment of the *canongoe* by Cornwallis because: “*The rights of the Landholders and Cultivators of the soil whether founded upon ancient custom, or on regulations which have originated with the British Government have been reduced to writing.*”¹⁶⁴ This became the watershed moment for Bengal’s agrarian population; they no longer enjoyed property and livelihood based on the personal support of a Babur, Jahangir or Mohammed Shah in Agra. Rather, the reclusive officials of the East India Company locked away in their forts defined the world through laws.

Marshall argues that once Company rule stabilised from the 1780s officials were more confident in permeating the interiors of Indian society – literally and conceptually.¹⁶⁵ Landed property became the primary means by which the Company defined itself ideologically to Bengal’s elite as a contrast to the orientalist absolutism of Mughal rule.¹⁶⁶ The language of the Permanent Settlement itself becomes the key to understand the inner workings of officials. Article III of Regulation I which was the foundational declaration of the Permanent Settlement states: “*zamindars, independent talukdars and other actual proprietors of land*” have a fixed revenue demand allowing for: “*they and their heirs and lawful successors will be allowed to hold their estates at such assessment for ever.*”¹⁶⁷

¹⁶³ Wilson, *From Reflection to Refraction*, p. 1550.

¹⁶⁴ Harrington, *Analysis of the Bengal Regulations*, p. 146.

¹⁶⁵ Robert Travers, *Ideology and Empire in Eighteenth-Century India The British in Bengal* (Cambridge University Press, 2009 [Online]), p. 233.

¹⁶⁶ *Ibid*, p. 236.

¹⁶⁷ *Article III, Reg. I, Permanent Settlement*. [Bare Acts Live].

The tension around who has what revenue obligations thus became resolved once the British removed the *canongoe* as an actor legitimising patrimonial rights-based claims and instead supplanted the entire concept of proprietorship as private property with the conditions of revenue demands. “Heirs and lawful successors” denotes the recognition of rights-based claims by the polity itself, not patronage networks or paternalism as was the norm in South Asian society especially the Mughal empire. Regulation II [1793] describes the role of the collectors and the judicial system as it assaulted rights-based claims legitimated by patrimonialism by abolishing the local *Mal Adalat* judicial system thus diverting all cases to the *Sadr Diwani Adalat*.¹⁶⁸ The purpose was to enforce secure strict regularity of proceedings and provide against erroneous decisions in the courts of primary jurisdiction¹⁶⁹ which in turn the existence of cases being heard curated a reciprocal legitimacy on the part of proprietors who ‘held’ the land and the Company who made claims to its revenue.

Notions of private property and “proprietors of land” become interchangeable in the Permanent Settlement; freely held ownership of land with a negation of state interference is outlined in Article VIII. The Company instructs *zamindars* and *talukdars* who it recognises as property-holders that disposing of their estates “by sale, gift or otherwise” and therefore “their proprietary rights” does not require the sanction of the state to be considered valid.¹⁷⁰ As private property and proprietor merge into one giving land away is described as a “transfer” and not a transaction; despite the explicit validity of selling part of an estate. Studying the eighteenth-century legal usage of transfer and transaction the former is the

¹⁶⁸ *Reg. II.*, Permanent Settlement. [Bare Acts Live].

¹⁶⁹ B. B. Misra, *The Central Administration of the East India Company 1773-1834*, (Manchester: Manchester University Press, 1959) p. 247.

¹⁷⁰ *Article VIII, Reg. I.*, Permanent Settlement. [Bare Acts Live].

convergence of property from one to another ¹⁷¹ with the latter's relevance as an agreement within a civil or Roman law context. ¹⁷² Hence it remains impossible to assert by the time of 1793 the Company use of proprietorship was interchangeable with private property.

The only stipulation was that “transferring” an estate must adhere to Islamic or Hindu laws and cannot contradict the Company's own regulations. ¹⁷³ Hindu and Islamic jurisprudence that in their own right dictate the allocation of private property instead of “proprietorship” reinforce the synonymous use of terminology in the Permanent Settlement. Recognising rights-based claims to land through the prism of private property destroyed patrimonialism as a legitimate political order in late eighteenth-century Bengal but it also granted the Company the means by which revenue demands could be adjusted to respond to a large-scale famine. Land and subsequently revenue demands no longer derived from the Mughal emperor as *de jure* land owner; Bengal's nawabs as *de facto* patrons of land ownership through support of auctions. Rather: “No power will then exist in the country by which the rights vested in the landholders by the Regulations can be infringed or the value of landed property affected.” ¹⁷⁴ By ‘power’ the Company is indirectly making reference to the dual governance system that was blamed for intensifying the famine as the British lacked the ability to actively determine all political events.

Islam argues that the remaking of Bengal's agrarian order from patrimonialism to impersonalised polity recognition lay with the belief held by Cornwallis that the monopolistic control of the land should be broken and manageable economic units created. ¹⁷⁵ As legal

¹⁷¹ ‘Transfer’ entry, *Oxford English Dictionary* [Online].

¹⁷² ‘Transaction’ entry, *Oxford English Dictionary* [Online].

¹⁷³ Harrington, *An Analysis of Bengal's Regulations*, pp. 200-201.

¹⁷⁴ Preamble, Reg. 2., Permanent Settlement. [Bare Acts Live].

¹⁷⁵ Islam, *The Permanent Settlement in Bengal* p. 33.

abstraction defined and legitimised such economic units, on the ground the Permanent Settlement realised this aim by ordering every Bengali village must have a *putwarry* or village accountant who would calculate the exact amount sold by *ryots*.¹⁷⁶ Such a process had already started before the formal codification of the Permanent Settlement as in 1788 when Fort William was already undertaking the redrawing of maps as the division of *zillahs* was done by “minute inspection of the *moufsiul* accounts, the *Ryotts Pottahs*, and a measurement of at least one village.”¹⁷⁷

In dismantling patrimonialism as a legitimate form of power, Regulation I and II confirms private property which serves as the foundation of Levi’s work on the predatory theory of rule. Bengal’s *Sadr Diwani Adalat* had a dual function in its recognition of property rights by virtue of hearing cases but in creating what Levi terms quasi-voluntary compliance; as rulers portray the system as being fair thus increasing cooperation¹⁷⁸ but also features as a coercion mechanism to regulate and define taxable property.¹⁷⁹ The *Sadr Diwani Adalat* post-1793 functioned as a pillar of English law as the latter depends on the role of shared adjudicature practises to legitimise property rights.¹⁸⁰

Assaulting patrimonialism required altering classes further down the patronage hierarchy. *Talookdars* had a place in the Permanent Settlement as evidence for the universal recognition of property rights in Bengal. Regulation VIII [1793] declares the *taluqdars* status by clarifying the jurisdictional overlap of “proprietorship” between *zamindars* and the *talookdars*. Again, proprietorship functions as a codification of property rights, independent *taluqdars* are defined by

¹⁷⁶ Harrington, *An Analysis of the Bengal Regulations*, p. 165.

¹⁷⁷ *Board of Revenue Misc, 16th-26th May, 1788. Vol. 37*, p. 29-30.

¹⁷⁸ Levi, *Of Rule and Revenue*, p. 53.

¹⁷⁹ Levi, *The Predatory Theory of Rule*, p. 458.

¹⁸⁰ Wilson, *The Domination of Strangers*, p. 33.

the following criteria: (i) “*Proprietors of Talooks obtained by public or private purchase, or by gift*; (ii) “*Or which Talooks existed before the succession of the family of the Zemindar to whom they now pay revenue*; (iii) “*Or which never formed a part of the Zemindary*; (iv) “*And proprietors, who have succeeded by purchase, gift or inheritance to any Talooks of the nature above described.*”¹⁸¹ Regulation VIII thus places the *talugdars* into a hierarchy by which their multiple origins are simplified into a single legal category that is universally understood by both *zamindar* and the Board of Revenue. If all parties in Bengal could adhere to the same political order the basic functions of the state could remain intact while the company eased class tensions.

Wilson argues the prominence of private property in eighteenth-century Company Bengal became inseparable from the workings of the polity; as it gave officials the notion they were ruling over a distinct, objective economic sphere.¹⁸² Unlike the chaos associated with the Company’s partial control over Bengal during the famine judicial interventions in class conflicts created a predictable political order with the consent of agricultural producers. Returning to the role of the Permanent Settlement as an intervention in class politics all disputes between the *zamindars* and *talugdars* could be resolved in the *Sadr Diwani Adalat* as those *talugdars* deemed not to be proprietors could sue *zamindars* for the right of their property.¹⁸³ Both parties again had the ability to petition the Company again to pursue an appellate hearing¹⁸⁴ which acted as a failsafe mechanism to coordinate resources while maintaining political order.

A confusing jurisdictional overlap because of centuries of Mughal governance between the exact nature of the *zamindari-talugdar* relationship and the Company’s *laissez-faire* approach

¹⁸¹ Regulation VIII, *An abstract of the regulations enacted for the assessment and realization of the land revenues in Bengal, Behar, and Orissa, from the year 1793 to 1824*, p. 15.

¹⁸² Wilson, *The Domination of Strangers*, p. 72.

¹⁸³ Regulation VIII, *An Abstract of the regulations*, p. 16.

¹⁸⁴ *Ibid*, p. 16.

emboldened *taluqdars* as a result of the Cornwallis Code to resist unjust *zamindari* revenue demands.¹⁸⁵ Consider Regulation VIII and XVII in the created distinction of *taluqdars*. Reg. VIII instructs collectors to individually inspect *talook* titles and those deriving tenures from *zamindars* or *zungle boory talooks* [land clearances] were not considered separate entities.¹⁸⁶ In contrast to Reg. XVII explains how defaulting estates should be managed; the state is granted the power to sell or distrain dependent *talookdars*’ and under-farmers’ property.¹⁸⁷

Like the Mughals before them, India’s complexity and semantic incoherence assimilated and redefined roles in society for the sake of empire-building. The desire to redefine and assimilate attacks patrimonialism because the process of clarification strips local patrons of their power and personalised origins of power. Previously, *canongoes* and *patwars* became the buffer between agrarian elites and the majority of the populace who engaged in labour. *Patwars* were village accountants and thus had great influence in revenue collection. Centralising this process lacked precedence; in every *zillah* two accountants would be appointed by the Governor-General and accountable to him while attending “to all rules regarding their office prescribed by the Regulations [1793].”¹⁸⁸

The basic building block of Indian administration, the *zillah* became the object of Bengal’s reclusive rulers in Reg. XXI as the language of patrimonialism was deployed in breaking the very system down. In one sense the direct appointment of *patwars* which the Permanent Settlement renames as “record-keepers”¹⁸⁹ mimics the political patronage networks from Bengal’s own nawabs and zamindars; the holder of the office is solely dependent on the

¹⁸⁵ Islam, *The Permanent Settlement in Bengal*, p. 49.

¹⁸⁶ *Regulation VIII, An Abstract of the regulations*, p. 16.

¹⁸⁷ *Regulation XVII, An Abstract of the regulation*, p. 53.

¹⁸⁸ *Regulation XXI, An Abstract of the Regulations*, p. 68.

¹⁸⁹ *Regulation XXI, An Abstract of the Regulations*, p. 68.

whims of a single person. Although it follows the wider trend across eighteenth-century India of an East India Company that came to negotiate its own empire;¹⁹⁰ Cornwallis writing to the Court of Directors in August of 1789 supports this view as he proposed important landowners and merchants should be restored thus “preserving order in civil society”¹⁹¹ and avoiding revolts like those in North America.

The Company’s attack on patrimonialism cannot be described as entirely ideological; with the case of the *patwar* appointments political patronage had a place as a zero-sum game of depriving indigenous actors of their power while enhancing that of the Company’s. Keiser & Cai (2003) examine why the Company was willing to assimilate aspects of patrimonial governance into its revenue administration. In studying Qin China, they propose that bureaucracies arise based on two conditions: (i) military competition and war compel polities to become more efficient; (ii) Technological developments that have increased monitoring capacity like communications, transport and record keeping that is required for the creation of a bureaucracy.¹⁹² A weakening of aristocratic patronage plays a role as a centre of power shifts away from traditional elites to a rule-based impersonal order¹⁹³ as had already occurred with the Governor-General directly appointing *patwars*.

Monitoring appears once aristocratic patronage systems have been broken down and the object of governance – people, a region, resources can be subjected to bureaucratic oversight. Post-1793 the Company’s ideational assault on patrimonialism shifts away from private property to increased monitoring from urban centres. In 1799 British judges in Dhaka, Patna

¹⁹⁰ Travers, *Ideology and Empire*, p. 41.

¹⁹¹ *Letter from Mr Francis to Lord North*, p. 105.

¹⁹² Edgar Kiser and Yong Cai, ‘War and bureaucratization in Qin China: Exploring an anomalous case’ in *American Sociological Review*, vol. 68, no. 4 (August 2003): pp. 511-539, at p. 512.

¹⁹³ *Ibid*, p. 516.

and the previous capital, Murshidabad were empowered [Reg. VII 1799] to directly appoint commissioners who would prepare distrained properties to be sold in order to meet revenue demands.¹⁹⁴ This case illustrates the zero-sum political landscape inside Bengal during Company rule; bureaucratic systems infiltrated at the expense of patrimonial systems of rule. Judicial oversight in addition to executive appointment of *patwars* demonstrates the Whig influence on Cornwallis and his administration as there was a belief that the separation of powers could serve as a counterbalance to oriental despotism.¹⁹⁵

Bengal's post-1793 judiciary morphed into the polity's new order by asserting *de jure* claims over the entirety of the land. Where patrimonial patterns of governance declined; bureaucracy moved in and judicial oversight followed. Lacking a charismatic, personal regional hegemon to settle affairs the motive for Bengal's new judiciary in the eyes of the Company was beyond interpreting legislation and mediating the demands between the collector and *zamindar*, and in turn the *zamindar* and *ryot*.¹⁹⁶ As the judiciary followed the trail of bureaucratic governance Fort William adopted political imperatives to raise the monitoring capacity to empower the state over the previous personalised, decentralised patrimonial order.¹⁹⁷ There is some space to support the correlation between the decline in patrimonial government and the rise in rural unrest from the 1780s into the 1790s.

Such unrest compounded two trends; an expansionist polity into the lives of agrarian Bengali communities and the state's monitoring capacity via colonial judicial institutions. Beyond asserting *de jure* claims in the countryside, Governor-General Cornwallis empowered Collectors in a series of *zillahs* in Bengal, Behar and Orissa whom were entitled to pay judges

¹⁹⁴ Regulation VII [1799], *An Abstract of the Regulations*, p. 108.

¹⁹⁵ Abedin, *The impact of Whig and utilitarian philosophies*, p. 199.

¹⁹⁶ BLL01001026835, *Correspondence representing the Land Revenue* 8158.b.1.(2.), p. 74.

¹⁹⁷ Kiser and Cai, *War and bureaucratization in Qin China*, p. 518.

and magistrates of their districts additional sums of money for the additional employment of officers and bounty money for arresting offenders.¹⁹⁸ The state's monitoring capacity was not confined to judges appointing officials; the *Sadr Diwani Adalat* received applications on the matter if dependent *talooks* were being brought to sale¹⁹⁹ while also enlisting a growing judicial organ to enforce power at a village level.

With very few exceptions, the Permanent Settlement became the triumph of colonialism as the ideological antithesis to the patrimonial style of revenue administration and governance that was present in most South Asian polities. Hence, breaking down the link of personal patronage and directing all forms of power from legitimacy, appointments and rights to an impersonal, European judiciary and executive was conscious by the Company. Thomas Law, the architect of the Permanent Settlement confessed this in his memoirs as he argued the haemorrhaging of the Mughals and the defeat of the Tipu Sultan produced *zamindars* who were "heedlessness of their pretensions."²⁰⁰ Their heedlessness came from the fragile, ever changing political stalemate in South Asia at the turn of the eighteenth century; the final defeat of the Mughals in the next century and Maratha rule still strong left a legitimacy vacuum in India.

Patrimonialism's dismantlement in Bengal was the product of a dialectic clash between the Company's ideological bedrock and the reality of governing a complex society in South Asia. Fligstein's work, *Markets as politics: A political-cultural approach to market institutions* while a study of the contemporary world is applicable to understanding the Company as an

¹⁹⁸ Judicial Criminal Proceedings. 12th July – 2nd of August 1793, p. 264.

¹⁹⁹ *Regulation VII [1799], An Abstract of the Regulations*, p. 113.

²⁰⁰ BLL01001026835, Thomas Law, *Correspondence of the Honourable Court of Directors of the East India Company, and of the Governor General in Council, respecting the permanent settlement of the land revenue*, (London: Printed for C. Richards), p. 21.

entity. Parliament described the Permanent Settlement as a: “liberal policy of an European state with the strength and energy of an Asiatic monarchy.” ²⁰¹

Yet this was how metropolitan elites and Company officials like Law perceived the ideational battle at play. Patrimonialism is but a footnote in the marketisation of South Asia as “states provide stable and reliable conditions under which firms organise, compete, cooperate, and exchange” ²⁰² but the Company surpassed this process in Bengal. Instead, the Company provided stable and reliable conditions under which economic actors could achieve the teleology of Company action which failed during the Bengal famine – stability and fully exploited revenue collection. Regulatory institutions like the *Sadr Diwani Adalat* reshaped Bengal’s agrarian economy and revenue system because they produce cultural templates that change how societies are organised ²⁰³ like in *Reg. VI* [1806] that dictates Collector-appointed committees to oversee zamindars maintaining Bengal’s embankments and rivers. ²⁰⁴

From 1772 onwards the Company can be seen as a response to the dual governance beforehand by attempting to create a stable market through navigating India’s complexities and redefining its agrarian economy and society with the stated goal of realising Bengal’s tax revenues. Once a market stabilises, as seen after the famine during Hastings and his administration then the roles of incumbents and challengers becomes apparent; the Permanent Settlement can thus be seen as a creation of a market power structure in which all actors are aware of the rules and tactics involved in such a newly stable market. ²⁰⁵ An example of this is the Company’s relationship with the most contentious area of Bengal’s social class system:

²⁰¹ *The Fifth Report*, pp. 28-29.

²⁰² Neil Fligstein, “*Markets as politics: A political-cultural approach to market institutions*” in *American Sociological Review*, vol. 61, no. 4 (August 1996): pp. 656-674, at p. 660.

²⁰³ Fligstein, *Markets as politics*, p. 661.

²⁰⁴ *Regulation VI* [1806], *An Abstract of Regulations*, p. 163.

²⁰⁵ Fligstein, *Markets as politics*, p. 667.

the *pottah. Reg. V* [1812] stipulates that “proprietors and others” may grant leases for however long they desire ²⁰⁶ while on the next page no “cultivator or tenant” may be liable to enhanced rent unless stipulated in a prior written agreement. ²⁰⁷ Again, while the Company certainly acted as if it were the sole market in Bengal such stipulations on leases set the power structure that all participants will be able to adhere to.

Pottahs bridged the Company’s assault on patrimonialism with the next section which seeks to ascertain the extent to which the Permanent Settlement was an endeavour occupied with remaking Bengali society in the eyes of its new rulers. While eighteenth-century Bengal enjoyed productive, cosmopolitan urban centres it remained an overwhelmingly rural region; meaning the Permanent Settlement’s reach directly or indirectly affected a majority of the populace. Much like the Company sought to categorise and redefine the meaning of *zamindar*, the Company also sought to remake Bengal’s social class system.

Who were the ryots? What was their status? What role should they play in Company-governed Bengal? These three questions caused the most ideational friction amongst elite officials in Fort William and in metropolitan circles. Beyond the day-to-day politics of revenue administration it unleashed a schism of a vision of what the British empire in India *should be*. In the 1770s the prevailing ideational influence mirrored that found in Western Europe and North America: physiocratic economics. Returning to Phillip Francis’s minute in 1777 that the zamindars “are or ought” to be instruments of civil government ²⁰⁸ was rooted in the political axiom that agriculture was the root of all wealth. This view argued Guha in his landmark study of the Permanent Settlement remained true to Francis’s physiocratic roots as

²⁰⁶ *Regulation V. [1812], An Abstract of Regulations*, p. 175.

²⁰⁷ *Ibid*, p. 176.

²⁰⁸ BLL01001026835, *Correspondence representing the Land Revenue* 8158.b.1.(2.), p. 13.

there are reciprocal obligations in the context of describing class differences between the zamindars and ryots.²⁰⁹

But Guha's argument of establishing what factions support what ideational current is one-dimensional and fails to take account of the other questions lurking in the background of governance. A physiocratic view in the 1770s was still a part of the stabilising period; this chapter has proved how patrimonialism remained a viable temporary solution as officials had designs on the *zamindars* as an intermediary between the masses and officials as "all great civil societies are held together."²¹⁰ Through these lens of viewing Indian society from within, ryots were categorised into four groups. (i) *Khudkast*, those who had hereditary occupancy rights and paid rents; (ii) *Paikast*, non-occupants and tenants at will; (iii) *Adhiars* and *Bargadars* who were landless and tilled other economic actors' lands.²¹¹ Within the Permanent Settlement's Regulations, Company's administrative documents or private letters officials did not engage in the semantics of 'Who are the ryots?' like they did regarding the zamindars.

This omission in the primary sources consulted for this chapter refutes the notion that every aspect of revenue administration was ultimately a battle over semantics. In relation to the ryots, the British had little interest in the benefit of redefining semantics; John Shore, another architect of the Permanent Settlement retained the objective of securing Indians' rights and property.²¹² British views on Indian history and society complemented this stance greatly as officials regarded the Hindus and lower classes being as being victims of centuries-long

²⁰⁹ Guha, *A rule of property for Bengal*, p. 130.

²¹⁰ BLL01001026835, *Correspondence representing the Land Revenue* 8158.b.1.(2.), pp. 13-14.

²¹¹ Islam, *The Permanent Settlement in Bengal*, p. 5.

²¹² L/PARL/2/348, *Warren Hastings* [Private Papers], p. 495.

domination from Muslim conquerors.²¹³ Like Liberation Theology in the twentieth century an ideational consensus emerged from officials based in Fort William that Bengal's toiling classes required a political salvation that could only be imposed by an external force.

Shore's declaration in 1785 that the grand object of Company rule was "by securing to them [Indians] their Rights and Property"²¹⁴ implies firstly, such peoples had rights in eighteenth-century Western European conceptions; secondly, such rights were insecure. The messianic vision of Company rule is seen eight years later in *Reg. I*: "Government reserve the power of enacting such Regulations as it may deem necessary for the protection and welfare of dependent Talookdars and cultivators."²¹⁵ The adoption of a worldview in which the mostly Hindu ryots existed as a perpetual victim of oriental despotism in the form of the Mughals and the local zamindar contradicts Marshall's claim that the Company between 1773-1814 lacked a consensus of vision in Bengal.²¹⁶ This 'solution' as the Permanent Settlement of Bengal's revenues gave security to the ryots because of extended leases²¹⁷ while in 1794 *zamindars* were instructed that mutilation, execution and physical punishment of ryots were now considered extrajudicial.²¹⁸ Britain's messianic view of its own governance in Bengal refutes the abstraction hypothesis in Jon Wilson's work as Company revenue administration at all levels was occupied with building power while simultaneously employing such power to fundamentally alter India.

Two years after the initial enactment of the Permanent Settlement its consequences was evidenced in Gofrejoorah Shawpore as the colonial state could directly intervene in class

²¹³ Marshall, *Making and Unmaking*, p. 201. Guha, *A rule of property for Bengal*, p. 253.

²¹⁴ L/PARL/2/348, *Warren Hastings* [Private Papers], p. 495.

²¹⁵ Regulation I [1793], *An Abstract of Regulations*, p. 2.

²¹⁶ Marshall, *Problems of Empire: Britain and India*, p. 28.

²¹⁷ BLL01001026835, *Correspondence representing the Land Revenue* 8158.b.1.(2.), p. 25.

²¹⁸ *The Fifth Report*, p. 181.

politics. Its collector was empowered to correct the situation arising from distressed *talooks* recently leased. Not only were the *talooks* targeted but the “under-Renters, whom you state to have withheld their rent on account of the cheapness of their grain agreeably to the distraining regulations.”²¹⁹ In this case the outcome was not outlined in the sources; whether the grain could be sold later on, at a higher price to conform to revenue demands or not. What is indicative in this case is the exactness and potential of the collector to make decisions beyond zamindari obligations.

Abstractions played no role in the remaking of Bengal’s social class dynamics; Manor, a revenue official writing to Thomas Law argued for the abolishment of *abwaubs*, or inland taxes charged by zamindars as this could fuse ryot and Company interests while the former could enjoy a “extraordinary spirit of industry” in newly found market incentives.²²⁰ The wave of regulations, disempowerment of zamindari *de facto* power and preference for ryot welfare caused a shift from ancient feudal zamindars to the realisation that they were archaic and unable to respond to the changes imposed upon them.²²¹ Ryotwari preference presents the Company as a messianic force which could apply European governance to the Bengali Gangetic Delta’s extreme weather. The Company’s self-perceived role henceforth stemmed from a fundamental perception that located themselves and their subjects in meaningful social worlds and binding frameworks, practices, and justifications together into “a unified answer to problems of social action.”²²²

Though lacking a direct voice in the sources, ryots’ actions in the progressive breakdown of Bengal’s rural social order propel the overwhelmingly majority of Fort William’s subject into

²¹⁹ *Revenue Department Proceedings 13th Feb – 13th Mar 1795*. 301, pp. 214-215.

²²⁰ BLL01001026835, *Correspondence representing the Land Revenue* 8158.b.1.(2.), p. 35.

²²¹ Misra, *The Central Administration of the East India Company*, p. 194.

²²² Wilson, *From Reflection to Refraction*, p. 1446.

the Permanent Settlement's debate. In 1788, a letter from a collector to Cornwallis signalled civil breakdown as in the villages of Bhelorra and Bhoorma a military force had to be dispatched to "queel disturbances therein, a more immediate local control appears necessary." Class conflict's effect on the Company's fiscal systems attracted greater involvement as concerns about the type of violence expressed by the ryots arose. Namely because, "wasting the public revenue with permanently or preserving the tranquillity of the country, a person shall be stationed in each of these districts, to act under the collector of Rajeshahy." ²²³

Fort William's response was to double-down on the principles of the Permanent Settlement; like Bengal's elites, its ordinary people must have a realignment with the Company's fiscal interests. Officialdom decried the redirection of the ryots to "necessarily be devoted to the cultivation of their lands" ²²⁴ which like the example of the Company drawing on semantic fluidity to assimilate *huquq-i-zamidari* and *haqa-i-milkiyat* into its fiscal precepts it was compelled to do so for Bengal's peasant class. How could such a system include this class? One example was ready-made in the forms of *pottahs*; in one dispute centring on the ownership of land and which party was required to pay tax, the Company still relied on farmers submitting *pottahs*, which were taken as verbal evidence which bore the legitimation through "this pottah was confirmed by the Committee of Revenue" in the Board of Revenue Records. ²²⁵

The steady expansion of the colonial polity also offered the Company the means to win over the ryots by directly intervening in village affairs. The Committee of Revenue did this by responding to a common complaint issued by farmers. Namely, that when on the roads

²²³ *Board of Revenue Records Misc 1788, vol. 34, part II*, pp. 455-456.

²²⁴ *Board of Revenue Records Misc 1788, vol. 34, part II*, p. 458.

²²⁵ *Ibid*, p. 508.

conducting their work/transporting produce they were subjected to illegal road extractions/taxes from local groups; a similar issue faced by Company servants decades earlier. The Company responded by issuing an order to “apprehend the offenders” so “they may be brought to punishment”²²⁶ which would insert British officials into making favourable decisions normally not made by a centralised colonial polity.

The *ryots*’ position in Company-administered Bengal unifies all the ideational strands of British imperial thought: predatory theory of rule, attack on patrimonialism and marketisation. Thomas Grant, in his inquiry (1790) about who the zamindars were sets out the case for remaking Bengal’s society. Bengal’s pre-existing class system is described as a “forced and unnatural state of society”²²⁷ which John Prinsep seeks to solve by the collectors making contracts directly with the farmers themselves.²²⁸ ‘Saving’ the ryots through regulatory measures mirrors the trajectory elsewhere in this enquiry: the Company centralising its power over the peripheral ruled.²²⁹ Officials balanced the messianic mission of conquering oriental despotism with the realities of avoiding mass starvation while still raising revenue; Cornwallis retained the *bazee zemeen* - or tax-free status to charity lands at the same time dictating mechanisms that could determine fraudulent cases.²³⁰ This balancing act was the Company’s continued reverence for custom while embracing experimental forms of governance²³¹ as an instrument in amalgamating Indian custom into its perceived enlightened autocracy.²³²

²²⁶ *Board of Revenue Records Misc 1788, vol. 34, part II, p. 559.*

²²⁷ Grant, *An Inquiry*, p. 1.

²²⁸ BLL01017650743, John Prinsep, *Strictures and occasional observations*, p. 25.

²²⁹ Burton Stein, “*State Formation and Economy Reconsidered*” in *Modern Asian Studies*, vol. 19, no. 3 (1985): pp. 387-413, at p. 410.

²³⁰ *The Fifth Report*, p. 51.

²³¹ Wilson, *The Domination of Strangers*, p. 38.

²³² Marshall, *Making and Unmaking*, p. 185.

Balancing custom and experimental governance became the staple colonial gamebook which produced centralised power to then extend towards peripheral lands. The *patwars* too were integrated into the centralised executive of the Governor-General; this management of peripheral actors eased conflict and allowed the Company's power to manage peripheries not even Bengal's nawabs reached. Bengal's hill zamindars in the north-eastern region existed as powerful actors who resisted centralising efforts whether in Murshidabad or Fort William.

The Permanent Settlement as an attempt to control peripheral regions and actors can be illustrated in the example of the Company employing regulations to disempower potential adversaries while integrating them into the centralised revenue administration. Thomas Law recounts an episode of how in one instance if the Company were to attempt a ryotwari system on the hill zamindars there would have been a revolt in which Company soldiers would be deployed. Instead, Law recounted how the heirs as a result of Company regulations were permitted to apply for an equal division of shares between his estate which he argues "ought to have great weight when applied to our frontier conquered territories."²³³ This example shows the Company's ideational overlap at the start of the nineteenth century as Chatterjee argues the British state could penetrate remote terrains through violence, law and trade²³⁴ while also increasing the bargaining power of the executive as political units are broken up.

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²³³ BLL01017047460, Law, *Remarks on the Ryotwarree & Mocurrery Systems* 8158.b.1.(1.), p. 63.

²³⁴ Baijayanti Chatterjee, "Ecology and Imperium: State Formation in Early Colonial Bengal c. 1765–1800" in *Indian Historical Review*, vol. 47, no. 2 (December 2020): pp. 263–281, at p. 279.

²³⁵ Levi, *The Predatory Theory of Rule*, p. 438.

Crisis: Power over vision

During the start of the nineteenth century the Permanent Settlement's effects were not as predictable; the final section of this chapter is the post-1793 ideational shift away from the idealism of remaking Bengal's society to a return associated with its realism of the post-famine 1770s. In 1799 ryots were referred to as "under-tenants"²³⁶ which really marked the end of progressive reform of parity between economic actors as the ryots became *de facto* tenants under-will.²³⁷ A consequence of semantic incoherence created its own set of problems which mimicked those found in Ireland as the authorities could not reach a point of consensus about what a 'tenancy' looked like; like in Ireland conflict emerged over tenancy centred on social status or an enforceable contract.²³⁸

Internally though, the buildup to Bengal's Permanent Settlement failed to quell the type of unrest and disorder that was brewing since the 1780s. *Judicial Criminal Proceedings. 12th July – 2nd of August 1793* provides a succession of examples about how the dwindling grip of power in Bengal diluted the principles of the Permanent Settlement only two years afterwards. Civil disorder only pressed onto Fort William further fiscal constraints stemming from class conflicts.

A landowner's traditional rural obligations to also provide security was deconstructed by the colonial state; replaced by its centralised fiscal bureaucracy conceived of by Hastings two decades earlier. Bureaucracy, a centralised domineering polity and the increasing marketisation of Bengal's countryside swiftly tore apart the patrimonial political culture. In

²³⁶ Regulation VII [1799], *An Abstract of Regulations*, pp. 106-123.

²³⁷ Islam, *The Permanent Settlement in Bengal*, p. 66.

²³⁸ Baden-Powell, *The Permanent Settlement of Bengal*, p. 290.

Beerbhoom this seemed to be a province that was destabilised; the acting magistrate wrote to the Company and by 1793 Fort William decreed a new police tax that was to pay for the additional policing requirements in Bengal. This tax controversially was levied down to the level of each individual ryot. For example, in Mahalpore each ryot had to pay 1.8 additional rupees, in Ruttonpore and Gululah it was twelve rupees.²³⁹

The scale of the breakdown extended to the initial beneficiaries of rationalising Bengal's revenue system – its powerful zamindars. Bengal's century-enduring rural elites retreated to their rural power bases and exercised naked power. One case even involved a European merchant; in a petition from a Manuel Desouya, he petitioned the state to prevent the physical violence and added taxation by the local zamindars. Desouya says the Company must stop and “direct that the zamindars shall by no means oppress on this account the wholesale and retailing merchants.” This petition, either ignored or unable to be resolved grew dramatically unfolded; the violence conducted by zamindars intensified as those who refused to cooperate and pay additional taxes were attacked. Those associated with the European merchant were not spared as they suffered beatings while “People seized upon two of the persons deputed with me by name Salshoo Sing and Soorawan Khan beat them and carried them to the jemindar and again returned and seized upon me, beat me, and dragged me along the ground till they found that I was senseless and they quitted me.”²⁴⁰

Such a case, in addition to the seeming inability to quell Bengal's class conflicts by the enactment of the Permanent Settlement directs historians to a serious study of the very scope of the colonial state even by the 1790s. The instability also came from the zamindar's own

²³⁹ *Judicial Criminal Proceedings. 12th July – 2nd of August 1793*, p. 57.

²⁴⁰ *Ibid*, pp. 144, 150.

quarters once the violence had stopped. Desouya reported the zamindar's vizer approached them the following day and "urged me not to say any thing further on the subject and then quitting me [ineligible] enquiring from the merchants whether I had been beat or not"²⁴¹ as this move would alienate future commercial traffic through the land. Yet, previous attempts to rationalise Bengal's system and the passage of the Permanent Settlement had little material effect on territories beyond Fort William's solid control.

Rural violence and private militias resurrected old divisions dating back to the Mughal rule exposed how the Permanent Settlement's ambition to sharply define and rationalise continued to divide zamindars during the run up and after the regulations were enacted. As evidenced previously, the widespread practise of *pottahs* unlocked an opportunity for the Company to penetrate deeper into Bengal's divisive countryside. Two cases, both involving British officials as arbiters in *zillah*-level disputes produced two very different responses based on the type of zamindar.

One case was Fort William's standardised protocol for *pottah*-based disputes in 1788, for example "The form of a pottah drawn out by the canongoes approved by the zemindar, ryotts is also submitted to your judgements. It appeared to me calculated to answer the intended purpose of fixing the future state of assignments."²⁴² Indeed, the assignments promised to deliver the type of peace that will allow for the safe passage of goods, tax revenues and humans. Echoing elements of the ryotwari system in the Madras Presidency, these were measures that the 1780s into the early nineteenth century witnesses the Company in crisis again; deep fiscal constraints from a rise in global shipping costs and the Company's costly

²⁴¹ *Judicial Criminal Proceedings. 12th July – 2nd of August 1793*, p. 151.

²⁴² *Board of Revenue Misc, 16th-26th May, 1788. Vol. 37*, p. 32.

wars with the Maratha Confederacy placed stress on its financial position internationally.²⁴³ Like the conflicts of the 1770s, proprietorship caused class conflict in two villages, Suondi and Janabura which required the Company's political intervention in 1814-15. Grazing rights of ryots' cattle on Nownit Ray, a zamindar's land cultivated political tensions that could threaten the Company's bedrock of political stability and secure revenue streams; in September 1814 officers threatened a zamindar with "instant and ample justice" if violence was committed.²⁴⁴ Class conflict and a growing assertive ryot class extended to the said zamindar claiming water rights over his land; to which the Board of Revenue argued the disputed grass and water belonged to the "labour of cutting and collecting it."²⁴⁵ A commons system modelled on the English version morphed into a vernacular political solution to the Permanent Settlement's own failures to resolve class conflict in Bengal.

The Permanent Settlement and its ideas had turned a full circle. Misra makes the argument that after 1813 the Company shifted in the ryotwari system with a rising liberalism that sought to economically empower labour.²⁴⁶ On consulting the Regulations enacted in the 1810s and the reports from individuals the Company reverted to its predatory theory of rule revenue administration model. A magistrate in April 1815 concluded the entire revenue system was falling apart as the *ryots* defrauded collectors, zamindars were not investing in productivity as the Company hoped and their agents were defrauding both.²⁴⁷ Existential crisis loomed again, but the collective memory of Bengal's holocaust prompted the Company, much like the 1770s to employ *realpolitik*.

²⁴³ Lucy S. Sutherland, *The East India Company In Eighteenth-Century Politics*. (Oxford: Oxford University Press, 1952), pp. 336-337.

²⁴⁴ IOR/L/R/5/266, *Fort William, 27th of September 1814, Bengal Revenue Proceedings Sep 1815*.

²⁴⁵ *Fort William, 27th of September 1814, Bengal Revenue Proceedings Sep 1815, May 1815*.

²⁴⁶ Misra, *The Central Administration of the East India Company*, p. 209.

²⁴⁷ IOR/L/R/5/266, *2nd April 1815, Bengal Revenue Proceedings*.

As the financial side of the system broke down in the 1810s, politically the Permanent Settlement became defunct once the Regulations no longer universally applied to those actors living within the Company's jurisdiction. Hill zamindars like those living in Soormo, Nya Guhr and Berumbah could be exempt from most regulations if they paid what is described as "fixed tribute" payments ²⁴⁸ which shows the extent of Munro's ideational school of paternalism's influence on retaining elements of Indian political culture. ²⁴⁹ Ideationally the Company's return to *realpolitik* and government of the saddle is explained by its position as no longer the cause of political action but the respondent to it.

Thus, it is imperative to study the *Patni* system as the Company's *realpolitik* aims of stability and revenue collection as a response to domestic constraints – and not as a next chapter in British imperial thought. *Canongoes* were restored to Bengal's countryside and could even be appointed independent of the collectors ²⁵⁰ which demonstrated the priority of revenue and political stability as a constraint on the Company's capacity to effectively create new structures. ²⁵¹ *Canongoes* also assumed the tasks associated with Company officials; framed inside the broader system collapse this regulatory stipulation was therefore a political concession to the peripheries – retention of its decision-making power and revenue streams at the expense of centralised power.

The 1810s as an ideological concession decade can be viewed as a reaction to systematic breakdown and avoiding in this instance a man-made famine; the Company started to recognise "Firmauns or Grants" so as long as if they were integrated and codified within the

²⁴⁸ Regulation XII [1805], *An Abstract of Regulations*, p. 158.

²⁴⁹ Abedin, *The impact of Whig and utilitarian philosophies*, p. 203.

²⁵⁰ Regulation I [1819], *An Abstract of Regulations*, p. 232.

²⁵¹ Wilson, *From Reflection to Refraction*, p. 1442.

wider regulatory framework.²⁵² Applying Levi's theory of predatory rule to this example the bargaining power of indigenous actors and institutions shifted against the Company and such concessions are the reaction to the 'political' price of exchange rising.²⁵³ In the words of parliamentarians, the entire purpose of the Permanent Settlement was to: "*secure the happiness of the people, and the peace, prosperity and improvement of the country*"²⁵⁴ which while a token nod to John Locke, this teleology sought to win over a populace who experienced a devastating hunger and loss of life.

Bengal's semantic incoherence played no role in the 1819 reforms, as the "prosperity and improvement of the country" lay with a succession of compromises that gave the *zamindars* greater oversight over *talook* transactions²⁵⁵ which is exactly the type of influence the Raja of Burdwan advocated to the Company.²⁵⁶ Within their jurisdictions as a legal entity, the Company legalised for *zamindars* to have temporary powers of arrest against subsidiary defaulters²⁵⁷; officials were subjected to the same tug-of-war of centralised and peripheral power that nawabs like Alivardi Khan had to navigate.²⁵⁸ Semantics and the desire to impose political abstractions was no longer an option for officials who compromised the reforming mission of a codified, property-owning Whiggish and physiocratic worldview for a politically stable polity that could deliver revenues.

The Patni System began with Bengal's most influential and wealthiest *zamindar*, the Raja of Burdwan. He divided his estate up into thousands of units named *patni taluqa* and the tenants

²⁵² Regulation II [1819], *An Abstract of Regulations*, p. 245.

²⁵³ Levi, *Of Rule and Revenue*, p. 17.

²⁵⁴ *The Fifth Report*, p. 181.

²⁵⁵ Regulation VIII [1819], *An Abstract of Regulations*, pp. 253-254.

²⁵⁶ Shinkichi Taniguchi, 'The Patni System – A Modern Origin of the "Subinfeudation" of Bengal in the Nineteenth Century' in *Hitotsubashi Journal of Economics*, vol. 22, no. 1 (June 1981), pp. 32-60, at p. 38.

²⁵⁷ Regulation VIII [1819], *An Abstract of Regulations*, p. 260.

²⁵⁸ Burton, *State Formation and Economy Reconsidered*, p. 410.

named *patnidar* ²⁵⁹ which because of the Raja's substantial fiscal power made the distribution of power tilt in the favour of smaller stakeholders. *Patni taluqas* indirectly created a decentralised fiscal-political unit which applied the same set of power and regulations to its subsidiaries that the Company imposed on *zamindars* and so the *Patni Act* was assimilationist by instinct; a new prototype Permanent Settlement was adopted by the British as an offset against human-induced crop failure. ²⁶⁰ Responding to political realities and not defining them, the new equilibrium of power in Bengal's countryside was admitted within the Act itself as it came into being through the *Patni taluqas* having already "extended through several zillas in Bengal." ²⁶¹

Like the example of the hill *zamindars*, British imperial thought moved very quickly to the accumulation and preservation of power over serious ideological reform in Bengal's countryside and this is seen in the entirety of the Act which is a concession to the new managed political reality of British rule in Bengal during the early nineteenth century. Once the *canongoes* and *patwaries* returned, the Company deemed these office-holders as impartial mediators who despite being depended on proprietorship claims could be relied upon. ²⁶²

Parallels between the 1770s response to the famine and 1810s resurfaced – the endorsement of auctions acted as an indigenous, widely accepted mechanism for how the Company could realise its short-term revenue demands. In the 1810s, the stipulation that zamindars could bring to sale tenures for an arrear of rent ²⁶³ signalled the triumph of zamindari patrimonial

²⁵⁹ Islam, *The Permanent Settlement in Bengal*, pp. 71-71.

²⁶⁰ Islam, *The Permanent Settlement in Bengal*, p. 75.

²⁶¹ *Patni Act 1819*, p. 57.

²⁶² Aditya Prasad Jha, "Tenants' Rights in Bengal and Bihar after Permanent Settlement" in *Proceedings of the Indian History Congress*, vol. 23, no. 2 (1960): pp. 78-90, at p. 86.

²⁶³ *Patni Act 1819*, p. 61.

rights over undertenants and in rural communities.²⁶⁴ This ideational concession to patrimonial governance, antithetical to the Company's governance style lays centrality of perception and the teleology of action being domestic polity-formation. This perception in the inability to govern and control events is manifested in the language of the act as the Company were "to declare the legality of the practice of underletting"²⁶⁵ meanwhile the priority, as it had always been lay with immediate revenue realisation while avoiding the lethal political consequences of mismanagement.

Historians must ask: What was the Permanent Settlement? This chapter has attempted to answer this question by-passing the traditional historiography that focuses more on officials' biographies and the ideological flavours in vogue at the time. Did the Company overcome the holocaust of 1770? Creating a predictable, rules-based order was one way a reclusive elite could avoid famine while extracting the greatest amount of revenue from Bengal – but the grand designs of this project return to the very power-driven instincts of politics.

Instead, the Permanent Settlement was a crisis of power politics; as early as Warren Hastings in 1773 in the proprietorship debate officials consciously contributed to India's semantic incoherence as a means of raising revenue quickly. Levi's predatory theory of rule, while based on contemporary polities anchors the Company's ideational swings on zamindars, property and ryots within a rational, calculating cost-benefit analysis system of thought. It is true that language did play a role in the Company's efforts to rationalise Bengal's economy and fiscal system, but the interest in semantic coherence remains an ideational footnote in British imperial thought.

²⁶⁴ Martin, *Patrimonialism, Bureaucratization, and Fiscal Systems of British Bengal*, p. 202.

²⁶⁵ *Patni Act 1819*, p. 57.

Stripping back the ideological appeals about private property stakeholders, gentlemen-zamindars and appellate courts; the Company as an institution conformed to Thelen's power-distributional accounts theory of a polity's genesis. The flexible application of the rule of law to hill zamindars perhaps is the most relevant example – applying the rule of law divided powerful estates into friendly units; while simultaneously requiring a 'tribute' from hill *zamindars* to be exempt from the Company's regulations. While at its broadest this enquiry is a study of British imperial thought's change, in revenue administration its ideational superstructure remained unchanged between 1773-1819: to create a rationalised, impersonal, centralised structure that can extract mostly agrarian revenues.

British imperial thought in revenue administration shifted between the *realpolitik* motives of enhancing revenue and stability with the desire to remake Bengali society and impose abstractions onto it. This chapter ends where it started as by 1819 the magnitude of the ideological concessions made to patrimonialism, peripheral control and zamindari power as a response to crisis is symmetrical to the very concessions made in the 1770s when Bengal was recovering from famine and instability. Remaking society? No. Maintaining and increasing power? Yes. Overcoming a Holocaust? Wholly.

III

Commanding their hearts and minds: Colonial Law and Legal Positivism

“The command rests with none but Allah: He declares the truth, and He is the best of judges.” Surah al-An’aam, 6:57

الْحُكْمُ إِلَّا لِلَّهِ يَنْصُرُ الْحَقَّ وَهُوَ خَيْرُ الْفَاصِلِينَ

In today's lexicon 'winning their hearts and minds' most frequently refers to a contest of persuading those who walk the markets of Mazar-i-Sharif or Karbala over to side of an invading army of soldiers and NGOs. Unlike today, in the eighteenth-century the Company's strategy leaned towards 'commanding their hearts and minds', namely those who walked the streets of Dacca and fields of Mudarjane. As the Company was responding to Bengal's devastating famine via agrarian-revenue reforms another timeless political question was resurrected in the course of governance in Bengal: How to administer justice? With an unintentional irony there was zero precedence in history for England's common law system being imposed on non-settler colonies anywhere on the planet. This lack of contemporary precedence found in European empire-building stemmed from two difference between the Company in Bengal and the rest of Asia.

Firstly, contemporary examples were not land-based colonial rule like in the Portuguese enclave of Goa and the scattered factories of the *Vereenigde Oostindische Compagnie* in Southeast Asia. Within Britain's global empire its unique legal system, became a faultline of otherness in comparison to European empires in Asia; unlike the pre-existing European civil law jurisdictions residing in Goa and Batavia in Calcutta there were zero judicial precedents – a major obstacle in answering that ancient political question.

But this obstacle enabled legal innovation that with another layer of irony was unprecedented in the common law tradition. This unprecedented change startled and energised Company officials to create a judicial system that functioned well beyond merely issuing decisions; the Sadr Nizamat Adalat and Sadr Diwani Adalat became the arteries through which British power could intrude upon Indian society beyond the courtroom. Colonial law as an instrument was a demonstration in how power can infiltrate the colonised society is examined by two scholars occupied with the building blocks of a legal system.

Like in the previous chapter, the pressing need for the Company to build a basic polity explains the largely ‘reactive’ choices made in the areas of revenue and justice. In Schmidhauser’s (1992) ‘*Legal Imperialism: Its Enduring Impact on Colonial and Post-Colonial Judicial Systems*’²⁶⁶ the argument is that legal imperialism moved to essential spheres of the Company’s interests that would create a functioning polity which lubricated the wheels of commerce. In particular, circumstances when civil stability, order, and economic penetration were threatened by indigenous law or institutions, then legal imperialism morphed into the response.²⁶⁷ It is this response that this chapter will argue took the form of a legal positivist system via the Company’s judicial organs.

Schmidhauser’s focused study of colonial law complements Haruki Inagaki’s larger framing in *The rule of law and emergency in colonial India* (2021) of where the ‘response’ came from during its shift in Indian colonial politics. This shift between Hastings to Bentinck’s rule was a passage from the pluralistic, hybrid, networked colonial politics centred on coastal urban centres to bureaucratic, militarist sovereign territorial domination based on colonial knowledge.²⁶⁸ This ‘transition’ Inagaki identifies and Schmidhauser’s ‘response’ leads to this chapter’s hypothesis: How did the Company’s transition result in a ‘new’ form of legal imperialism? This chapter will argue the ‘new’ legal imperialism was a positivist, command-centred system that prioritised domination over Bengal. This hypothesis will be tested in three legal areas of colonial rule: the judicial system and common law, codification of Hindu and Islamic jurisprudence and finally jurisdiction.

²⁶⁶ John R. Schmidhauser, “*Legal Imperialism: Its Enduring Impact on Colonial and Post-Colonial Judicial Systems*” in *International Political Science Review*, vol. 13, no. 3 (July, 1992): pp. 321-334.

²⁶⁷ *Ibid*, pp. 323, 328.

²⁶⁸ Haruki Inagaki, *The rule of law and emergency in colonial India: judicial politics in the early nineteenth century* (Cham: Palgrave Macmillan, 2021), p. 7.

Before testing this hypothesis it's imperative to define legal positivism and clarify colonialism's common law for those historians less legally inclined. At its atomic level legal positivism is an approach that analyses law as an amoral set of commands by human beings to other human beings. Within the bandwidth of this chapter, the colonial legal system will be tested as a command-based system imposed by colonisers on an alienated population.

Common law, a uniquely Anglo-Saxon phenomena became a headache in eighteenth-century colonial politics. While highly adaptative, being a transplanted system in North America its emphasis on judge-made case law and pre-existing precedencies put it at odds with other colonisers with civil law systems like Spanish America or French Algeria in the nineteenth century. During this period, the scope is how English common law integrated Indian customary law and consolidated textual sources.

Like in the previous chapter, the sources consulted aim to demonstrate a detailed snapshot of Company rule and this can only be achieved by drawing on a mix of available sources.

Occupied with the judicial organs the most obvious starting area are those documents which founded the *Diwani Sadr Adalat* and *Sadr Faujdari Adalat*; a mix of charters, constitutions and letters unlock the secret world of law and the colonised. In conjunction with this, several supreme court cases will be examined that trace the interactions of law from adultery to the redefining of Indian life through jurisdictional disputes.

This chapter's first section, *Legitimising common law in Bengal* charts the transition of Bengal's legal system from the abolishment of its dual power-sharing structure to its full-fledged colonial state ruled by the Governor-General's office. The grounds for a new legal system, built on common law, administered by British judges and instinctively positivist became an adaptive system in ruling colonised peoples. This section lays the systemic

framework that allowed for effective integration of Hindu and Islamic jurisprudential philosophies into a colonial common law administration.

Codification determines how this process of integration from ancient texts could be interpreted and applied by British judges in their new judicial institutions. Beyond institutions, this section ties together Indian collaborators of Muslim and Hindu faiths with how their support for the judicial project of Fort William enabled Indian social customs to become embedded on the architecture of colonial law. The judicial project was codifying Indian customary law for the British, a textual consolidation into a single source of English. Such social embeddedness through codification, legitimised judicial decision-making in the eyes of many ordinary Indians.

The final section, *Domination* uncovers once common law was legitimised amongst the general populace colonial law's reach gradually expanded its jurisdiction to encompass the lives of more Indians. However, as this section explains there arose a tension between law's expanding empire and an exposure of unenforceable jurisdiction outside of Company strongholds – paradoxically challenging the effective power of colonial law in practice.

Legitimising Common Law In Bengal

Law depends on substantial parts of the populace inside a jurisdiction validating it; it is this political crux that the Company had to master in answering: How do ordinary Indians interact and therefore legitimate our system? Unlike Bengal's devastating famine this question has its roots in the battle of Plassey (1757) and the Treaty of Allahabad (1765). What is termed Bengal's 'dual government' from 1765-1772 saw the separation of power in Bengal through

the *Diwani* rights assigned to the Company and the *Nizamat* rights, including justice assigned to the Nawab. Underpinning this was the de facto centre of power in Bengal which from 1757 was determined by the Company's armies, resources and relationship to the metropole.

1772 was the year this power-sharing agreement between the men who wore hats and Bengal's realpolitik Nawabs ended. Warren Hastings, newly appointed to his position as Governor-General in 1772 abolished the dual government – for the first time the Company directly governed Bengal in its totality; creating a battle between the exact point of the metropole's legal role in India. The Company's jurisprudence was not abstracted at all, instead, the hearts and minds approach was all about adapting “our Regulations to the Manners and understandings of the people, and Exigencies of the Country.”²⁶⁹ Colonial common law's imposition on the colonised came at the point of its adaption because of this lineage tracing itself back to the Romans; successful conquerors ‘carried’ the law beyond its jurisdiction. Woodman's work of colonial British law in Africa confirms this trend, in regions acquired by conquest British subjects could claim common law “applied” to them and the task of carrying law was the burden of a civilising mission.²⁷⁰

In the zillah courtrooms to the Sadr Diwani Adalat how was this adaption realised? As in the previous chapter, through the 1770s intense conflicting policies and debates emerged which threatened to alienate the entire population. Creating two new judicial organs: Sadr Diwani Adalat and Sadr Nizamat Adalat argued Chief Justice Elijah Impey in 1774 became an effective, controllable measure to protect Indians' rights and welfare.²⁷¹ Supplanting

²⁶⁹ IOR: H/420, British Library, *Papers on judicial Matters 1728-1803*, p. 34.

²⁷⁰ Gordon R. Woodman, “The Peculiar Policy of Recognition of Indigenous Laws in British Colonial Africa. A Preliminary Discussion” in *Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 22, no. 3 (Q3, 1989): pp. 273-284, p. 277.

²⁷¹ IOR/H/423, British Library, *Papers on judicial Matters 1774-1813*, p. 14.

Bengal's indigenous system of courts and dispute-resolutions by creating two appeal courts headed by British judges fermented the transmission of how commands from London reached those who walked the streets of Dacca.

Top-down reorganisation of Bengal's judiciary marked the final legal transition away from petitioning a singular Zamindar, Raja or Nawab; power and sovereignty fled from the power of one to the institutionalisation of group decision-making. Abolishing the dual government created what the positivist jurist Joseph Raz argues is the idea of collective sovereignty as "when decisions made follow an accepted procedure."²⁷² Procedure as a means to weave common law into Indian society is found with a 1782 regulation which invests *zamindars* with the powers to apprehend criminals and be responsible for peace in their districts.²⁷³ After the dual government became non-existent the belief in the power of English law and procedures to both persuade and command ordinary people became widespread. An anonymous tract in 1782 assures readers of the admiration unborn philosophers would take in studying how a "free and enlightened people attempted to communicate their laws to the conquered provinces of the East."²⁷⁴

This communication, which involved non-European laws being absorbed into procedures and administered by British judges evoked division within the Company. Company use of Hindu and Indian jurists to advise British judges at the highest appeal remained a battle within the Governor-General's camp; as Richard Barwell argued parliament's will was subverted to

²⁷² Joseph Raz. *The Concept of a Legal System. An Introduction to the Theory of Legal System*. Second Edition. Oxford: Clarendon Press, 1980 (1997 reprint), p. 38.

²⁷³ IOR/H/420, British Library, *Papers on judicial Matters 1728-1803*, p. 237, 261.

²⁷⁴ BLL01017181583. Anonymous, *A review of the principles and conduct of the judges of His Majesty's Supreme Court of Judicature in Bengal: or, An enquiry into the causes that have obstructed or defeated the salutary ends proposed by the legislature in establishing this court*, London: 1782, p. 3.

have “Mohamaden or Hindoo laws administered by British judges.”²⁷⁵ General Clavering criticised the pundits in supreme court inheritance disputes; their importance in such disputes caused legal conflicts as they would cite previous cases against the cases heard in the supreme court.²⁷⁶ Brahmins or Sheikhs citing existing cases that contradicted those heard in the supreme court undermined the purpose of procedure – if procedure and case law became less about resolving cases what was it for?

Hastings rejected Clavering and Barwell’s criticism of pundits and procedure on the grounds that unlike in Britain, procedure was not an end in itself. The Supreme Court did not exist to “deprive the inhabitants of Bengal the benefit of their own laws” and that importing foreign judicial systems imposed very real limits in the form of Indians’ toleration.²⁷⁷ The response is telling because it demonstrates the limits of common law and procedure; not as ends but as a means to an end of legitimising common law in Indians’ imaginations. Allowing their new subjects to enjoy ‘their laws’ sat alongside a less magnanimous position that became part of Inagaki’s argument about the Company’s move from a networked polity to a bureaucratic, territorial power. Two bedrocks of the state: justice and tax were symbolised by the union of indigenous cooperation with the boat men who wore pointy hats.

This symbolism came in the form of a European collector working alongside a native diwan who heard cases in the *Diwani Adalut*²⁷⁸ became, in the eyes of the Company’s Indian subjects the ‘old’ and the ‘new’, hand-in-hand. Commanding and winning over those Indians who sat before the bench set the backdrop to the legitimation of common law during the 1770s. Hart’s landmark book *The Concept of Law* (1961) almost two hundred years later

²⁷⁵ IOR/H/423, British Library, *Papers on judicial Matters 1774-1813*, p. 206.

²⁷⁶ *Papers on judicial Matters 1774-1813*, p. 216.

²⁷⁷ *Ibid*, p. 221.

²⁷⁸ IOR/H/420, *Papers on judicial Matters 1728-1803*, p. 185.

captures the strategy of imposing common law on a non-European population; if any system of rules are imposed through force for its continual existence there must be a sufficient number who voluntarily accept it.²⁷⁹

Winning over those who laboured in villages like Mudarjanees to command them imposed a more controversial cost to the Company: its long-term association with non-European jurists. Parallel to the embrace of the diwan was the perceived *coup de grâce* of conquering Indians' hearts: their jurists. On the criminal level the *Mofussil Faujdar Adalat* court would introduce Muslim jurists who would in turn be supervised by European collectors²⁸⁰ which was a piece of colonial India's long-standing problem of how an external authority based on violence could govern through legitimate institutions.²⁸¹ Enlisting respected jurists in a criminal court could allow for the Company's hearts and minds appeal to access a larger portion of the populace following the immediate abolishment of the dual government system. In the 1770s common law's gradual introduction via association with pre-existing indigenous authority projected a 'continuity government' to the mass of the population who were not members of the Nawab's elite.

As is often the case in this enquiry the men with the pointy hats changed course again. 1772-1777 became the honeymoon period for indigenous involvement and winning Indians' hearts. By January of 1777 the Supreme Court outlined the following problems: India's petition culture created judicial obstructions; Bengal's vernacular languages complicated the process; the courts could no longer select cases that had judicial merits.²⁸² By 1780 the Company was

²⁷⁹ H. L. A. Hart. *The Concept of Law Third Edition*, edited by Paul Craig, Oxford: Oxford University Press, 2012, p. 201.

²⁸⁰ IOR/H/420, *Papers on judicial Matters 1728-1803*, pp. 185-186.

²⁸¹ Rachel Sturman. *The Government of Social Life in Colonial India: Liberalism, Religious Law, and Women's Rights*. Cambridge: Cambridge University Press, 2012, p. 5.

²⁸² IOR/H/423, *Papers on judicial Matters 1774-1813*, pp. 186-186.

again in crisis; reeling from the 1770 famine, declining agrarian revenues in the previous chapter was coupled with the political earthquake following the abolishment of the dual governance system nine years earlier. Hastings in a letter to the Court of Directors describes the alienation of the indigenous elite, the inability to protect and govern ordinary people and the disconnect between the metropolis and Calcutta.²⁸³ Hence from the 1780s onwards the political crisis of being unable to impose law on their Indian subjects forever fused colonial law with the executive.²⁸⁴

Executive domination of the judiciary, essentially *de facto* control by the circle around Hastings including the Chief Justice Sir Elijah Impey facilitated the direct steering of common law into Indians' lives. New Regulations published in 1781 supercharged this trend as the powers of the *Mofussil* and *Sadr Diwani Adalat* courts would be formally separated from the office of Collector²⁸⁵ thus destroying the symbolism of indigenous cooperation and common law. Removal of indigenous legal authority beyond the cities lasted until 1793 as district judges were concentrated in urban centres as the Collectors were reintroduced as judge, magistrate and collector all in one.²⁸⁶

Commanding the minds of Indians through common law was again cloaked in an appeal to the happiness that is entailed by 'good' governance. As the dual symbolism of indigenous and coloniser disappeared in a rare reference during George III's address to parliament in 1781 he instructs parliament to discover "what means the happiness of the Native Inhabitants

²⁸³ BLL01017928655, Warren Hastings, *Letter from the Governor General and Council to the Court of Directors, dated January 25, 1780*, London: 1780, p. 3.

²⁸⁴ Inagaki, *The rule of law and emergency in colonial India*, p. 42.

²⁸⁵ BLL01017370776, Regulation XII, *Regulations for the administration of justice in the Courts of Mofussil Dewannee Adaulut, and in the Suddur Dewannee Adaulut, passed in Council the 5th of July 1781*, Calcutta: The Hon'ble Company's Press, 1781, p. 10.

²⁸⁶ Chittaranjan Sinha. *Indian Civil Judiciary in making*. New Delhi: Munshiram Manoharlal, 1971, p. 6.

[of India] may be best promoted”²⁸⁷ but what did happiness mean? Indians’ happiness meant an acceptance of the new status quo following the abolishment of Bengal’s dual government; their hearts and customs had to interact voluntarily with common law.

In 1783 common law’s executive-driven invasion conquered the provincial towns as now all judges and provincial courts were subjected to the legislation enacted by the Governor-General.²⁸⁸ Bengal’s honeymoon period of a dual responsibility for justice was over. Not only did the men with the pointy hats rule but those who wore powdered wigs exercised their own domination over Indians’ minds. By 1800 the *Act For Establishing Further Regulations* granted judges in Bombay, Madras and Bengal the ability to create and impose their own rules for the relief of insolvent debtors.²⁸⁹ Empowerment came directly from the Governor-General’s office; such Acts created the required political and legal precedents that enabled the transition to a bureaucratic land-power.

Winning over Indians’ hearts to command their minds through common law was anchored in the positivist argument that every legal system is underpinned by the ‘rule of recognition’. This rule is determined by a ‘supreme criterion’ and ‘ultimate rule’, the former is achieved once the rules within a system are recognised by all those who interact and exist within it²⁹⁰ as by virtue of interacting with a judicial system in say a debtor case in itself recognises the colonial system’s rules as legitimate. This delicate balancing act of winning their hearts to

²⁸⁷ BLL01017181583. Anonymous, *A review of the principles and conduct of the judges of His Majesty's Supreme Court of Judicature in Bengal*, preface, p. iv.

²⁸⁸ IOR/H/420, *Papers on judicial Matters 1728-1803*, p. 123.

²⁸⁹ IOR/V/27/141/4, Clarke, Longueville, *The rules and orders of the Supreme Court of Judicature at Fort William in Bengal with the charter of justice, to which are added notes of decisions of the Court [Parts 1-3]*. Calcutta: Samuel Smith, 1829-34, p. 62.

²⁹⁰ Hart, *The Concept of Law Third Edition*, p. 106.

command their minds often did break down with complex cases, often involving adultery that English judges could not administer – proving the limits of common law’s embrace of India.

In adultery cases that concerned Muslims, the rule of recognition had its limits as the Supreme Court oscillated between accepted jurists’ fatwas while in other cases declining them. *Sheikh Mooradun v Mihr Ulee* [5/11/1805] concerned a case that included an allegation of adultery and the homicide of a man named Imamoodeen. Mihr Ulee, discovered an adulterous relationship between his sister and Imamoodeen, killing the latter after discovering she had left her husband and lived in the latter’s property for three months. Initially the Circuit Court’s fatwa sanctioned a *qisas* – an ‘eye for an eye’ liability from the surviving relatives. After an appeal at the *Nizamat Adalat* the fatwa was retained on the grounds that murder can only be sanctioned in these cases when both individuals in the relationship are witnessed in sexual intercourse. Therefore, Mihr Ulee lost his appeal, with British judges complying with the fatwa and sentenced him to death.²⁹¹

Mihr Ulee’s death legitimised common law by bounding the lives of Bengal’s Muslims with the clinical case law administered by those men in wigs. Those previously alienated in the abolishment of Bengal’s dual government could find a new belonging within a pluralist legal system that connected religions and value systems via common law while being integrated into a judicial structure of colonial domination.²⁹² This common source in judge-made laws and judicial customs imported from England conforms to the positivist analysis that a legal system is a source-based set of rules²⁹³ actually had a basis in Islamic jurisprudence.

²⁹¹ V/22/440, *Sheikh Mooradun v Mihr Ulee* [5/11/1805] in *Reports of Cases determined in the Court of Nizamat Adalat. Vol. 1, 1805-1819*, pp. 78-79.

²⁹² Chandra Mallampalli, “Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-ness”, *Law and History Review*, vol. 28, no. 4 (Nov 2010): pp. 1043-1065, p. 1044.

²⁹³ Leslie Green, “Positivism, Realism and Sources of Law” in *The Cambridge Companion to Legal Positivism* ed. Torben Spaak (Cambridge: Cambridge University Press), pp. 39-60, p. 58.

British legal domination partially was legitimised through common law's marriage with Islam's positivist jurisprudential standard, particularly regarding *fatwas*. *Kulamut Khan v Ghoosoo* [9/7/1807] is a story of how the men with powdered wigs were seen as the defenders of Islam. Another complicated case of adultery that resulted in homicide, *Ghoosoo* witnessed his wife committing adultery; killing her with a sword, attempting to slay the man but instead murdering his mother and brother.²⁹⁴ As previously encountered in *Sheikh Mooradun v Mihr Ulee* common law's own interaction with the moralities of India created precedencies that further legitimised itself in the eyes of those who toiled in the fields or bartered in the markets. Only in the appellate nature of Bengal's new courts did it allow the abstracted dance between common law and Islamic jurisprudence which anchored common law in the lives of Indians.

Kulamut Khan v Ghoosoo in the circuit court condemned *Ghoosoo* to death, following the previous case law based on liability of *qisas*. On appeal though, common law's dance with *Fiqh* as in the *Nizamut Adalat* the court found there was a sufficient presumption in the eyes of the law that the *Ghoosoo*'s wife did commit adultery but the murder of her lover's mother and brother warranted *diya*, or blood money.²⁹⁵ However, in the mode of precedence-formation the Supreme Court issued its own *fatwa* absolving the charge of murder; instead *Ghoosoo* was condemned to suffer imprisonment on the grounds of "*seasut*."²⁹⁶ Company judges who were called to the Bar in England working with Muslim jurists to issue *fatwas* that sanctioned extra-judicial killings of adulterers that won the hearts of Muslims in Bengal as being a powerful symbol of the men with wigs upholding the commands of Allah.

²⁹⁴ V/22/440, *Kulamut Khan v Ghoosoo* [9/7/1807] in *Reports of Cases determined in the Court of Nizamut Adalat*. Vol. 1, 1805-1819, p. 151.

²⁹⁵ Ibid, p. 151.

²⁹⁶ Ibid, p. 152.

Al-Azem's research on rule-formulation and precedence binding (2017) describes a jurisprudential consensus within medieval Islamic thought that enabled common law to function as a symmetrical system of rule determination. As Company judges created laws that benefitted debtors in 1813, they also had the ability to "make any other laws or regulations for the government of the natives"²⁹⁷ at the same time common law was also following a precedence in global legal history within the *Hanafi madhhab* school that was adopted by the Mughals in previous centuries. The principle of *tarjīh* means rule-determination and Al-Azem identifies the process as starting with a *qawl* (legal opinion), proceeding to *tarjīh* and then *taṣḥīh* (rule-review)²⁹⁸ which explains how common law could adapt itself in adultery homicide cases as British judges assumed the *tarjīh* and *taṣḥīh* in their appellate capacity; creating precedents in *Sheikh Mooradun v Mihr Ulee* [5/11/1805] and *Kulamat Khan v Ghoosoo* [9/7/1807].

In the journey from Inagaki's transition argument the Company went from a transplanted judicial system to command their Indian subjects' hearts through sanctioning adultery homicides. Initially, the transplanted system would be according to the "Rules and proceedings of our High Court of Chancery [1774]"²⁹⁹ but in reality, the Company could exercise unlimited power to remake its system to respond to their quest to win and command Indians' hearts. John Hyde, a judge from within a tiny group in the colonial judiciary who opposed Hastings and Impey condemned the entire Company for believing they were the government.³⁰⁰ It was this conviction that they were a state as well as the additional powers

²⁹⁷ V/27/141/4, *The rules and orders of the Supreme Court of Judicature at Fort William*, p. 66.

²⁹⁸ Talal Al-Azem, *Rule-Formulation and Binding Precedent in the Madhhab-Law Tradition*. Brill [Online], 2017, pp. 8-9.

²⁹⁹ V/27/141/2, *Letters patent, establishing a Supreme Court of Judicature at Fort William in Bengal*. London: J L Cox, 1824, p. 23.

³⁰⁰ *John Hyde's Notebooks*, 1777 Nov. 20. [Online].

that enlarged executive control via the Regulating Act ³⁰¹ that allowed the Company to adequately respond to Indian society.

The success of common law's legitimisation in Bengal lay precisely in this mobile judicial system that could be controlled by the Company in Calcutta while simultaneously sufficiently able to replace the space created after the dual government's abolishment. Bengal's judiciary ironically surpassed the model of London's Chancery Division by impacting its subjects' lives at the grassroots level, well beyond the walled courtrooms in Calcutta. Hyde's virtual lack of contact with those who grew rice in Mudarjaneer or sold goods in Calcutta did not detract from ordinary people's experience with the newly reformed common law system. Hyde's criticism of the Company as behaving like a state lends further evidence of an executive-led judiciary which strayed well beyond the Chancery division image; an area which this shift affects ordinary Indians' lives the most was in arbitration.

Far from the walled courtrooms most disputes were solved in arbitration hearings which wove common law into the lives of Indians to a greater extent than any appeal hearing. Regulation XXVI [1781] allowed for cases not exceeding two hundred rupees to be heard by a court-appointed arbitration panel that would incur the same penalties and punishments as if they were heard by a judge in the *Sadr Diwani Adalat*. ³⁰² But securing the hearts of Indians required common law to enjoy an even greater access to Bengal's population – which will be discussed later in this chapter around the topic of jurisdiction.

Before the 1813 Company Act Indian subjects in Calcutta were still exempt from being compelled to become subjects of the Company's court ³⁰³ which required the executive-

³⁰¹ P.J. Marshall. *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783*. Oxford: Oxford University Press, 2007 [Online], p. 213.

³⁰² BLL01017370776, *Regulation XXVI, Regulations for the administration of justice*, pp. 28-29.

³⁰³ V/22/404, *Bengal Supreme Court Reports*, 1830, p. 38.

driven judiciary to entice Indians to voluntarily interact with the post-1772 legal system. The Company's obsession with streamlined governance and the efficiency of the Cornwallis administration to solve a backlog of cases - *Sadr Amins* were created that saw Indian judges paid to handle cases, costing up to twenty thousand rupees.³⁰⁴ Previously ostracised from the judicial system after the 1780s, the Company's drive to coerce Indians' voluntary submission to common law depicts the very limit of colonialism that Schmidhauser describes as an overstretched system by the turn of the eighteenth century.³⁰⁵

The question in response to the perpetual reforms by the Company is: Why was English common law's imposition in India such a success? Stretching the chronology of this thesis, its success lay in applying common law that could appeal to Bengal's *nouveau riche* zamindars as well as its toiling population who were a mosaic of cultures and morality systems. Commanding their hearts was not a linear transition from a networked polity to the later imperial state; Inagaki argues that the logic of emergency that drove colonial law's development was more a "reconfigurations of privileges held by major, minor and mobile sovereigns"³⁰⁶ that responded to the constraints of colonialism as argued by Schmidhauser.

A major factor behind the logic of emergency in Bengal remains the abolishment of the dual government; the Company had to command the hearts of the nawab's subjects – no longer would Indians be commanded by a single figure, instead a command by the law and its officers. The Company's success of legitimising common law lay in casting its net of domination to cover property disputes as low as ten rupees to investing zamindars with apprehension and detention powers.³⁰⁷ Benton in *Colonial Law and Cultural Difference*

³⁰⁴ Sinha, *Indian Civil Judiciary in making*, pp. 14-15.

³⁰⁵ Schmidhauser, *Legal Imperialism*, p. 331.

³⁰⁶ Inagaki, *The Rule of Law and Emergency in Colonial India*, pp. 65-66.

³⁰⁷ IOR/H/420, *Papers on judicial Matters 1728-1803*, p. 193, 261.

(1999) partly explains this approach; justice conducted by ‘freelancers’ who navigated the complex post-1772 landscape and were invested with greater authority by the new state.³⁰⁸ But the picture of this post-1772 is far larger; the destruction of the old provincial power which sat in Murshidabad – a throne of provincial ambition. Common law in Bengal was about something far greater than creating case law and new appellate courts. Instead, in the textbook of positivism Hart describes the legal system of modern states as a systemic supremacy that issues its own commands;³⁰⁹ that the men with pointy hats and powdered wigs certainly did.

Codification: Digests Via Consolidation

Common law in India arrived with the boats of a joint-stock multinational corporation; this system rooted in medieval Anglo-Saxon England found new customary relatives in global legal history – the commands of Allah and the timeless counsel within the *Dharmaśāstra*. This section will argue that the Company’s efforts to codify Islamic and Hindu law was because it provided a pre-packed system of commands that in the positivist tradition represent primary rules that could command a totality of the Company’s new legal subjects as indigenous authority faltered. Codification in this example means the creation of an English language legal digest via a consolidation of textual sources.

Wilson in *Anxieties of distance* argues that the gaze of officials moved towards controlling the social practises of Indians which could only occur through codification, but the inherent

³⁰⁸ Lauren Benton, “Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State” in *Comparative Studies in Society and History*, vol. 41, no. 3, 1999, pp. 563–588.

³⁰⁹ Hart, *The Concept of Law*, p. 24.

tension erupted as the British commanded an “unknowable” people.³¹⁰ This impulse to “know” those who toiled in the fields mirrors what Travers describes as common law’s legitimacy as resting on a “combination of historical and customary origins”³¹¹ that as encountered in the previous section had to win Indians’ hearts. The connection between these two positions is this section’s argument that India’s customs functioned as a positivist primary rule and common law existed as a secondary rule – fulfilling the legal vision envisioned by Hastings as “laws will execute themselves, and the stream of public justice find its channel.”³¹²

The stream of public justice had already been encased by the procedures and case law administered by the men who wore powdered wigs. But that was the extent of the radical reforms; the course of public justice’s stream would not be diverted by the Company. With another layer of irony in common law’s system of precedence the Company’s task of codifying texts had a long memory in South Asia with Aurangzeb’s *Fatawa-i Alamgiri* and the moral commands of Ashoka’s edicts. Islam’s place in Europeans’ long memory was well cemented, what Hinduism was, its sacred language and texts remained an enigma throughout Britain’s Indian empire.

Codification efforts associated with previous empires lacked what Foucault terms the rational inquiry procedure which served as a mode of truth establishment that Europeans carried with them from medieval times across the globe.³¹³ In Bengal, the rational inquiry procedure which led to works like Halhed’s *A Code of Gentoo Laws* (1776) and Colebrooke’s *A Digest*

³¹⁰ Jon E. Wilson, “Anxieties of distance: codification in early colonial Bengal” in *Modern Intellectual History*, vol. 4, no. 1 (2007): pp. 7-23, p. 9, 15.

³¹¹ Travers, *Ideology and Empire*, p. 197.

³¹² Hastings, *Letter from the Governor General and Council to the Court of Directors*, p. 5.

³¹³ Mohammad Shahabuddin, “Historicising “Law” as a Language of Progress and Its Anomalies: The Case of Penal Law Reforms in Colonial India” in *Asian Journal of Comparative Law*, vol. 9 (2014): pp. 213-240, p. 231.

on *Hindu Law* became the bricks by which the Company's sense of mass political appeal came from. As common law slowly entered the landscape, as early as 1772, the seeds of codification lay in adapting "Regulations to the Manners and understandings of the people Exigencies of the Country"³¹⁴ which set the Company up as the arbiter of Indian custom and behaviour.

Hastings, with his interest in Regulations and Manners became an object of politics and fantasy right until 1947. But for the chronology of this thesis, it also became a convenient starting point; a text-based morality system that was far easier to solve than Bengal's famine or side-lining provincial elites. Legal positivism at the time while in its infancy had a powerful international reach through the efforts of Jeremy Bentham. Bentham's own conception of law was a decisive shift away from legal-sacred, moral decision making to a view of judges and legal systems as a systemic issuing of commands.³¹⁵ Codification became one side of the rule-based coin within positivist jurisprudence: primary and secondary rules. As common law became useful for the British in creating case law that navigated the complexities of Islamic adultery-homicide cases, codification became useful in channelling Indian custom as a primary rule.

One such case, *Kullean Sing v Kirpa Sing and Bholee Sing* [23/4/1795] was a story which connected the men in powdered wigs who dealt in abstractions with the customs affecting millions of Hindus across India. Initially an inheritance case over a selection of villages in Tirhut the case passed through all of the Company's new judicial organs and ended up in the *Sadr Diwani Adalat* where Sir John Shore created a new rule from the *Kalikat Purana*. Soder

³¹⁴ IOR/H/420, British Library, *Papers on judicial Matters 1728-1803*, p. 34.

³¹⁵ Kartik Kalyan Raman, "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence" in *Modern Asian Studies*, vol. 28, no. 4 (1994): pp. 739-791, p. 755.

Sing, a wealthy Hindu from Bihar on his deathbed created a new addition for his estate by adopting Bholee Sing as his own son. Soder, due to ill health could not perform the typical Hindu custom of a father adopting a son and thus the crux of the case was the dying father's verbal declaration.³¹⁶ A test for the unity of the Sing clan but also a greater test for the exact purpose of the Company's new judicial system.

As the caste made its way from the *Diwani Adalat* in Tirhut and then Patna's Provincial Court a Hindu jurist, who to no surprise was a Brahmin argued that Bholee's adoption was void because a ceremony whereby the father places an object in the son's hand was not witnessed by a Brahmin at Soder's bedside. The court dismissed this juridical advice on the grounds that because both parties consented, the ceremony was merely a "compliance with custom."³¹⁷ On a successful appeal Kullean Sing's (the widow's attorney) case was defeated again as Sir John Shore ruled in the *Sadr Diwani Adalat* that Bholee Sing's adoption was legal and therefore was entitled to a share.

This story though was about much more than the ability of the Company's appellate courts to successfully penetrate Bengal's countryside and its population. Codification allowed for the Company to reach into Hindus' inner subconsciousness by directly sourcing, enforcing and more crucially interpreting an ancient morality. Examining how the men in powdered wigs used legal texts and judged *Kullean Sing v Kirpa Sing and Bholee Sing* reveals the domination of legal imperialism through the primary-secondary rule interrelation. Two staple texts of British Sanskrit scholarship were used by British judges at the time in India:

Nathaniel Brassey Halhed's *A Gentoo Code* (1776) and Henry Thomas Colebrooke's *A*

³¹⁶ V/22/407, *Kullean Sing v Kirpa Sing and Bholee Sing* [23/4/1795], *Bengal Sadr Diwani Adalat Reports, 1791-1811*, p. 9.

³¹⁷ *Ibid*, p. 9.

Digest of Hindu Law (1801). Like the powerful symbol of the collector and diwan together a new alliance arose as two castes worked alongside one another: the Brahmins and the Orientalists.

The Sing family's trials and tribulations rested on the exact point which law and custom thereby departed. *A Digest of Hindu Law*, while published a few years after the case it does contain the text-based evidence used by Sir John Shore in his ruling. Regulation CLXXXII, quoting from the *Kalika Purana* binds custom and law as one; the law states that adoption of a son cannot occur until "until the ceremony of tonsure have been completed."³¹⁸ The *Kalika Purana* is part of the *Dharmaśāstra* genre of Sanskrit literature which among other topics provides a comprehensive account of the commands issued to those souls over hundreds of years who lived in South Asia. Donald R. Davis in *The spirit of Hindu law* (2010) dissects the inner jurisprudential workings that governed Company judges in their rulings on adoption. Tercapanchánana and Colebrooke as a Brahmin and translator would have both been aware of the grammatical structure of Sanskrit's *Dharmaśāstra* series; many of the verses appear in an optative form³¹⁹ in conjunction with the legal theme this connection lends itself to positivism's command theory of law.

Custom as command thus makes pre-existing, codified Hindu texts a useful tool in the legal imperialism waged by successive Governor-Generals. Back in the provincial court of Patna, *Sodee Sing's* case was ruled against precisely on the condition of the custom which lacked having a Brahmin witness the adoption process.³²⁰ This power of custom which determined

³¹⁸ Jagannátha Tercapanchánana, *A Digest of Hindu Law, on Contracts and Successions*, vol. 3, trans. Henry Thomas Colebrooke, [Online] (Cambridge: Cambridge University Press, 2014), p. 148.

³¹⁹ Donald R. Davis. *The Spirit of Hindu Law*. [Online] Cambridge: Cambridge University Press, 2010, p. 14.

³²⁰ V/22/407, *Kullean Sing v Kirpa Sing and Bholee Sing* [23/4/1795], *Bengal Sadr Diwani Adalat Reports*, 1791-1811, p. 9

mainly Hindus' lives did not go unnoticed by Halhed himself, noting that hardships would come for them if Hindus were "obliged to renounce their Obedience"³²¹ to India's ancient traditions and rules. Halhed's observation that commanding Hindus' hearts and minds was anchored in codified custom shares much with the jurist Berteau's social-practice conception of law as a collective effort. Law as a collective effort posits officials and others acting in a certain capacity that carries social implications for all those in the community of a stated jurisdiction.³²²

The objective of the adoption ceremony that Patna's court upheld legally would be described as attaining "bliss" with Colebrooke describing it as a "sacrifice with mysterious words from the *Veda*."³²³ Legally-binding ceremonies that could be enforced in disputes like *Kullean Sing v Kirpa Sing and Bholee Sing* failed to persuade officials like Hastings, Impey or Cornwallis. Ceremonies were omitted from the orbit of those judges who decided cases – "bliss" was negated as it became meaningless in the command-centred machinery of colonial law. This departing point at a conceptual level explains why codification was so attractive to orientalist at a judiciary dominated by the executive – it allowed the reinvention of custom for domination. To no surprise, Hinduism became victim to the reinvention of custom as positivist law because the semantic autonomy in the *Vedas*.

Accessible texts like the *Kalika Purana* argue Davis hold a semantic autonomy because there is no single author; this liberates the reader engaged in *Mīmāṃsā* (critical investigation) from

³²¹ Nathaniel Brassey Halhed. *A Code of Gentoo Laws; or, Ordinations of the Pundits*. [Online] Cambridge: Cambridge University Press, 2014, p. xi.

³²² Stefano Berteau, *Social-Practice Legal Positivism and the Normativity Thesis* in *The Cambridge Companion to Legal Positivism* ed. Torben Spaak, [Online] Cambridge: Cambridge University Press, 2021, pp. 397-418, p. 403.

³²³ Tercapanchánana, *A Digest of Hindu Law*, vol. 3, trans. Colebrooke, p. 246.

having to ascertain an author's intention.³²⁴ The semantic autonomy of Hindus engaging in *Mīmāṃsā* is symmetrical to the Protestant exegesis of biblical texts; strengthening the marriage between Bengal's Brahmins and the Company's orientalists. Practising such semantic autonomy, Colebrooke himself engaged in the debate about the purpose of this adoption ceremony commenting "acceptance alone should be considered as an attribute, or requisite condition."³²⁵

As the gaze of the Company drifted to Sanskrit texts, like all those to have ever lived, its officials were chained by the opinions of their time. Colebrooke's exercise of the *Dharmaśāstra*'s semantic autonomy stems from an ideas drawn on by Rousseau and Beccaria that the state's legitimacy came from creating rules and procedures.³²⁶ The 1797 Act for better Administration of Justice morphed into a catalyst as future Governor-Generals would be instructed to codify legal texts into vernacular translations³²⁷ therefore expanding law's empire against the borders of indigenous custom. The Sanskrit scholar Rosane Rocher traces this impulse to codify as a signal from the Company that transferred power away from the pundits and indigenous sources to a text-based system in English that would enable British judges to verify the pundits themselves.

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Vakeel of Government v Shukoor [2/1/1806] sheds light into how by the start of the nineteenth century codification allowed for the command of Indians' minds through the reinterpretation of their customs. Shukoor suffered tragedy after tragedy. After having his servant steal from him,

³²⁴ Davis, *The Spirit of Hindu Law*, p. 48.

³²⁵ Tercapanchánana, *A Digest of Hindu Law*, vol. 3, trans. Colebrooke, p. 247.

³²⁶ Robert Crib, "Legal Pluralism and Criminal Law in the Dutch Colonial Order" in *Indonesia*, no. 90 (2010): pp. 47–66, p. 50.

³²⁷ IOR/V/27/141/4, Clarke, Longueville, *The rules and orders of the Supreme Court of Judicature at Fort William*, p. 52.

³²⁸ Rosane Rocher, "The creation of Anglo-Hindu law", in *Hinduism and Law* ed. Timothy Lubin, Donald R. Davis Jr and Jayanth K. Krishnan. [Online] Cambridge: Cambridge University Press, pp. 78-88, p. 81.

carry his mother-in-law and wife 'into the woods' he chastised his servant as the latter sat with his wife in a forest. Then, his servant threatened him, with the built-up rage Shukoor beat him to death.³²⁹ At the circuit court, law officers challenged Shukoor's *shibuh-i-und* or plea based on manslaughter and instead issued a *fatwa* condemning him to death. Like all of the dramatic court cases featured in this chapter the eventual outcome had an aura of unpredictability; the *Nizamat Adalat* upheld the ruling arguing the *qisas* must go ahead. However, on review of the appeal Harrington and Colebrooke overturned the *qisas fatwa* because of Shukoor's tribulations and was dismissed on grounds of mercy being sentenced to one year in prison.³³⁰

In the everyday experience of colonial law, codification lubricated the interrelation between coloniser and colonised. The mere existence of these cases consulted so far, which are occupied with the inner most private aspects of Indians' lives serves as a testimony that through law and newly constructed judicial organs hearts were conquered. Bengal's domination though lay in not merely conquering hearts but in commanding minds too – this was the reinterpretation of custom. This process was one of destruction in the consolidation of political domination – Bengal's executive-dominated judiciary believed Bengal was in 'transition' and pre-1757 legal systems would be dismantled in creating the road to the long line of 'progress' towards a Westernised model.³³¹

Curiously, while codification allowed British judges like Colebrooke, Shore or Harrington to selectively employ ancient texts in their decisions at the same time custom could be reinvented for contemporary power. Texts like the *Manusmṛiti* or *al-Hedaya* appealed to orientalist precisely because of their ability to command Hindus' and Muslims' minds directly due to divine

³²⁹ IOR/V/22/440, *Bengal Sadr Nizamat Adalat Reports, 1805-1819*, p. 95.

³³⁰ *Ibid.*, p. 96.

³³¹ Shahabuddin, *Historicising "Law" as a Language of Progress*, p. 224.

inspiration. *Manusmṛiti*, translated into English by Sir William Jones in 1794 saw codification as the marriage contract between the reclusive officials and Bengal's Brahmins. In the *Manusmṛiti* the Company saw their reflection in India's Second Urbanisation epoch as the kings walked into courtrooms "together with Bráhmens and counsellors, who know how to give him advice."³³² Little doubt as to why Hastings was drawn to translation of texts and the persistent defence of Pundits through the 1770s.

Just as the Company's close relationship to Jain bankers resembled a marriage, the Company's latest love affair, arguably its most successful was with Bengal's Brahmins. Codification opened a new channel as officials regarded their status as the successors to India's ancient past. Bengal's new courts also served as a colonial institutionalisation of caste which was one of the enduring legal legacies from the marriage between Brahmins and officials like Hastings. Halhed's *Gentoo Code*, a pet project of Hastings between 1772-1776 reinforced caste distinctions and anchored political power well beyond the abolishment of Bengal's dual government. On addressing witnesses in a cross-examination Brahmins are addressed as "Explain to me what Knowledge you have of this Affair?" meanwhile addressing a *sooder* [Halhed's description of the lowest caste] "What do you know of this Affair? speak; if your Evidence is false, whatever Crime is the greatest in the Worlds that Crime shall be accounted to you?"³³³

Legal customs like caste distinctions exercised a broader appeal to the Hastings camp than just in the judicial process of Bengal's courts. Gauri views his administration as a great reconciliation between India's previously alienated elites and those officials in Britain's metropolitan core which

³³² Sir William Jones. *Institutes of Hindu law: or, the ordinances of Menu, according to the gloss of Cullúca. Comprising the Indian system of duties, religious and civil / verbally translated from the original Sanscrit.* London: J. Sewell and J. Debrett, 1796, p. 189.

³³³ Halhed, *A Code of Gentoo Laws*, p. 126.

formed a delicate balancing act around texts like *A Gentoo Code*.³³⁴ But as this chapter has depicted so far, this reconciliation stretched far beyond Bengal's elites; the colonial legal system manufactured symbols of domination which sought to persuade the mass of the population that the post-1772 order was legitimate. Mughal India's patronage of the *Hanafi Madhhab*, itself a highly influential jurisprudential school associated with great Islamic empires created in India a political precedence of the state's direct connection with Muslim subjects from courtiers in Agra to ryots in Mudarjanee.

Crucially, to the benefit of the Company this culminated in Aurangzeb's codified Islamic law code *Fatawa-i Alamgiri*. Seizing this political precedence, preceding all the way to Ashoka, Hastings had a conception of Indian law that had to grow from indigenous roots, not imposed by European jurists.³³⁵ In 1792, years after his corruption trial the Company could claim its own *Fatawa-i Hastings* in the form of Burhan al-Din al-Marghinani's *al-Hedaya* translation into English by Charles Hamilton. Like *A Gentoo Code*, codification created a symbolic place in Muslims' minds that Company judges could fill. *Yameen Lighoo*, a form of oath-taking that pertained to an event in the past³³⁶ could easily be incorporated into a British cross-examination; Muslims who entered Company courts could easily see its officials as upholders of Allah's commands.

Supplanting the provincial power in abolishing Bengal's dual government, like with its marriage to Bengali Brahmins the Company could project itself as the sole defender of India's social distinctions. Officials retained what Wilson describes as a mindset that they

³³⁴ Gauri Viswanathan. *Masks of Conquest: Literary Study and British Rule in India*. [Online] New York: Columbia University Press, 2014 p. 33, 42.

³³⁵ Tirthankar Roy and Anand V. Swamy. *Law and the Economy in Colonial India*. [Online] Chicago: University of Chicago Press, 2016, p. 17.

³³⁶ Burhan al-Din al-Marghinani, *The Hedaya, or Guide A Commentary on the Mussulman Laws* vol. 1 trans. Charles Hamilton. Cambridge: Cambridge University Press, 2014, p. 294.

were autonomous from the societies they governed.³³⁷ These distinctions came in the form of *Shahàdit*, or to the English evidence offered in judicial hearings which excluded ‘base’ people who ate food on the roadside on the grounds of ‘shame.’³³⁸ A paradox thus emerges from the Company’s codification efforts and legitimization of common law; this paradox only occurred after the British left their boats in the Bay of Bengal. Why was common law used to create case law sanctioning the slaying of women as in *Kulamat Khan v Ghoosoo* [9/7/1807]? Why did the rule of law exist along texts like the *al-Hedaya* and *A Gentoo Code* which upheld caste and social inequalities in Company courtrooms?

This paradox is unravelled by thinking of the Company’s legal system, not so much about laws, cases or jurists; rather, as a set of rules in response to the anxiety officials faced. Its impetus returns to Inagaki’s logic of emergency as judges had to distinguish between before and after the Company’s Indian conquests³³⁹ meaning events dictated the judicial system and not vice versa. Abolishing Bengal’s dual government created a jumbled legal authority as its legitimacy was neither entirely dependent on the metropolis nor the networks of indigenous provincial politics.³⁴⁰ Inside this jumbled authority, which would only properly be fixed in the 1833 Charter Act was some semblance of order which would be found in the two sections of this chapter.

This semblance of order is instinctively positivist; the basis of the Company’s new legal system is divided between primary rules in the form of codified legal texts and the secondary rules of England’s common law system. Codifying customs into English which lay in India’s historic eternity takes the form of a primary rule - Hart arguing that the act of codification dispels any

³³⁷ Nicholas Hoover Wilson, “From Reflection to Refraction: State Administration in British India, circa 1770–1855” in *American Journal of Sociology*, vol. 116, no. 5 (March 2011), pp. 1437–77, p. 1446.

³³⁸ Burhan al-Din al-Marghinani, *The Hedaya, or Guide A Commentary on the Mussulman Laws* vol. 2 trans. Charles Hamilton. Cambridge: Cambridge University Press, 2014, p. 689.

³³⁹ Inagaki, *The Rule of Law and Emergency in Colonial India*, p. 13.

³⁴⁰ Benton, *Colonial Law and Cultural Difference*, p. 574.

doubts of its authority as a primary rule.³⁴¹ This is the primary function of law as it imposes duties on legal subjects, not to commit homicide without sufficient grounds as seen in *Sheikh Mooradun v Mihr Ulee* [5/11/1805].³⁴² But Company officials commanding Indians through constraints and duties was only one half of its legal system. Officials' preoccupation with common law's roll-out and legitimation in Bengal morphs into the second half of a legal system: the identification of legal norms and completing an 'enclosed' system. This function of law, a secondary rule is occupied with how primary rules are ascertained, eliminated and introduced to real-world affairs.³⁴³

These two functions of law appear removed from the daily experiences of colonial law felt by those who toiled in the fields or walked the bazars. But it was through common law's marriage to texts which Indians attributed great reverence to which enabled the British to bypass the indigenous intermediaries of collectors, diwans and even pundits. This direct relationship between colonised and coloniser, manifested in primary and secondary rule-making was unintentionally omitted in Jones' introduction to the *Manusmṛiti*. Pundits, Jones concluded generally agreed that "Brahma taught his laws to Menu"³⁴⁴ and so colonial officials thus had a link to Brahma in the incorporation of Indian practises into what Marshall terms "acceptable instrument of autocratic rule."

Colonial law's journey from the walled courtrooms of reclusive British judges to the fields of Mudarjanee mimics Inagaki's argument from a networked polity to territorial domination. These

³⁴¹ Hart, *The Concept of Law*, pp. 94-95.

³⁴² V/22/440, *Sheikh Mooradun v Mihr Ulee* [5/11/1805] in *Reports of Cases determined in the Court of Nizamat Adalut. Vol. 1, 1805-1819*, p. 79. G. L. F., "The Distinction between the Normative and Formal Functions of Law in H. L. A. Hart's *The Concept of Law*" in *Virginia Law Review*, 65, no. 7 (Nov., 1979): pp. 1359, 1381, p. 1370.

³⁴³ *Ibid*, p. 1372.

³⁴⁴ Sir William Jones. *Institutes of Hindu law: or, the ordinances of Menu*, p. xi. P.J. Marshall, *The Making and Unmaking of Empires*, p. 185.

two trends, indeed, the eventual domination of secondary rules eclipsed indigenous power in the Company's 1833 Charter Act. 1833-1834 marks the renewal of the Company's charter but also the reorganisation of Bengal's system of governance. Just as the abolishment of the dual government eroded indigenous legal authority the Governor-General in his newfound power became the sole source of law and highest legal authority in Bengal. After 1833 the Governor-General, more importantly could create laws and regulations that controlled British, Indian or any other group inside Bengal.³⁴⁵ Governor-General, as an individual who would issue commands was classically positivist as within the Company's polity the Governor-General's commands were internally supreme but still secured by the external legal authority of the British state.³⁴⁶ But the story of Bengal's legal system spans all of 1773-1834, but also the journey from uncertainty to domination.

Domination

Common law's legitimisation coupled with codification equipped the Company to conquer Indians' minds through a legal system which gradually proceeded to dominate more and more areas of Indians' lives and Bengal's landscape. Law's etching into Bengal's fields and those who toiled it is a story of how jurisdiction became a mode of conquest in itself. Hussain's *The Jurisprudence of Emergency: Colonialism and the Rule of Law* (2003) posits that between 1773-1834 colonial law the rule of law existed elastically, twisting to each new development; this allowed for the moral claims of legality to coexist with the political claims of the Company's polity.³⁴⁷

³⁴⁵ BLL01017928730. *An act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories, till the thirtieth day of April one thousand eight hundred and fifty-four. 28th August 1833.* London: Printed by George Eyre and Andrew Spottiswoode, 1833, p. 1094.

³⁴⁶ Hart, *The Concept of Law*, p. 25.

³⁴⁷ Nasser Hussain. *The Jurisprudence of Emergency: Colonialism and the Rule of Law*. University of Michigan Press, 2003 [Online], p. 66.

But what was the thread which linked each twisting of colonial law to new political dramas?

Law's expanding empire came with the extension of the Company's jurisdiction. Law's empire of commands created a new drama to plague the long-suffering internal politics of the Company in 1770s Bengal as the nature of jurisdiction provided a twofold problem for Warren Hastings; firstly the right of the newly created Supreme Court to rule over 'aliens' and 'strangers' to English law. Robert Travers in *Empires of Complaints* (2022) covers how this jurisdiction also spanned the smaller judicial units. Travers traces this largely to the late Mughal-era, with the reconstituted *khalisa sharif* who retained important roles investigating local revenue and legal disputes which were instrumental in for discovering a new form of 'civil law' on behalf of colonial officials.³⁴⁸

The Company's own position was threatened by the Supreme Court's jurisdiction too as Hastings argued the court's rulings tend "rather to the extension and establishment of their own authority, than to the ease and accommodation of the people."³⁴⁹ This problem of jurisdiction challenges Inagaki's characterisation of two distinct logics of colonial law that the executive must exercise extra-legal powers and should be subject to an independent judiciary.³⁵⁰

While Inagaki's work is on the early nineteenth century state of colonial law this section of the chapter will argue that since 1772 the enlargement of the Company's jurisdiction in Bengal simultaneously enhanced and constrained its power – this tension arose exactly from these two driving logics that dictated officials in Bengal and the metropole. Jurisdiction as a poison chalice threatened the Company's inherent interest as Indian elites and officials

³⁴⁸ Robert Travers. *Empires of Complaints Mughal Law and the Making of British India, 1765–1793*. Cambridge University Press, 2022, p. 72.

³⁴⁹ Hastings. *Letter from the Governor General and Council to the Court of Directors, dated January 25, 1780*, p. 11, 17.

³⁵⁰ Inagaki, *The Rule of Law and Emergency in Colonial India*, pp. 2-3.

became alienated; as early as 1775 in Maharaja Nuncomar's trial legal confusion led to further destabilisation.

Nuncomar, an official serving both the Nawab of Murshidabad and Warren Hastings accused the latter of handling vast bribes associated with his own duties as a *dewan* stretching back to the mid 1760s. Hastings refuted these allegations and Nuncomar was accused of forgery and imprisoned, awaiting trial. But it was the desire of Nuncomar, under house arrest to enjoy more spacious comforts that pushed the Company's legal system overboard. The first legal problem for the Company was whether its jurisdiction could apply English laws to Indians and non-Christian subjects.³⁵¹ The act itself of questioning its own jurisdiction in relation to autonomous elite actors undermined *The Regulating Act of 1773* which stipulated that legal subjects could voluntarily submit themselves to the Company's jurisdiction without angering the Mughals.³⁵²

If Nuncomar's appeal to Company judges for relief were to go ahead, officials claimed The Regulating Act and the Company's Charter would be disrupted; leading to a succession of jurisdictional conflicts as both sources of authority were subject to George III's court.³⁵³

From the wider perspective of Nuncomar's troubles, eventually leading to his judicial murder in 1775 and his appeal for more relaxed surroundings appears moot. The fallout from his slaying, with a wicked sense of irony being used against Hastings as evidence in his own trial during the following decade unravelled the importance of an enlarged jurisdiction.

Nuncomar's trial reorientated the Company's gaze away from Bengal's famine, declining revenues and lack of clarity in what role indigenous power would play. This gaze moved

³⁵¹ IOR/H/120, *East Indies Series 28 1775-1776*, p. 53.

³⁵² Benton. *Colonial Law and Cultural Difference*, pp. 568-569.

³⁵³ IOR/H/120, *East Indies Series 28 1775-1776*, p. 53.

towards domination, as officials sought to avoid another politically costly trial; each branch of government, led by the executive should be fixed with particular focus on the Supreme Court's oversight over the executive – more importantly who is and isn't in law's expanding empire.³⁵⁴

Why was jurisdiction critical to the Company? Had it not conquered Bengal through the firearm and legitimised such conquest with Shah Alam II in the Treaty of Allahabad? As Bengal's dual government was abolished, violence and Mughal recognition had limits; its command-centred legal system had to penetrate the bodies, lands and power structures that lay outside of Calcutta. By legitimising common law and codifying Indian jurisprudence the final conquest outside of Calcutta rested on creating impersonal, linear channels of commands that dominated ordinary people's lives.

Considering Company rule as an impersonal linear set of commands is an extension of Mancke's description of spatial ideas associated with early modern colonial empires.

Imperium and dominium acted as distinctions in colonial empires; the former an exclusive jurisdiction over which no other people held jurisdiction; the latter is the possession of territory though a higher power.³⁵⁵ Hence Mancke's spatial distinction projects the trajectory of the Company's positivist legal system; starting with the abolishment of the dual government, the ghost of the Mughals retained its dominium space. Jurisdiction had been blurred before the Company's charter renewal in 1774, but this time two important stipulations were made.

³⁵⁴ Ibid, p. 79.

³⁵⁵ Elizabeth Mancke, "Britain and Its Overseas Peripheries, c. 1550–1780" in *Negotiated Empires: Centers and Peripheries in the Americas, 1500–1820*, ed. Christine Daniels, and Michael V. Kennedy [Online] (Taylor & Francis Group, 2002) pp. 235–266, p. 236.

In March of that year, an updated legal definition of “British subject” was created which made no distinction between colonised and coloniser; at the same time the Company’s court was extended to the high seas while being able to try its new subjects as if they were on land.

³⁵⁶ Such an expansion of jurisdiction – literally covering sea as well as British and Indian bodies could not have occurred without the executive-dominated judiciary associated with Warren Hastings. Its admiralty court epitomised this process; by 1793 criminal jurisdiction no longer encompassed British subjects rather “all offenders discriminately.” ³⁵⁷

As its jurisdiction expanded crucially this became intertwined with the ability to legislate in such expanded jurisdictions. By 1813 Company settlements in Bengal, Bombay and the Madras were granted the authority to legislate on any given matter, including articles of war ³⁵⁸ which enabled law’s further encroachment into Indian society. Both these trends are part of what Christopher Bayly describes as the intensification of British imperialism after the 1780s; the British considered themselves a unique racial governing class that would dominate through law and morality. ³⁵⁹ As a class that achieved its place through violence, its newly formed legal system became the final piece in the puzzle of legitimising a command-centred, unitary legal system that exercised authoritarian control over Indians. Hart agrees with Bayly in this area when he argues the coercive power of legal systems that are founded on authority allow for a single ‘master group’ in a jurisdiction to dominate substantial larger portions of the populace. ³⁶⁰

³⁵⁶ IOR/V/27/141/4, *Clarke, Longueville, The rules and orders of the Supreme Court of Judicature at Fort William*, pp. 42-43.

³⁵⁷ IOR/H/372, *Judicial Papers 1757-1793*, p. 189.

³⁵⁸ IOR/V/27/141/4, *Clarke, Longueville, The rules and orders of the Supreme Court of Judicature at Fort William*, p. 66.

³⁵⁹ C. A. Bayly, *Imperial Meridian: The British Empire and the World 1780-1830* [Online], (London: Routledge, 2016): p. 109.

³⁶⁰ Hart, *The Concept of Law*, p. 201.

With the abolishment of Bengal's dual government, this master group of reclusive officials could command Indians with an ever-expanding jurisdiction. In Andul, the Mullick extended family found itself engaged in a dispute over the correct Hindu marriage customs not being observed, affecting their own property rights.³⁶¹ The reason behind why such a dispute found itself in Bengal's Supreme Court was that initially the case was delivered as a petition, to the wrong jurisdiction as the Mullick family were inhabitants in Calcutta and Andul. The judge though argued against the submission that the court's jurisdiction was limited to Company-owned settlements. Instead, interpreting parliamentary statutes he argued parliament's intention was that its jurisdiction would extend to those Indians who also inhabited Calcutta.

³⁶² But why should the Mullick family's claim over property in Andul matter?

Benton argues that jurisdictional disputes in India enabled the British to intertwine legal cases and the reformation of Bengal's revenue system following the crisis of the 1770s.³⁶³ This perspective is limited though; jurisdictional disputes in fact paved the way for law's greater intrusion into Indians' lives. In Burdwan, the regular flooding of the Ganges Delta region created a unique case in 1802 which enabled the highest courts in the land to directly control Indians' livelihoods. The object of the dispute was a contested oxbow *jheel Bhugolea* which formed from flooding. The plaintiffs, two talukdars named Rai and Rhagoodeo had rivers on their land which was a branch of the Ganges; the defendant, Turkhnkar seized the river and argued his fishing rights granted by the Raja of Burdwan entailed control over *Bhugolea*.³⁶⁴ Shahabuddin identified that colonial arguments in favour of legal domination were rooted in

³⁶¹ IOR/V/27/141/4, [*The King vs Goculnauth Mullick and Hurrnauth Mullick*, 22/4/1824] Clarke, Longueville, *The rules and orders of the Supreme Court of Judicature at Fort William*, pp. 36-38.

³⁶² *The King vs Goculnauth Mullick and Hurrnauth Mullick*, 22/4/1824, p. 42.

³⁶³ Benton, *Colonial Law and Cultural Difference*, p. 587.

³⁶⁴ IOR/V/22/407, [*Gopeenath Rai and Raghooodeo vs Ramchunder Turkhnkar*, 5/2/1808], *Bengal Sadr Diwani Adalat Reports, 1791-1811*, p. 228.

the idea of replacing arbitrary power with the objectivity of universal law.³⁶⁵ The *Bhugolea* case instead demonstrates the replacement of arbitrary conflict resolution with the domination of abstractions.

As the case moved through Burdwan's zillah court and into Bengal's new appeal courts increasingly the legal arguments rested upon the colonial legal system's claim to reorganise Bengal's agrarian landscape. The provincial court in Calcutta ruled that the fishing right "must follow the river, whatever course it should take" and because there was a communication between the new river and old, the right was upheld. In the Supreme Court's ruling though, the right of Turkhnkar to fish was revoked; while *Bhugolea* was created when the water was at its highest levels the Company judges argued the right could not be transferred as it was not confined to a normal water level.³⁶⁶

Taking Burdwan as a case study, there is strong evidence to suggest the expansion in colonial jurisdiction was coupled with an equally enlarged judicial apparatus that could serve a growing ecosystem. In the West Bengal State Archives, by 1817 there was an upswing in cases like Turkhnkar's being defended in Burdwan's as the total number of pending cases dropped from 8324 to 5868; just as the number of Company judges rose from 2 to 96 as quoted in the source.³⁶⁷

Who were those that walked the streets of Dacca and fields of Mudarjane? They were human beings whose livelihoods, romances and tragedies were bound to an alien form of judication. Gone were the consultative, personalised, local practises associated with South

³⁶⁵ Shahabuddin, *Historicising "Law" as a Language of Progress and Its Anomalies*, p. 223.

³⁶⁶ IOR/V/22/407, [*Gopeenath Rai and Raghoodeo vs Ramchunder Turkhnkar*, 5/2/1808], *Bengal Sadr Diwani Adalat Reports, 1791-1811*, p. 228.

³⁶⁷ West Bengal State Archives, *Judicial Civil Proceedings 4th – 29th of July, 1817*, p. 91.

Asian and Islamic political cultures. Instead, new courts were created; their *zillah* courts became chained to those new courts which were ran by men in powdered wigs. Unlike the House of Timur, the men in powdered wigs brought their own alien legal system that was associated with empire-building.

Although, colonial law did effectively weave its way into the hearts and minds of Indians; it did this by assimilating the commands of Allah and Sanskrit texts into an impersonal system that could be administered by foreigners. As explored throughout this chapter, Bengal's colonial legal system was positivist; the respective 'moralistic' qualities of Hindu or Muslim jurisprudence were excluded in virtually all of the cases covered. Instead, the ability to create and issue commands in a formal, impersonal and often abstract manner. This focus on abstract commands that filtered through Bengal's legal system and literally redefined and controlled Indians' lives explains the predominance of its highest appeal courts and mostly British judges over indigenous officials.

Hence Bengal's positivist legal system, was a product of the sole judicial responsibilities thrust upon the Company after the haemorrhaging of indigenous power once Bengal's dual government was abolished. This lack of structural indigenous competition within Bengal provided new opportunities for the law, as Schmidhauser argued legal imperialism could be deployed so that polities were reconfigured in such a way that ensured civil stability and resource extraction. British efforts to legitimise common law in India, codify indigenous commands and expand its jurisdiction was symmetrical to the wider transition Inagaki argued consisted of a conscious shift away from networked, pluralist power to sovereign militarist domination.

But how did the millions of Bengal's inhabitants fit into this transition? The thread which concludes how Bengal's colonial legal system developed is how at every stage Indians interacted and validated the legal system. The godfather of legal positivism, Hart, understood that such systems of commands could not exist without the primary rules of any given society – its customs. In the previous chapter, Bengal's agrarian system was rationalised so that the basic building blocks of government: revenue collection, could be best exploited without returning to the days of famine. Bengal's legal system, however, developed from a desire to command the hearts and minds of Indians through the commands of Allah and ancient texts; it was only through their submission to such a system that Indians' hearts were eventually conquered too.

IV

To Know, To Rule

“Even with all the information we possess, we can form but a very inadequate idea of the difficulties which present themselves in governing that immense and widely separated empire.”

Major-Gen Sir John Malcolm’s speech during the charter renewal, 1833

Britain's imperial ascent by 1833 was revealed by being the sole successor state through warfare and inter-state competition with Mysore and the Marathas in conjunction with greater metropolitan oversight and resources which greased its wheels of domination. Military men like Malcom had confidence in the knowledge of Bengal's security provided by steel, saltpetre and marching drums. Despite over two hundred years since the first English mission to India led by Sir Thomas Roe, officials still maintained they lacked knowledge of virtually all parts of India; acknowledging their uncertainty meant recognising that axiom from a contemporary of Roe, Sir Francis Bacon: knowledge is indeed power.

Colonial knowledge is an emerging field starting with Bayly's *Empire and Information* which defined an abstracted layer that bounds colonised and coloniser together in the production and application of knowledge. Within this historiography scholars have carved specialisms focusing on linguistics, Hinduism, internal politics and botany to name just a few.³⁶⁸ 1772 marks a useful point of consensus amongst historians who consider The Regulating Act a start of the Company state's reinvention in the quest for legitimacy away from the unpopular 'Clive legacy' of the Bengal polity.³⁶⁹ The quest for legitimacy in Bengal, a substantial feature of this book explores the Company seeking validation from zamindars, ordinary Bengalis, Indian princes, Rajputs and parliamentarians alike.

³⁶⁸ C. A. Bayly. *Empire and Information Intelligence Gathering and Social Communication in India, 1780–1870*. [Online] Cambridge University Press, 2009. See also Joshua Ehrlich. *The East India Company and the Politics of Knowledge*. [Online] Cambridge University Press, June 2023. Jessica Patterson. *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century*. Cambridge: Cambridge University Press [Online] 2021. Bernard S. Cohn, "The Command of Language and the Language of Command" chapter in *Colonialism and its Forms of Knowledge*. [Online] Princeton University Press, 1997. For a specific study on Bengal see David Kopf. *British Orientalism and the Bengal Renaissance*. Los Angeles: University of California Press, 1969.

³⁶⁹ Lucy S. Sutherland. *The East India Company In Eighteenth-Century Politics*. Oxford: Oxford University Press, 1952, p. 256. B. B. Misra. *The Central Administration of the East India Company 1773-1834*. Manchester: Manchester University Press, 1959, pp. 17-20.

The inherent tension between the Company as a corporate entity with its growing territorial obligations and duties to parliament remains a running theme. Ehrlich in *Politics of Knowledge* proposes the Company's turn to knowledge was a means of navigating the turbulent domestic politics of the metropole while still defending its corporate legal identity.

³⁷⁰ This reorientation from profit to the pursuit of knowledge did not have its origins in a void; as colonial regimes turned to Europe as a model by applying rational methods to governance that could enhance polity functions like raising taxation levels in the case of the *ancien régime* with the dominance of the physiocrats. ³⁷¹ Away from Westminster and the coffee houses of Europe the switch to knowledge stemmed from a crisis in the recesses of officials' minds who worked on the ground. This crisis, a lynchpin of Wilson's *The Domination of Strangers* arose as an anxiety centred on the colonial state functioning in a condition of uncertainty; in turn, this condition was rooted in the inability of colonial officials to engage with Indian society in a meaningful way. ³⁷²

Historians have yet to uncover a linkage between knowledge-production as a desire to validate the Company externally and as a means to alleviate the anxieties of governing a native Asian population as alien rulers. ³⁷³ This chapter will form such link; understanding knowledge-production as an 'archive' of knowledge that could function as an interloper between the fundamental alienation of ruling Indian society without being directly assimilated like the Mughals. Beyond political convenience, knowledge facilitated engagement of Indian society from afar; a rationalisation of Indian life, language, religion for

³⁷⁰ Ehrlich, *Politics of Knowledge*, p. 8.

³⁷¹ Richard Drayton. *Nature's Government: Science, Imperial Britain, and the 'Improvement' of the world*. New Haven: Yale University Press, 2000, pp. 70-71.

³⁷² Jon E. Wilson. *The Domination of Strangers*. Basingstoke: Palgrave Macmillan, 2010 edition, p. 47.

³⁷³ Further literature on this connection see: Asheesh Kapur Siddique. *The archive of empire: knowledge, conquest, and the making of the early modern British world*. London: Yale University Press, 2024; Michael S. Dodson. *Orientalism, Empire, and National Culture: India, 1770-1880*. UK: Palgrave Macmillan, 2007.

two political ends. Firstly, a systematic approach to understand India, constructing knowledge with its application to colonial governance; secondly, the rationalisation of India enabled the Company to remain separate from Indian society while still engaging from a comfortable distance.

Knowledge begins with knowing, the first section *Knowing Perfection* traces the production of colonial knowledge to a much broader ancestry in the eighteenth-century European Enlightenment. This sense of a purer truth was rooted in quantitatively-derived deductions that was taken to have primacy in India. Statistics and map-making assumed a higher precedence than knowledge offered by colonised Indians and the colonial landscape of India was shaped and defined this way.

Conciliating Colonised and Coloniser focuses on the human element of colonial knowledge. Building on Ehrlich's conciliation thesis, this section will argue that knowledge-based colonial institutions like colleges legitimised Company rule further by tapping into Indian political culture. Mughal patronage networks as well as India's ancient heritage of learning served as a mirror for Company rule and Indian collaboration. Starting with Hastings, his idea of a British *Sulh-i-khull* that would amalgamate knowledge from India's many different cultures and religions sought to bridge between the colonised and coloniser.

This knowledge, and newfound power in north east India culminates with *Visions of a Subcontinent*. As the Company increasingly inserted itself as a patron of Indian learning it shifted towards a perception of India as a region in terminal decline compared to its ancient past. Historian-officials like Dow argued despite this decline, India had persisted as a fertile ground for empire; in the wake of Mughal collapse it was Britain's right to assume this

mantle. Heirs to both ancient India and its contemporaries served to justify greater colonial expansion and cultural shaping of the subcontinent thereby reversing decline and restoring empire in India.

Knowing Perfection

The eighteenth-century as an epoch challenged a multitude of status quos across the globe. In Haiti and New England, the call of self-rule expelled colonial powers thereby forging new states. Mechanisation of production in northern England ushered in industrialisation amongst old economies. In India, new competing states battled existential wars over the decaying Mughal empire. Beyond the loud noise of change a silent revolution broke out; an ideal of pure knowledge anchored in mathematics ascended - with its consequences underlying the very nature of reality itself.

Edney in *The Geographical Construction of British India* outlines how this silent revolution reached the shores of the Indian ocean as an ideal, an abstracted axiomatic perfection that officials carried with them. From the standards of eighteenth-century Europe, cartography was held in the highest regard as a form of perfection by following rationalised, universal standards of measurement. While map-making was the preserve of sovereigns, its underlying quantitative basis was not. The completion of this epistemic ideal came with the widespread promotion of triangulation as a rigorous mathematical framework for producing knowledge that lay in the pursuit of pure knowledge, not politics.³⁷⁴

³⁷⁴ Matthew H. Edney, *Mapping an Empire: The Geographical Construction of British India, 1765–1843*. [Online] Chicago: University of Chicago Press, 1997, Online Edition 2009, pp. 17-19.

Officials' striving for the epistemic ideal produced knowledge beyond mere map-making. Robert Montgomery Martin, a colonial civil servant compiled a vast statistical survey from field reports in 1838 that functioned as a handbook for officials to consult the vastness of India from their offices. A report commissioned by Company directors in 1807 confirmed the preference for quantitative knowledge as nine districts were surveyed covering sixty thousand square miles and fifteen million colonial subjects.³⁷⁵ Archive-construction served a highly practical function; with the abstract space of an archive, new observations could be easily recorded and amalgamated into a wider information picture that officials would easily locate in the form of a book.³⁷⁶

Easily accessible quantitative data did have a wider appeal outside of elite, static officials in Calcutta. James Rennell's *A Bengal Atlas* became the go-to geographic survey of Bengal which empowered Company servants on the ground to expand the reach of the colonial polity through a mobile archive. Nor is this simply a conclusion by historians. In the advertisement section Rennell himself states that the purpose of his project was "forming a portable Atlas for Use of the Gentlemen on the Bengal Establishment."³⁷⁷ *A Bengal Atlas* was only possible after Plassey; as officials could venture out from their walled enclaves and impose their spirit of quantification onto the rest of India.

Rennell's work, though aspiring to a perfection of truth, focused on the practical requirements of its users and patron in Calcutta. Useful to tax collectors and soldiers a "Table of Distances" was compiled; describing inland travel and use of internal river networks to

³⁷⁵ Robert Montgomery Martin. *The History, Antiquities, Topography, and Statistics of Eastern India*, vol. 1, 1838. [Online] Cambridge University Press, 2016, p. vii.

³⁷⁶ Edney, *Mapping an Empire*, p. 50.

³⁷⁷ James Rennell. *A Bengal Atlas*. London: East India Company, 1781, Advertisement.

travel between different population centres in Bengal.³⁷⁸ Matters pertaining to the execution of basic tasks received priority treatment as officials travelling from Murshidabad to Azmerigun are given additional information about the disparity of time due to the Delta's wet or dry seasons.³⁷⁹ Such exactness, incorporating every conceivable variable was no mistake. Rennell's mobile archive built on the eighteenth century's idea of systematising knowledge led by figures like the polymath Johann Heinrich Lambert. Lesch in his chapter *Systematics and the Geometrical Spirit* captures the influence of the Enlightenment. This epoch compelled figures like Lambart and Rennell to organise their respective fields of botany and cartography as objects of knowledge that are relational homogenous entities that can be divided, subtracted and pictured together to form a comprehensive survey of a subject. Lesch argues this spirit, a child of Enlightenment Europe spread to extra-European colonies globally with consequences even spanning to colonial rule.³⁸⁰

The archive assembled by Company officials operated as a non-human source of information that was sanctioned as having a greater reliability. Rennell himself caught wind of this prevailing view in an earlier work encompassing the roads of Bengal and Bihar; promoting his own work to Company servants as a more truthful, cost-effective tool for conducting business. Rennell's book was designed as an impersonal guide to discharge indigenous information sources, he argued Indian guides "mislead them [Company servants] either through ignorance or interested motives."³⁸¹ Comments like this, in Company sponsored intellectual endeavours complicate Ehrlich's description of Warren Hastings and his

³⁷⁸ Rennell, *A Bengal Atlas*, p. 19.

³⁷⁹ Ibid, p. 19.

³⁸⁰ John E. Lesch. "Systematics and the Geometrical Spirit" in *The Quantifying Spirit in the Eighteenth Century* edited by Tore Frangsmyr, J. L. Heilbron and Robin E. Rider. [Online] Berkeley: University of California Press, 1990, Online Edition 2020, pp. 85-87.

³⁸¹ James Rennell. *A description of the roads in Bengal and Bahar*. London: East India Company, 1778, p. i.

patronage as aiming at a conciliation with Indian society.³⁸² Indian collaborators assisting with colonial knowledge-production were not given universal endorsement. The projects of Hastings and Jones in jurisprudence outline such conciliation, however in the quantitative field contemporary Indian knowledge was regarded as inferior.

This view prevailed as officials could situate their epistemic ideal alongside indigenous information in a binary manner unlike in the vast translation projects undertaken during this period. Rennell's influence on the use of indigenous knowledge was rooted in a deep connection with the early colonisation of Bengal post-Plassey. A young man and still only three years in India, Lord Clive instructed a junior Rennell in 1766 to conduct the first full survey of Bengal under British control.³⁸³ One man's ability to shape the direction of archive-construction lay precisely in this prevailing support among elite officials in the superiority of quantification. Rennell did recognise this patronage network and epistemic consensus, a map of newly acquired British Bengal and Bihar; a professional visualisation of colonial rule was dedicated to Warren Hastings himself. Another map titled 'The Sovereignty of Bengal' with noted names of battlefields like Plassey and local indigenous settlements like Pangotta and Daudpour paid tribute to patronage as again the map was dedicated to another patron, Lord Clive, fifteen years on in 1781.³⁸⁴

Rennell's vision of an epistemic truth captured by natural philosophers in the preceding decades, whether imagined or true is irrelevant to historians. Its relevance is how an intellectual ideal appealed to leading Company officials presiding over the colonisation of Bengal at its infancy. By the accounts of historians like Irfan Habib and contemporary

³⁸² Ehrlich, *Politics of Knowledge*, p. 18.

³⁸³ Clements R. Markham. *Major James Rennell and the Rise of Modern English Geography*. [Online] Cambridge University Press, 2014, p. 50.

³⁸⁴ Rennell, *A Bengal Atlas*, pp. 37, 40.

officials by the late eighteenth-century there was a large disparity not only between Indian and British mathematical knowledge but also ancient Indian learning and contemporary India. In India during the seventeenth and early eighteenth centuries Habib's work states Indian astronomers failed to achieve complete accuracy in determining latitudes which created a disparity by the time Bengal's surveys were conducted.³⁸⁵

If contemporary Indian mathematics was not 'worthy' of being including in the colonial archive the rapid fascination with ancient India provided, in the eyes of orientalists, an indigenous pathway to epistemic perfection. Sanctioned colonial knowledge depended not on individuals like Hastings or Rennell; rather, institutions and the learned individuals associated with them who functioned as gatekeepers in the process of legitimising Indian knowledge. Colonial Calcutta as a domain of soldiers and merchants was no longer a reality after 1772 as specialised trades and university-educated professionals flocked to Bengal out of curiosity, money and prestige. Raj's work *Circulation and the Construction of Knowledge in South Asia* uncovers how British overseas empire-building was created by a new generation of these people, in turn enabling the type of consensus that sanctioned Indian knowledge.

Bengal's new arrivals spanned surgeons, medics, mathematicians and astronomers which coupled with the Company's directors and major shareholders formed a solid intellectual block that reinforced the links between colonialism and knowledge-production.³⁸⁶ The Asiatic Society, founded in 1784 by the philologist and Supreme Court Judge William Jones was one institution that concentrated these new arrivals who would go on to shape the validation of Indian learning. Its publications, *Asiatic researches* served as the society's

³⁸⁵ Irfan Habib. "Cartography In Mughal India" Proceedings of the Indian History Congress, Vol. 35 (1974), pp. 150-162, p. 157.

³⁸⁶ Kapil Raj, *Relocating Modern Science: Circulation and the Construction of Knowledge in South Asia and Europe, 1650–1900*. Palgrave Macmillan UK [online], 2007, p. 107.

journal and the unofficial Company hand in assembling ‘valid’ knowledge into its archive. One article, *On the Astronomical Computations of the Hindus* by Samuel Davis, one of the new incomers to Bengal and a later director praised the ancient computations found in India in stark contrast to Rennell’s musing on contemporary Indians.

British studies of Sanskrit literature provided the ideal, codified knowledge that could be separated from Indian society and deposited in the ‘colonial archive.’ In his essay Davis mentioned that “*Bráhmens* are extremely willing to explain” texts from ancient India that focused on astronomy.³⁸⁷ Rennells and Davis thus provide two accounts of the colonial archive’s assembly and how indigenous collaborators were supported or discarded. Behind this difference, argues Raj is the intellectual tradition of those officials working in Bengal. Access to alien societies for many learned and upper-class officials came from the Grand Tour encompassing Italy and Greece – or a rigorous schooling in Ancient Greek and Latin. Once in India, this attitude to alien learning did not disappear; officials’ principal means of understanding India was derived from engaging in Sanskrit, Arabic or Persian texts that were facilitated by elite collaborators.³⁸⁸

Differentiating between doubtful and legitimate information that was worthy of being incorporated into its archive was the extent to which knowledge corresponded to European learning and proofs, especially in the quantitative realm. Institutions like Bengal’s Asiatic Society functioned as a removed verification process; having excluded Indian collaborators and away from day-to-day governance Bengal’s new knowledge seekers could assess Indian

³⁸⁷ Asiatic Society of Bengal. *Asiatic researches; or, transactions of the society, instituted in Bengal, for inquiring into the history and antiquities, the arts, sciences, and literature, of Asia. ... Printed verbatim from the Calcutta edition.* Vol. 2. London: printed for J. Sewell; Vernor and Hood; J. Cuthell; J. Walker; R. Lea Lackington, Allen, and Co.; Otridge and Son; R. Faulder; and J. Scatcherd, 1799-1839. *Eighteenth Century Collections Online*, p. 225.

³⁸⁸ Raj, *Circulation and the Construction of Knowledge in South Asia*, pp. 113-114.

learning. Davis himself confirmed this process of validation; the presence of ancient mathematics in *Asiatic researches* was because the Hindu “division of the eclipse into signs, degrees, &c. is the same as ours ; that their astronomical year is sydereal [sidereal time].”³⁸⁹

A concept like the sidereal division appealed to mathematicians who were the grandchildren of the Newtonian revolution. The dominant conception of eighteenth-century Europe centred on the empirical experience of the external world with epistemic practises following a strict adherence to a visual and mechanistic framework.³⁹⁰ Such adherence was present in the assessment of ancient learning, even surpassing that of standards found in Europe. Davis praised the computations of ancient Indians, noting its calculations were “dependent on the situation of the Sun’s apsis, and the distance of the vernal equinoctial colure from the beginning of *Mèsha* [Meṣa month found in the Hindu solar calendar] in the Hindu sphere ; and by these means they avoid those errors which *Europeans*, from a different method of adjusting their calendar by intercalary days, have been subject to.”³⁹¹

Archive-construction was thus a two-way process; as Dirks argues, the success of orientalist knowledge in India lay in the assertion of precolonial authority of a specifically colonial form of power.³⁹² Precolonial sources of authority connect Dirks, Raj and Bengal’s learned people as the preference for quantitative knowledge, as pre-packaged by Brahmins appealed to the textual, exegesis tradition of Europeans identified by Raj.³⁹³ In another text, William Robertson’s *A Historical Disquisition Concerning the Knowledge Which the Ancients Had of*

³⁸⁹ *Asiatic researches*, p. 227.

³⁹⁰ Edney, *Mapping an Empire*, pp. 40, 46.

³⁹¹ *Asiatic researches*, p. 227.

³⁹² Nicholas B. Dirk. *Castes of Mind*. Delhi: Permanent Black, 2018, p. 14.

³⁹³ Raj, *Circulation and the Construction of Knowledge in South Asia*, pp. 113-114

India (1794) he describes the rationale behind his *Disquisition* started with seeking “scientific precision” of how longitudes and latitudes were calculated by ancient peoples.³⁹⁴

During the 1790s, an explosion of interest emerged in ancient India amongst Bengal’s new entrants as more Sanskrit texts were translated into English. Eighteenth-century Europe’s epistemic idealism led learned people to easily incorporate text-based sources which enabled even further validation of Indian knowledge. The fourth volume of *Asiatic researches* attracted individuals who had esteemed careers in the metropole; adding greater prestige to the vision of a repository of Indian knowledge envisioned by Hastings. One such individual, Professor John Playfair, a mathematics scholar at Edinburgh declared ancient Indian mathematics as “a system constructed with great *geometrical* skill, but that the *trigonometrical* rules” from the *Surya Siddhanta* has some “very curious theorems” “which must have been known by the author of that ancient book.”³⁹⁵

Neither of the works which praised Indian mathematics made any reference to indigenous mathematicians; at best the publications cited the textual source and those who collaborated – Brahmins already on the Company payroll. Bengal’s archive had no place for Indian scholars, only abstractions. As men like Rennell removed Indians, those like Professor Playfair replaced them with theorems, elaborating on the one “very curious” theorem in great detail: “If there be three arches of a circle in arithmetical progression, the sum of the sines of the two extreme arches is to twice the sine of the middle arch, as the cosine of the common

³⁹⁴ William Robertson. *A Historical Disquisition Concerning the Knowledge Which the Ancients Had of India*. Second edition. London: printed for A. Strahan and T. Cadell; and E. Balfour at Edinburgh: and sold by T. Cadell Jun. and W. Davies, in the Strand, 1794, p. v.

³⁹⁵ *Dissertations and miscellaneous pieces, relating to the history and antiquities, the arts, sciences, and literature, of Asia / by the late Sir William Jones, and others. Volume the fourth: being the whole of the articles contained in the fourth volume of the Asiatic researches*. Printed at Calcutta. London: reprinted for Vernor and Hood ... , 1798. Cambridge University Library, RCS Per. 256, pp. 159-160.

difference of the arches to the radius of the circle.” Trigonometric explanations were a comfort in understanding India as he admits the sines of the three successive arches of a circle were only known to European mathematicians in the seventeenth century.³⁹⁶

The ‘spirit of quantification’ that was the parent of colonial epistemology automatically excluded Indians from the type of conciliation that Ehrlich argues Hastings ushered in.³⁹⁷ Even before the Battle of Plassey, colonial epistemology, with its inevitable roots in Britain prepared officials to create a hierarchy of knowledge which favoured the Newtonian revolution. Writing in 1754 the mathematician James Ferguson enshrined the epistemic supremacy for later decades by proposing “Knowledge derived from Astronomy, not only the Bulk of the Earth is discovered, the Situation and Extent of the Kingdoms and Countries upon it ascertained, Trade and Commerce carried on to the remotest Parts of the World” and “our very Faculties are enlarged with the Grandeur of the Ideas it conveys.”³⁹⁸

The logical conclusion of this belief, which remained as popular almost half a century later in Bengal was that contemporary Indians lacked the mental faculties of their illustrious predecessors. During the turn of the century in some quarters, networked intellectual groups opposed the almost universal consensus that non-Europeans were innately inferior. Mathematics brokered the link between the blank slate theory and the supremacy of epistemic perfection which promoted ancient Indians at the expense of their excluded successors. One prize winning thesis at the Company’s college in Calcutta agreed with Ferguson that Indians

³⁹⁶ *Dissertations and miscellaneous pieces, relating to the history and antiquities, the arts, sciences, and literature, of Asia*, p. 160.

³⁹⁷ Ehrlich, *Politics of Knowledge*, p. 23.

³⁹⁸ James Ferguson. “*An Idea Of The Material Universe Deduced From A Survey Of The Solar System*” in *A method of ascertaining the latitude in the northern hemisphere, by a single altitude of the polar star, at any time : with tables computed for that purpose* / By John Stevens. Cambridge : printed by F. Hodson. And sold by W. Heather, London, 1800. St. John’s College Old Library, 4.45.35(11), p. 4.

at present lacked the faculties of Europeans, but under Company rule they could be restored to their ancient ancestors. W. B. Martin's 1802 thesis *The Asiaticks Are Capable Of As High A Degree of Civilization As The Europeans* refutes the widely believed climate hypothesis as it is "contrary to experience, to allow climate to possess such an authoritative influence over the human mind." Elevating contemporary Indian faculties to the epistemic ideal was realisable; through "the under the mild and favourable influence of British government and laws" they could attain intellectual and civilisational parity with Europe.³⁹⁹

The belief that Indians' intellectual capacity was fluid coupled with a firm conviction that textual sources of information triumphed over collaborators is rooted in a persistent theme through this book. Wilson's refraction model, found in *From Reflection to Refraction* focuses on how administrative processes emerged from two features of officials in India. The refraction model interprets officials as believing they are autonomous from the complex indigenous societies they govern; in turn, societies thus appear opaque with very little meaningful information obtainable. Knowledge is thus derived by officials determining the difference or similarity of colonised peoples.⁴⁰⁰

In assembling an archive, circumventing the opaqueness of Indian society and to a degree its history compelled learned people to create walls between knowledge and spaces it was applied to. Textbooks and dictionaries surged in popularity as a testament to the success of the colonial project in striving towards its epistemic ideal and exhibiting newly acquired knowledge all in English. Governor-General Wellesley's vision of the 'archive' was one

³⁹⁹ *Essays by the students of the College of Fort William in Bengal : To which are added the theses pronounced at the public disputations in the Oriental languages on 6th February, 1802. (v.1).* Calcutta: Printed at the Honorable Company's Press, 1802, pp. 200, 205.

⁴⁰⁰ Nicholas Hoover Wilson, "From Reflection to Refraction: State Administration in British India, circa 1770–1855" in *American Journal of Sociology*, vol. 116, no. 5 (March 2011): pp. 1437-77, p. 1446.

which was applied to the discharge of duty ⁴⁰¹ through the circulation of texts instead of the hobby projects pursued by figures associated with *Asiatic researches*.

Having separated indigenous knowledge from its parent society the archive reproduced text-based knowledge that could exist alongside perfected forms of information like mathematics which could all be accessed by officials – hence by design, the archive excluded Indians. A trigonometry textbook from 1807 taught at the Company’s college in Haileybury detailed case studies that didn’t require Indian guides like solving the height of an inaccessible object – a practical issue faced by those conducting field surveys. ⁴⁰² Rennell’s vision of knowledge with Indians appeared a reality as language texts removed the need for translators – a permanent point of contention since the days of Roe.

John Richardson’s *A grammar of the Arabic language : in which the rules are illustrated by authorities from the best writers* from 1811 allows Company servants to never interact with “the best writers” by publishing an accessible text. As with the trigonometry textbook, practicality was valued, notably when encountering the Arabic letter Gahyn “غ as *gh* in *ghastly* ; but often, particularly in India, taking the sound of *rh* with a strong aspiration, resembling in some measure the Northumberland *r*.” ⁴⁰³ The shift in power-knowledge from learned societies to colleges directly controlled by the directors and Governor-General signals the inclusion of linguistics as a form of perfected ideal to be mastered. Sanskrit Professor Carey at Fort William College addressed Wellesley, indeed confirming such new ideals,

⁴⁰¹ *The College of Fort William in Bengal*. London: Printed for T. Cadwell and W. Davis, 1805. Cambridge University Library, MM.30.13, p. 25.

⁴⁰² *A compendious treatise of plane trigonometry: for the use of the students of the East-India College, Herts. B. Bridge*. Haileybury, Herts : East-India College: printed by Richard Watts, 1807. St. John’s College Old Library, Cambridge. 3.22.65[8], pp. 27-28.

⁴⁰³ John Richardson. *A grammar of the Arabic language : in which the rules are illustrated by authorities from the best writers; principally adapted for the service of the Honourable East India Company*. London : Printed for Lackington, Allen, and Co., 1811. Trinity College Wren Library, (IV.7.2), p. 9.

declaring “The colloquial Hindoostanee, the classic Persian, the commercial Bengalee, the leareened Arabic, and the primæval Shanscrit, are spoken fluently, after having been studied grammatically, by English youth.” ⁴⁰⁴

With the colonial archive rapidly being assembled the initial conviction behind the initial project conceived by Hastings had now captured the attention of the metropole. In the year of the Company’s charter renewal in 1813 section forty-three of the Charter Act codified the Hastings project by: “... a sum of not less than one lack of rupees [one-hundred thousand] in each year, shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India.” ⁴⁰⁵

Colonial epistemology reached its zenith in the same year with the translation of the twelfth century mathematician Bhāskarāchārya’s treatise on algebra, *Bijaganita* by Edward Strachey.

Bhāskarāchārya was of interest to those scholar-officials precisely because his work, and its subsequent influence in Mughal India was a lasting example of Indian learning which conformed to the broader intellectual epistemology in addition to the success of archive-construction by 1813. Strachey took a professional approach to the *Bijaganita*; in his preface arguing his intention was “to support the opinion that the Hindoos had an original fund of Science not borrowed from foreign sources.” ⁴⁰⁶ The universality of mathematical proofs with the long codified history of *Bijaganita* explains its value for officials. Strachey embarks on an exegesis of the text itself; noting in the 1634 Persian translation by Ata Alla Rasheedee

⁴⁰⁴ *The College of Fort William in Bengal*, p. 172.

⁴⁰⁵ Quoted in Ehrlich, *Politics of Knowledge*, p. 125.

⁴⁰⁶ *Bhāskarāchārya, Bija ganita : or the algebra of the Hindus / by Edward Strachey, of the East India Company's Bengal civil service, 1813*. London: W. Glendinning. Queen’s College Old Library, Cambridge. Dd.1.57, p. 1.

errors include references to Euclid. Even a flawed translation exhibited the appeal of epistemic certainty with a text-based source as Indian algebra remained “a perfectly connected structure of science, comprehending propositions, which in Europe were invented successively by Bachet de Mezeriac, Fermat, Euler, and De La Grange.” ⁴⁰⁷

Pre-Mughal Indian learning and its attraction to scholars was deeply influenced by the wider British interest in the textual tradition of Hinduism and Brahminism. As Patterson in *British Interpretations of Hinduism* argues the starting point for British officials studying Hinduism was precisely in respect to its textual authority in contrast to other studies. ⁴⁰⁸ In mathematics Strachey defended the textual authority of Sanskrit literature from British sceptics, reasoning “because we have not found the works of the teachers of Pythagoras ; we have access to the wreck only of their ancient learning ; but when we see such traces of a more perfect state of knowledge, when we see that the Hindoo algebra 600 years ago had in the most interesting parts some of the most curious modern European discoveries, and when we see that it was at that time applied to astronomy, we cannot reasonably doubt the originality and the antiquity of mathematical learning among the Hindoos.” ⁴⁰⁹

By the 1820s Bengal’s colonial archive was vastly different to the type of project envisioned by Hastings four decades earlier. It had moved away from the hobby publications found in learned associations like The Royal Asiatic Society to widespread institutionalisation of knowledge by figures like the Marquess Hastings ⁴¹⁰ who shaped colonial knowledge to a much greater extent than the eccentric scholar-officials like Jones or Colebrooke. Although

⁴⁰⁷ Bhāskarāchārya, *Bija ganita*, pp. 4-6.

⁴⁰⁸ Jessica Patterson. *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century*. Cambridge: Cambridge University Press [Online] 2021, p. 37.

⁴⁰⁹ *Bija ganita*, p. 10.

⁴¹⁰ Kopf. *British Orientalism and the Bengal Renaissance*, p. 146.

archive-construction did not occur in a regional context pertaining to colonial Bengal.

Lesch's work captures the epochal contextual background that Bengal was inevitably drawn into. Its idealism of a universal claim to truth based on axioms whose deductions were quantifiable lent itself to the exclusion of Indian collaborators and promotion of text-based knowledge primarily in the Brahminical tradition. An epistemic ideal was not sufficient though; colonial subjects lived in a complex human web and the next section will uncover how knowledge left its epistemological realm to return as a bridge between coloniser and colonised.

Conciliating Colonised And Coloniser

Since time immemorial empires have had to kowtow to the great maxim of imperial history: it is easier to conquer a throne than to keep it. A succession of Indian rulers, outsiders like Turkic warlords or European colonisers once their thrones were secure had to engage with their place in Indian society as minorities ruling over an overwhelming majority. In Bengal, Company rule was partially a break in Bengal's tradition of a subah governed by outsiders; unlike their predecessors in Murshidabad the Company could not automatically appeal to demographic majorities: Muslims and Hindus.

This section contributes to the 'conciliation' thesis posited by Ehrlich; in the previous section the Company's assemblance of an archive dedicated to its epistemic ideal alienated traditional Indian collaborators – derailing the conciliation efforts. Institution-building and colonial knowledge already has a deep historiographical debate among historians like Raj proposing the scale of colonial knowledge production made dedicated, hierarchical

centralised institutions inevitable.⁴¹¹ Kopf's work, though much earlier than Ehrlich's fundamentally disagrees with the premise of conciliation; based on the sources there is little evidence that there was any substantial encouragement of constructive cultural contact between colonised and coloniser.⁴¹² This section, by arguing the creation of an archive did achieve some conciliation through institutions rejects Kopf's premise in favour of nuance.

In the spirit of conciliation, Ehrlich argues Warren Hastings followed the trail of previous Mughal emperors. Legitimising Company rule meant leaning on concepts like the *sulh-i kull*'s brokering of a universal peace between the world's religions that could precisely appeal to the Company's own dilemma of governing Bengal as foreigners. Akbar's popularity, as a model of governance became widespread in elite Company circles with the Hastings-sponsored translation of the *Ain-i Akbari*⁴¹³ that could serve as inspiration for cross-cultural reconciliation. Akbar as an ideal benevolent conqueror remained a popular vision of how colonial knowledge could usher in a new intercultural peace throughout India. Writing in his preface of *Tārīkh-i Firishṭa*, a history of Muslim rule in India he praises Akbar as being "possessed of Baber's intrepidity in war, of Humaion's mildness in peace."⁴¹⁴

Bengal's Asiatic Society, first established by the philologist Sir William Jones in 1784 served as one of the early institutionalisations of colonial knowledge. In Calcutta of that year Jones delivered his speech, describing Asia as "fertile in the productions of human genius"

⁴¹¹ Raj, *Circulation and the Construction of Knowledge*, p. 136.

⁴¹² Kopf, *British Orientalism and the Bengal Renaissance*, p. 13.

⁴¹³ Ehrlich, *Politics of Knowledge*, p. 33.

⁴¹⁴ Alexander Dow. *The history of Hindostan : translated from Persian, to which are prefixed two dissertations; the first concerning the Hindoos, and the second the origin and nature of despotism in India*. Another author: Muhammad Qāsim Hindū Shāh Astarābādī. Firishtah, 1812. F.11.7-9. St. John's College Old Library, University of Cambridge. Vol. 1, p. lxxviii.

subsequently defining the Society's scope of "MAN and NATURE."⁴¹⁵ Knowing India to some degree translated into knowing its institutions, and its millions of people through those institutions. Marshall supplies a broader context to this; officials were preoccupied with questions of how to transform indigenous institutions into instruments that could carry British power and policy into the lives of Indians.⁴¹⁶ If the epistemic ideals achieved by trigonometry excluded contemporary Indians from the Company archives its alternative stream of linguistics led to the building of a bridge between conqueror and conquered.

Bengal's colonial archive relationship to Indians thus becomes nuanced; neither exclusively conforming to the conciliation thesis offered by Ehrlich or that lack of cultural contact as argued by Kopf. The study of language, with its compliable dictionaries, phrasebooks and mixed uses empowered the colonial archive to build new colonial institutions and bridges that could facilitated Anglo-Indian interactions. Cohn in *The Command of Language and the Language of Command* offers a point to start; categorising the study of Indian languages as a form of 'tribute' offered by Indians in the form of manuscripts and prints. Cohn argues this process defined a new epistemological context that converted Indian forms of knowledge into European objects that was transmitted by elite indigenous groups within colonial spaces.⁴¹⁷

H. T. Colebrooke, one of the first great European Sanskrit scholars was himself a witness to the potential of the colonial archive as a form of cultural exchange. Writing from Patna in 1786 to his father he praises the use of Persian and Arabic being conducive "to a systematic

⁴¹⁵ Sir William Jones. *A discourse on the institution of a society for enquiring into the history, civil and natural, the antiquities, arts, sciences, and literature of Asia*, 1784. London : Printed for T. Payne and son, 1784. Cambridge University Library, Zz.17.27, pp. 4, 8.

⁴¹⁶ P.J Marshall. *The Making and Unmaking of Empires: Britain, India, and America c.1750-1783* [need to update this], p. 185.

⁴¹⁷ Cohn, *The Command of Language and the Language of Command*, p. 21.

pursuit of the Mussulman law.”⁴¹⁸ The systematic study of Islamic jurisprudence was demanded by the type of centralised institutions like the Sadr Diwani Adalat formed by Warren Hastings a decade earlier in 1772. Centralised institutions and their oversized influence on the tributary dynamics between colonised and coloniser spanned even to the creation of the colonial archive itself. Textbooks confirm this power; in a Persian book taught at the College of Fort William from 1800 consists of words like “passport”, “capital stock”, “foujdar”, “secret intelligencer” with few pages dedicated to uses beyond statecraft.⁴¹⁹

Persian, one of the two studied languages not native to the Indian subcontinent assumed a distinct object of colonial epistemology. In the 1770s and 1780s the Hastings’s project’s patronage of Persian facilitated access to the inner world of Islamicate polities like the Mughal Empire; objectifying Mughal elites’ customs, court rituals and the discernible ‘Indian constitution.’⁴²⁰ Persian’s high status had already been established in the metropole in the decade before Hastings’ ascension to Governor-General. Benjamin Kennicott, a Hebrew scholar wrote an influential piece of advocacy in 1767 arguing for a Professorship of Persian at his alma mater, Oxford. Engraved on generations after him, Kennicott informs his readers that when Europeans “lived in huts and caves” the “Arts had gained great perfection in Asia.”

⁴²¹

Language in the colonial archive had its own hierarchy based on the socio-political stratification in the governance of Bengal. Professor Carey, Professor of Sanskrit at the College of Fort William that students learn Urdu, Persian, Bengali and Sanskrit not “by love

⁴¹⁸ H. T. Colebrooke. *Miscellaneous essays. With life of the author. By his son, Sir T. E. Colebrooke. In three volumes. (v.1)*. London: Trübner & Co., 57 and 59, Ludgate Hill. 1873. Cambridge University Library. 810.7.c.85.18, p. 23.

⁴¹⁹ *A vocabulary of English and Persian. For the College at Fort William in Bengal*. Calcutta, 1800. Cambridge University Library. (Moh.610.b.2).

⁴²⁰ Bayly, *Empire and Information*, p. 284.

⁴²¹ Kennicott, Benjamin. *A proposal for establishing a professorship of the Persian language in the University of Oxford*. [Oxford?]: s.n., [1767]. Eighteenth Century Collections Online, p. 9.

of fame” or “genius” rather “in distributing justice to the inhabitants ; in transacting the business of the state, revenue and commercial; and in maintaining official intercourse with the people, in their own tongue.”⁴²² Unlike the hierarchy of European mathematics, the colonial archive’s hierarchy of languages encompassed all Indians by ordering information according to function, not an epistemic ideal. As ever present throughout this book, the flexibility of colonial thought was still fixed according to the immediate evolving needs of day-to-day colonial governance in Bengal.

Accessing Asia’s languages beyond scholar-officials and eccentrics gave colonial rule a sense of universalism that was never wholly apparent to officials locked away in Calcutta. India’s transition from one ‘alien’ empire to another was a conscious one in the eyes of Hastings, Colebrooke and Carey alike. Meyer and Rowan in *Institutionalized Organizations: Formal Structure as Myth and Ceremony* analyse the nature of change between organisations with implications on the imperial stage in India. The Company’s mimicking of the polyglot Mughal court is an example of an organisation that “incorporate societally legitimated rationalized elements in their formal structures maximize their legitimacy and increase their resources and survival capabilities.”⁴²³

Rationalising socially legitimated elements of the new coming Indian empire granted even greater importance to the archive as an opportunity to conciliate ruler and ruled. In the prize-winning essays of language students at the college W. B. Martin regards language-acquisition as leading to “the treasures we may now expect to see unlocked, and the extensive mines

⁴²² *The College of Fort William in Bengal*, pp. 172-173.

⁴²³ John W. Meyer and Brian Rowan, “*Institutionalized Organizations: Formal Structure as Myth and Ceremony*” in *American Journal of Sociology*, vol. 83, no. 2 (Sep. 1977): pp. 340-364, p. 352.

which will now be opened to our view, must transport with hope, and inflame with emulation.”⁴²⁴

Labouring in the pursuit of ancient India’s treasures provided the second half of the Company’s legitimization efforts to win over indigenous elite groups. If Persian was a homage to Asian empire-building the Company’s interest in all things Sanskrit stemmed from a vision of empire looking towards Akbar’s *sulh-i kull* in cementing support amongst India’s Hindu-majority population. Early colonial Bengal’s emergence as the epicentre of European Sanskrit scholarship witnessed scholars like Halhed, Dow, Wilkins, Holwell who rooted their understanding of Hinduism in a direct relationship with Bengali Brahmins and their knowledge of Sanskrit.⁴²⁵

Unlike Persian, whose speakers in India were confined to the Mughal ruling class, Sanskrit enabled greater conciliation between Company servants and elite cultural groups. At the Fort William College this cultural exposure was commended as students interacted with Brahmins daily and in turn were taught “by those learned Asiatics.”⁴²⁶ Centralised institutions, almost exclusively based in Calcutta unlocked for the British a new window that allowed elite Hindus and officials to interact with one another. Institutional patronage of knowledge thus had the potential to exclude Indian collaborators, like in the cartographical process while simultaneously elevating collaborators who worked in linguistics.

Sanskrit’s value within the colonial archive went beyond the orientalist and evangelical discourses; with the battlegrounds of cultural relativism and mass conversions of Hindus as

⁴²⁴ *Essays by the students of the College of Fort William in Bengal*, p. 7.

⁴²⁵ Patterson, *British Interpretations of Hinduism*, p. 52.

⁴²⁶ *The College of Fort William in Bengal*, pp. 173-175.

found during the 1813 charter renewal debates.⁴²⁷ Ehrlich, though not exclusively studying Sanskrit scholarship outlines how scholar-officials and their Indian collaborators increasingly tailored projects that coincided with the territorial expansion.⁴²⁸ Jurisprudence remained the reliable outlet for securing funding and validation from Fort William because it was widely considered an evolving field in both philological and jurisprudential practises.

The extent of this influence – a marriage between the Company’s archive as represented by its Sanskrit institutions and Brahmins is best considered during the memorial service of Ramchunder Surmona, Professor of Law at the Company’s Sanskrit College. The source, a eulogy to Surmona praises the scholar and other diligent pundits as having “had devoted their lives to the study of Hindoo law, of which they drank deeply from its purest and best sources in the original Sanscrit.”⁴²⁹ Sanskrit’s corpus, compromising both religious and secular texts caught the imagination of officials as a mysterious quest into a hidden world in conjunction with the reconfiguration of the Bengal polity ushered in by Hastings.⁴³⁰

British officials also “drank deeply” from ancient India’s literary past. *The Bhāgavat-gēētā, or dialogues of Krēṣhṇā and Ārjōṇ* (1785) translation by Charles Wilkins raised the patronage of Asia’s languages above that of those in the Islamic tradition. Wilkins considered the *Gēētā*’s success as a testimony to the success of Company rule in obtaining the support of Bengali Brahmins. He reminds British readers of the rationale behind the collaboration, proposing it was the “liberal treatment they have of late years experienced from the mildness

⁴²⁷ Kopf, *British Orientalism and the Bengal Renaissance*, pp. 141-143.

⁴²⁸ Ehrlich, *Politics of Knowledge*, p. 124.

⁴²⁹ *The memorial of Ramchunder Surmona, late professor of law in the Sanscrit College, Calcutta, to the court of directors of the East India Company*. Printed by William Rushton and Co. (Calcutta), 1838, p. 9.

⁴³⁰ Cohn, *The Command of Language and the Language of Command*, p. 26.

of our government, the tolerating principles of our faith.”⁴³¹ The text, a widely published version available in Britain remained a thoroughly self-congratulatory version with an inclusion of Warren Hastings endorsement in the preface. Hastings, already in the British imagination wrote to Nathaniel Smith in October of 1784 declaring “I hesitate not to pronounce the *Gēētā* a performance of great originality ; of a sublimity of conception, reasoning, and diction, almost unequalled ; and a single exception, among all the known religions of mankind, of a theology accurately corresponding with that of the Christian dispensation, and most powerfully illustrating its fundamental doctrines.”⁴³²

Pursuing Sanskrit inevitably opened the long road to the sight of Hinduism as a previously ‘unknown’ religion to Europeans. Unlike the pursuit of Arabic with its focus on extracting jurisprudential principles from the Qur’an and Hadith⁴³³ texts primarily like the *Gēētā* captured the public imagination of Britons who would never visit India. Its status as an ancient language, with precepts encompassing the human condition is demonstrative of the archive’s potential to legitimise Company rule through mass media in Britain. The *Gēētā*’s success as a colonial project was precisely in such an easily reproducible format; easily consumable without curious readers in London having to allocate the time to read the entire *Mahābhārata*.

This was likely a calculated decision of communicating the ongoing importance of colonial rule at a time of charter renewal and fiscal woes. In reality, most of the Company’s

⁴³¹ *The Bhāgvāt-gēētā, or dialogues of Krēṣhṇā and Ārjōṇ : in eighteen lectures; with notes / translated from the original, in the Sānskrēēt, or ancient language of the Brāhmāns, by Charles Wilkins, Senior Merchant in the service of the Honourable the East India Company, on their Bengal establishment.* London : Printed for C. Nourse, opposite Catharine-Street, in the Strand, MDCCLXXXV [1785]. Jesus College Old Library Annexe Malthus Collection M.5.13[1], p. 23.

⁴³² Ibid, p. 10.

⁴³³ *Miscellaneous essays, by H. T. Colebrooke*, p. 23.

shareholders and directors were never occupied in the philological and semantical discussions that determined debates on *zamindars*, *talukdars* or *pottahs*. Sanskrit scholarship did reach a wider audience, by inspiring Britons with an image of Hindu civilisation that was alien yet universal; like *Krēṣhṇā* announcing “To the *Yōgēē*, gold, iron, and stones, are the same.”⁴³⁴ Hinduism’s mysteries, its alienness to readers in Europe with its timeless precepts arose from British interpretations that Patterson proposes derived from a specific eighteenth-century context.

In contrast to earlier comparative descriptions of Hinduism, offered mainly by priests and merchants the orientalist projects pushed by Hastings marked a transition from observation to scholarly claims of penetrating Hinduism theological core on the basis of translation and scriptural sources. Patterson’s argument is this portrayal of a non-Abrahamic religion indigenous to India was timeless, philosophical and implicitly rational.”⁴³⁵ Bengal’s colonial archive became a curated diffusion of ‘popular’ scholarship on Hinduism in Europe that functioned as a source of legitimation of its knowledge repository and as a force of legitimising Company rule in India.

Curiously, to many scholar-officials consulting Sanskrit texts served as a self-referential means of legitimising Company rule and confirming the use of indigenous collaborators. Halhed’s *A Code of Gentoo Laws* (1776) was a project between the Company’s esteemed philologist and selected pundits to translate the *Vivādārṇavasetu* into English. In his preface Halhed touches on the same universal precepts that the *Gēētā* possessed, “But it is not only to the Law of Moses that this Code bears a striking Likeness.”⁴³⁶ Stretching into the annals of

⁴³⁴ *The Bhāgvat-gēētā*, p. 63.

⁴³⁵ Patterson, *British Interpretations of Hinduism*, p. 69.

⁴³⁶ Nathaniel Brassey Halhed. *A Code of Gentoo Laws; or, Ordinations of the Pundits*. Cambridge University Press [Online] 2014, p. lxxiii.

time provided a rationale for the conciliatory project that officials and Company observers were aware of – their very own patronage of pundits. The *Gēētā* legitimised Fort William’s frequent use of pundits: “He who may behold, as it were *inaction* in action, and *action* in inaction, is wise amongst mankind. He is a perfect performer of all duty. Wise men call him a *Pāndēēt*, whose every undertaking is free from the idea of desire, and whose actions are consumed by the fire of wisdom.”⁴³⁷

Codified texts as a justification for Anglo-Indian collaboration was confined to those based in Sanskrit. Islam’s literary appeal only held value so if it had a direct relation to Company rule, not indigenous cooperation. In a letter dating 1784 to director Hastings, like Rennell adopted an exclusionary policy that removed the need for Islamic jurists. He argued Calcutta-based judges should not just rely on “the books of the Arabic tongue.” Equally, he proposed Company servants must be empowered to have the “means of consulting the proceedings on which those judgements are founded.”⁴³⁸ On closer inspection, it appears that the institutional endorsement of the Brahmanical tradition was an exception, not the rule of colonial knowledge-production.

A year later, John Macpherson who would go onto to become acting Governor-General after the removal of Hastings in 1785 pushed a harder line to the conciliation of elite Indian collaborators. Macpherson proposed the creation of an external committee to monitor Indian agents of all types; including having the independence from “a Native Dewan.”⁴³⁹ Sanskrit’s prestige, as a language ‘worthy’ of inter-civilisational conciliation spanned multiple categories according to Bayly. By the early nineteenth century Sanskrit was regarded as

⁴³⁷ *The Bhāgavat-gēētā*, p. 53.

⁴³⁸ L/Parl/2/362-3, British Library. *Warren Hastings Private Papers, Part 2*, p. 9.

⁴³⁹ *Ibid*, p. [issues accessing BL catalogue].

Asia's equivalent to Latin; diffusing ideas amongst literate elites spanning Siam, Tibet, and Kashmir. Within the philological field, Arabic and Persian had already been familiar to scholars across Europe in early modernity; Sanskrit was new, with the possibilities of recovering principles of its transformative grammar having vast intellectual appeal. Lastly, the proliferation of Company activities involving the Devanagari script created networks with traditional Hindu patronage groups like merchants and rajas. ⁴⁴⁰

Posed again, the question is inevitably did the project of a colonial archive envisioned by Hastings lead to conciliation? This section has attempted to grasp this by arguing *who* was conciliated and *why*. Brokering a new *sulh-i kull* demanded the colonial archive be configured in a form which had direct appeal to India's Hindu majority. Reality largely dictated this process; the Company could not afford to alienate Brahmins, rajas and the mass of the population over preferring India's Muslim minority. Such a consensus spans the chronology of this project. In 1830, Dr Ruddell to Governor-General Bentinck still endorsed the teaching of Hindustani in Fort William's College because of its connection to Sanskrit and enabling Company servants to have contact with virtually all Hindus outside of Bengal and Orissa. ⁴⁴¹

The conciliation trajectory introduced by Ehrlich still stands. From Hastings, through Cornwallis to Shore the conciliation project was shaped through patronage, centralised institutions and the public face of the colonial archive, the Oriental Repository in 1798. ⁴⁴² Although the success of this project, with its preference for Hindus is present later on with the evidence of Hindu patronage networks forming their own institutions within Bengal that

⁴⁴⁰ Bayly, *Empire and Information*, pp. 293-296.

⁴⁴¹ *The Correspondence of Lord William Cavendish Bentinck. Volume I. 1828-1831*. Oxford University Press: 1977. Edited by C. H. Philips, p. 536.

⁴⁴² Ehrlich, *Politics of Knowledge*, pp. 84-89.

enjoyed full support from Fort William. The success of Bengal-based Indian institutions set up for Hindus confirms the importance in questioning *who* was conciliated. While the Muslim College in Calcutta taught students the English language and European mathematics by 1830 it had only seventy-six students. In the equivalent Calcutta Sanskrit College it enjoyed one hundred and seventy-six students enrolled with additional classes in medicine and anatomy.⁴⁴³

The epitome of Anglo-Hindu rapprochement was the creation of the Vidyalaya, or Anglo-Indian College established by Indians for the study of English, Sanskrit, mathematics and chemistry to name a few. An example of the type of indigenous cooperation envisioned by Hastings almost fifty years earlier, the directors particularly commended the four hundred and thirty-six scholars as evidence of the project's success.⁴⁴⁴ Bengal's colonial archive was therefore never neutral or dedicated to the "treasures of Asia." Knowledge was used to legitimise the new Bengal polity by appealing to its inhabitants who had an Indo-European heritage, Hindu identity and reverence for Sanskrit learning. This preference complicates the initial historiographic debate found in the works of Kopf and Ehrlich⁴⁴⁵ because the colonial archive assembled its own internal hierarchy, not in a simple binary inclusion/exclusion format. In the next section this preference for 'traditional' Indian learning at the expense of Islamic will become clearer; it was a widespread consensus among officials that was informed by their own visions of what Indian history was, and the conscious role of Britain's empire in Asian history.

⁴⁴³ *The Correspondence of Lord William Cavendish Bentinck*. Volume I, p. 519.

⁴⁴⁴ *Ibid*, p. 520.

⁴⁴⁵ Kopf, *British Orientalism and the Bengal Renaissance*, p. 13. Ehrlich, *Politics of Knowledge*, p. 33

Visions Of A Subcontinent

India had long captured the attention of empire-builders; from Alexander, Timur, da Gama, Nadir Shah to Clive this space in Asia with its riches, major urban centres and geography seduced them. Understanding how officials' thought about history and produced historical narratives on India as it morphed into the new language for articulating the ideational purpose of British rule. This section will show how Britain's vision of itself as a succeeding empire with ancient origins in Europe and Asia was a consequence of the assemblance of the colonial archive and its continuing relevance.

Historians have indirectly touched on India's history amongst officials after the conquest of Bengal in 1757. Two overlapping strands emerge from authors like Marshall who note the widespread belief that in Bengal there was a degeneration of 'traditional' Indian culture as well as Islamic and Hindu learning.⁴⁴⁶ Closely related are works that focus on the 'ancient' history of India, its connections to Europe and the role officials hoped to play including Dow's own subcontinental history.⁴⁴⁷ Company histories created an image of India that conveniently situated their growing empire from Bengal as a successor to a long lineage of conquerors and restorers of a golden Hindu age.

Mughal India's house of Timur attracted historical interest because of their status as alien, external conquerors who, like the British faced considerable initial challenges in governing beyond their enclaves. Dow's own history of India proposed a running theme that it had

⁴⁴⁶ For British theories about a Hindu golden age and subsequent corruption see P.J. Marshall. *Bengal: The British Bridgehead, Eastern India 1740-1828*, Cambridge: Cambridge University Press, 1987, p. 25; Patterson, *British Interpretations of Hinduism*, p. 154; Kopf, *British Orientalism and the Bengal Renaissance*, p. 40.

⁴⁴⁷ See Kopf, *British Orientalism and the Bengal Renaissance*, p. 38; Cohn, "The Command of Language and the Language of Command", p. 30; Dow, *The history of Hindostan*.

always been governed by external militaristic rulers who could deploy large armies. India as an object of foreign empire-building was rooted in a widespread agreement that Hindus were “Mild, humane, obedient, and industrious, they are of all nations on earth the most easily conquered and governed.”⁴⁴⁸ William Jones echoed a similar view, positing the naïvety of average Hindus in their own religion; suggesting “intercourse with learned *Brahmens*, are the only means of separating truth from fable.”⁴⁴⁹ Characterising India’s Hindu majority as a historically conquerable and naïve people became the first premise in organising a historical narrative that could be quickly diffused via accessible texts available in English like Dow’s.

India’s meek Hindu population was contrasted with Central Asia’s warlords and the characterisation of Islam as a despotic, militaristic belief system which ran up to the British conquest of Bengal after Plassey. Islamic conquerors were heirs to the Prophet Muhammad’s calling to correct “the errors of polytheism, and those impious doctrines which presumed to assign associates, or rather rivals in glory, to the creator of the universe.”⁴⁵⁰ Islam’s unrelenting drive in India according to the Company’s historiography led to its inevitable despotism. Although despotic governance in Indian history was only partially attributable to Islam. The colonial archive borrowed from Europe’s weather hypothesis; positing the belief that political systems arose from the behaviour of inhabitants, whose behaviour was determined by climatic conditions. Islam’s despotism and Hindus’ acceptance of it was explained by Dow through the prism of climate, arguing that the “languor occasioned by the

⁴⁴⁸ Dow. *The history of Hindostan Vol. 1.*, p. lxxxv.

⁴⁴⁹ *Dissertations and miscellaneous pieces, relating to the history and antiquities, the arts, sciences, and literature, of Asia*, p. xii.

⁴⁵⁰ *Chronological retrospect, or, Memoirs of the principal events of Mahomedan history, from the death of the Arabian legislator, to the accession of the Emperor Akbar, and the establishment of the Moghul Empire in Hindustan*. From original Persian authorities / by Major David Price of the East India Company's service. London : Sold by J. Booth, Longman, Hurst, Rees, Orme and Brown, and Black, Parry and Kingsbury, 1811-20. 1811. Vol 1. Trinity College Wren Library (W.17.36), p. 15.

hot climate of India inclines the native to indolence and ease ; and he thinks the evils of despotism less severe than the labour of being free.” ⁴⁵¹

This combination, in Dow’s influential historical thesis made Asia, particularly India the seat of the greatest empires but also the most frequent source of slavery because “The seeds of despotism, which the nature of the climate and fertility of the soil had sown in India, were, as has been observed, reared to perfect growth by the Mahommedan faith.” ⁴⁵² Historical narration morphed into the type of legitimization process as after the loss of America within metropolitan circles there was a growing consensus that the entirety of the Company’s profits in India came from the corruption of its servants. ⁴⁵³ Hence the popular histories of India, written and translated by Company servants acted as a source of image-creation curated by the patrons of colonial knowledge for their cynical overlords in London.

Histories of India become useful to historians as a type of internal consensus in how Company officials viewed developments in India as so often such histories related to issues pertaining about day-to-day colonial governance. Islam’s despotic rule over meek Hindus served such a purpose; for it defined a core problem to contemporary India’s woes alongside prescribing the solution – colonial governance starting in Bengal but spreading across the subcontinent. Colebrooke defined the fault lines in the history of despotism in India by considering its history through religion. Political despotism emerged in India through successive waves of Muslim conquerors spanning the Delhi Sultanate to the Mughal Empire whose “religion is a despotic one.” Hindu sources of despotism were highly conflicted in

⁴⁵¹ Dow. *The history of Hindostan Vol. I.*, p. lxvii.

⁴⁵² Ibid, p. lxxvi.

⁴⁵³ Richard Connors, Ben Gilding, “‘Hereditary Guardians of the Nation’: The House of Lords and the East India Company in the Age of the American Revolution”, *Parliamentary History* vol. 39 (2020): pp. 159-189, p. 164.

Colebrooke's history of it; initially arguing observers of Indian Hindus "will perceive they are not slaves by principles of religion or government."⁴⁵⁴ Colebrooke contradicts his earlier view of Hinduism, arguing despotism was also inherent to Indian history as far back as the imagined golden age of Hinduism the "Hindu nation was, then, divided into two classes, the freeman and the slaves"⁴⁵⁵ thus confirming the European age-old trope that Asia was populated by slaves who were dominated by despots.

India's endurance of despotic rule spanning centuries was an influential ideational development in how the colonial archive could be utilised to garner support for colonial expansion. Although, the exact vision and role of Britain's empire in India as an epochal antithesis persisted as a divisive topic. One growing view was Christianity as a civilising political force. The essayist Richard Hey endorsed the promotion of Christianity in India, not on the basis of saving souls; rather, a political force in Indian history because of the moral obligations imposed by a growing empire in Bengal.⁴⁵⁶ Hey declared "The subjection of India to the Mahomedans, from the year 1000, appears to have been, by the religious persecution and the rapacity of those conquerors, greatly inimical to the advancement or maintenance of a state of Civilization."⁴⁵⁷ This new vision of India had impacts on the formation of a mature imperial ideology which will be covered further in the next chapter.

Knowledge of India's past did not span to just the historiographic consensus that early modernity was corrupted by despotic Muslim rule. Ancient India's rich imperial past with its connections to the Achaemenids, ancient Greeks, Romans, Macedonians and the proposed

⁴⁵⁴ *Miscellaneous essays, by H. T. Colebrooke*, pp. 37-38.

⁴⁵⁵ *Ibid*, pp. 99-100.

⁴⁵⁶ Richard Hey. *Some Principles of Civilization; With Detached Thoughts on the Promotion of Christianity in British India*. Cambridge: J. Smith, 1815. Queen's College, Old Library Gg.6.20(1), p. 22.

⁴⁵⁷ Hey, *Some Principles of Civilization*, p. 25.

Iranian invasion theory reinforced the historical legitimacy of British rule in India.

Hamilton's *Genealogies of the Hindus* (1819) remains a useful summary of this connection.

Hamilton himself even admits so, noting the study of Indian history allows for “an opportunity of connecting the Indian line with the eras of Macedonian and Muhammedan conquerors.”⁴⁵⁸

Ancient links between large Eurasian empires and the subcontinent did not just confirm the relationship there. With the translation efforts of the 1780s underway, gradually a new historical theory arose which connected Brahminism to an ancient non-Indian and European lineage. The first recorded instance of this theory was made by William Jones himself who described the line of communication running between ancient India and Greece. Brahmins communicated a “*technical system of logic [...] to the inquisitive Greek*”, the historian Callisthenes who followed Alexander the Great and his army to central Asia/India. The ancient Hellenic world's link to Brahminism continued, as Jones goes on to suggest Plato and Epicharmus of Kos potentially had visited India. Attributable evidence for this is not of a philological or archaeological distinction, instead, in the similarities of the Vendata School and Platonism as “external appearances and sensations are illusory, and would vanish into nothing, if the divine energy, which alone sustains them, were suspended but for a moment.”

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The theory that Western civilisation's greatest philosopher might have lived in ancient India continued even beyond the death of Jones in 1794. A prized essay from 1802 claims taking intellectual interest in India has long been the example in Europe. Terrick Hamilton counts

⁴⁵⁸ Francis Hamilton. *Genealogies of the Hindus, extracted from their sacred writings; with an introduction and alphabetical index*. Francis Hamilton formerly Buchanan. Edinburgh: William Aitken, 1819. Cambridge University Library, S100.bb.81.1, p. 4.

⁴⁵⁹ *Dissertations and miscellaneous pieces*, p. 173.

how Plato mooted about moving to India, and “A pursuit that roused the curiosity of Greece and Rome, must still be worthy of exciting the liveliest interest in the learned of the present day.”⁴⁶⁰ Kopf sets out Jones as the leading pioneer whose scholarship created links between ancient Europe and India. By reanimating ancient India’s past he connected an ancient golden age of Hinduism to Europe.⁴⁶¹

Persia, another imperial heartland that connected Europe to India features heavily in Company-sanctioned histories. It must be noted, that in all the sources consulted for this thesis, the Company’s belief of an ancient connection focuses exclusively on foreign empires in India and elite culture. North India, as the historic metropole of empire in India, with the foundations of Hinduism and Buddhism attracted the greater attention. Magadha was one such place whose history gave greater legitimacy to the colonial archive as a tool of justifying empire. Robert Montgomery Martin took up such a cause; arguing that the ancient empire of Magadha, conveniently situated in some of the Calcutta-administered territories was the epitome of India’s ancient foreign roots.

Martin remains agnostic on the enigmatic ancient Indian empire by citing an unnamed British historical source which purports the Maga people introduced the worship of the Sun to India; instead arguing these actually had roots in the “conquests of the Persians under Darius than by the Magas of Brahmans.”⁴⁶² Despite lacking the background of scholarship had by Jones, Martin does make the difference between the ancient Persians of Persia and Iranians, the latter very likely an interchangeable term to the consensus of what would become the Aryan invasion migration. Martin touches this, focusing on Magadha’s linguistic roots, “I have no

⁴⁶⁰ *Essays by the students of the College of Fort William in Bengal*, p. 56.

⁴⁶¹ *British Orientalism and the Bengal Renaissance*, p. 38.

⁴⁶² *The History, Antiquities, Topography, and Statistics of Eastern India*, vol. 1, p. 23.

doubt that the Pali, or sacred language of Ceylon and Ava, though introduced from Magadha, is merely a form of the Sangskrita language, and in Magadha was always a dead or learned language, having been introduced from Iran by the conquerors, who first civilized the Hindus.”⁴⁶³

Unlike Jones, whose own research avoided deliberate reference to a single location, Martin connected the ‘Iranian’ rulers of India to another major Indian religion, Buddhism. Martin’s Iranian invasion theory focused on the Munda languages, which Martin calls “Kol” whose linguistic roots combined an Indo-European “Hindi” writing system but was “probably one of the original rude languages called Magadhi by some grammarians.”⁴⁶⁴ Buddhism’s ‘Iranian’ origins are floated again; not only did Gatuma belong to the Kol tribe argues Martin but his writings “may probably be considered as the most ancient extant form of the sacred language of India, as they evidently must have preceded the Vedas.”⁴⁶⁵

In the realm of religion, Jones remains bolder than Martin in the shared bonds between Indian and European civilisation. The Romans, who were held as the model empire also shared this link to ancient India in the Iranian migration theory. *Hymn to Camdeo* a translation work by Jones that honours the Hindu deity Kamadeva, god of love. In keeping with his hypothesis, Jones maintains that Camdeo was “the Grecian Eros, and the Roman Cupido” deities. His rationale does stand up, grounded in his philological argument which focuses on the grammatical termination of Cupido, “as in *libido* and *capedo*, yet the primary root of *cupio* is contained in the three first letters.”⁴⁶⁶ Martin complements the sincerely held belief of the

⁴⁶³ *The History, Antiquities, Topography, and Statistics of Eastern India*, vol. 1, p. 26.

⁴⁶⁴ *Ibid*, p. 129.

⁴⁶⁵ *Ibid*, p. 130.

⁴⁶⁶ *A discourse on the institution of a society for enquiring into the history*, pp. 26-27.

ties between India and the world, claiming the Brahmins “probably” migrated from ancient Egypt to India.⁴⁶⁷

India’s colonial archive had a lasting influence over future generations of colonial officials, as in the founding ideational backdrop of Jones his theory, which connected ancient European empires to India lived on. H. H. Wilson in his translation of the *Meghadūta* (1843) by the poet Kālidāsa provides detailed footnotes. In verse five, concerning the Hindu god Kubera, the ruler of all yakṣas, or spirits; he echoes this enduring vision of Indian history as Kubera in Hindu mythology performs the same functions of the Greek god Plutus. Plutus is described as “blind, malignant, and cowardly” and he contrasts this with the descriptions of Kubera whose description stems from the ‘vile’ and ‘body’ in Sanskrit.⁴⁶⁸ This early theory, rooted in linguistics and a shared cultural link among European and Indian higher cultures was widely accepted as true in British India.

Britain’s vision of India, as a place ripe for political domination and ancient links with Europe could not have existed without the colonial archive. By the early 1830s the colonial archive had thus fully completed the shift from indigenous informants and collaborators to what Edney characterises as the regulation of colonial data flows. Bengal’s colonial archive once fully developed enabled centralised bureaucrats to rationalise information and format in a way that was useful for ideological ends or civil colonial administration.⁴⁶⁹

⁴⁶⁷ *The History, Antiquities, Topography, and Statistics of Eastern India*, vol. 1, p. 23.

⁴⁶⁸ *The Megha Duta, or Cloud Messenger : a poem in the Sanskrit language / by Kālidāsa. Translated into English verse, with notes and illustrations, by H. H. Wilson*. London: Richard Watts, 1843. Cambridge University Library, Adv.b.78.25, p. 2.

⁴⁶⁹ Edney, *Mapping an Empire*, p. 138.

At the end of this chapter the question inevitably must be: was the colonial archive a success by 1834? Revising Ehrlich's argument that the Company turned to knowledge as a means of preserving itself during challenging metropole scrutiny while still defending its corporate legal identity.⁴⁷⁰ Bengal's archive was a success; in the pursuit of eighteenth-century Eurocentric notions of perfected knowledge it successfully sidelined indigenous knowledge-producers through works like *A Bengal Atlas*. Sidelining did come at a convenient time; the spirit of quantification, itself a child of the Newtonian revolution exported a systematic, impersonal organisation of knowledge that excluded humans in the pursuit of abstract proofs.

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The colonial archive therefore became a symbol, a conscious rearranging of the purpose of British rule. Conciliating conqueror and conqueror propelled the Company to collect information about Indian society, to understand its new Asian subjects – but always from afar. Patronage of Sanskrit and Persian granted the Company a universal claim over the subcontinent's high cultures in the view of officials spanning Hastings to Bentinck. Bengal's archive could thus collect linguistic knowledge of India, deprive its native interlopers of their power and reorganise it in such a way through mediums like dictionaries that enabled officials to build new relations with millions of Indians.

Translating texts like the *Gēētā* and publishing them back home asserts the use of an archive to defend the Company's reputation in the arena of public scrutiny through the means of mass media. Legions of its servants could defend its status as a joint-stock company that pursued the higher echelons of learning and Indian learning; dismantling the 'Clive legacy' of depopulation, war and tax farming. Meyer and Rowan in *Institutionalized Organizations*:

⁴⁷⁰ Ehrlich, *Politics of Knowledge*, p. 8

⁴⁷¹ Lesch. "Systematics and the Geometrical Spirit" in *The Quantifying Spirit in the Eighteenth Century*, p. 87.

Formal Structure as Myth and Ceremony provide a useful starting point in assessing the role knowledge played in allowing the Company to still cling to its ‘Mughal’ origins. Through concepts like rationalising socially legitimate forms of rule ⁴⁷² through its extensive patronage networks the Company successfully mimicked earlier notable pluralistic Mughal rulers like Akbar and Jahangir. Determining the precise success of project’s success in conciliating India’s elites surpasses the time frame of this thesis. Certainty does however lay with its success in projecting socially legitimate Indian rule to a British audience.

The lasting legacy of the archive is the inherent preference for functionality through its assembly; spanning the vastness of cartography, Hindu poems, Persian dictionaries and medieval algebraic texts is the continuing trend of knowledge as an instrument to rule. But one type of knowledge did have a greater impact on British rule; it was the explicit purpose of a colonial archive in its most raw form – to expand and justify colonial domination. It switched from knowledge-production to ideology-formation. An emergence of an ideological justification for empire became centre stage as India, an anchor of imperial world history was established through theories like the Iranian invasion. While administrators had always looked to the Romans and Greeks generally, this new ideology bound empire-building in India to an ancient bond of European conquerors, ‘Iranians’ and Brahminism.

Empire as a higher calling became the foundation stone of a new ideological justification for empire. Gone was the fixation of rationalising Bengal’s agrarian economy, codifying legislation and regulating the Company from aboard. In its place was a paradigm that assembled all of the world’s civilisations on a huge scale; ranking them based on rationality, custom – those that required improvement, and those that could initiate improvement in such

⁴⁷² Meyer and Rowan, *Institutionalized Organizations*, 352.

societies. Such a paradigm, a child of Bengal's colonial archive became Britain's new imperial ideology as will be unravelled in the next chapter.

V

The Calling of Empire and the Elevation of Humanity

"In fact power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production."

Michel Foucault,

Discipline and Punish: The Birth of the Prison (1975)

Empire's teleology had higher callings than simply to facilitate trade, extract tax revenues, enforce justice and maintain its borders. By the first decade of the nineteenth century, the building blocks of colonialism had successfully stabilised the Bengal polity into a powerful machine of global imperialism. As examined previously, imperial thought turned its gaze to non-critical areas like procuring and cultivating indigenous forms of knowledge into a colonial system. The last chapter examined how once Bengal's colonial archive was compiled, indigenous actors were consciously excluded from participating in colonial knowledge. Its archive explicitly informed how Britons perceived Indian culture, its history and its place within the eighteenth and nineteenth centuries. This perception though morphed into a new teleological roadmap for Britain's imperial ideology that consisted of loosely affiliated beliefs about the direction of humanity, the purpose of empire and the role of God all connected by the belief in progress.

For both historians and contemporaries of colonial Bengal, imperialism's ideological strands could be easily categorised using words like orientalism, evangelicalism, liberalism, Indophilic and autocratic. Framed as part of a wider historical epoch, it mimics the cooldown of revolutionary Europe and North America. In Britain though, such divergent systems of thought were unified in their time and place of Bengal's transition to the imperial capital of Asia.

This chapter will argue during the turn of the eighteenth-century this overlapping of ideas gradually breaks down; once Bengal's fiscal system was rationalised, its judicial system codified, its sovereignty redefined and its archive created British imperialism turned to another direction. As its outpost became more secure and financially sustainable, as the Napoleonic Era closed, Britons turned inwards; querying the purpose of empire for its

subjects in the homeland and Asia. Profit and power were replaced with a vision of empire that aimed to elevate both colonial officials but more crucially the lives of Indians.

Underpinning this ideational development were three narratives, often overlapping that are present throughout the sources: the duty of higher civilisations, liberal reform of the Company and the role of religion in empire, both Hindu and Christian.

Britain's new, dominant imperial thought became so widespread during the turn of the eighteenth-century precisely because it lacked the tribalism of the camps stemming from Clive's initial conquest of Bengal in 1757. Empire's duty to raise humanity captivated the public, parliamentarians and colonial officials equally. This ideology, rooted in empire as a vehicle for change has been loosely studied by historians. The question guiding this chapter will be: to what extent was this new imperial ideology unified by a desire to improve? This question has remained unanswered by historians because the historiography is highly fragmented; instead of focusing on the overarching improvement bedrock of this ideology historians prefer to focus on studies of individuals, pre-existing movements like utilitarianism or broad narrative histories of British imperial thought.

Though the historiography fails to address an overarching ideological commitment to empire as a means to 'improve', some historians have grappled with the move to a more coherent ideology. Koditschek in *Liberalism, Imperialism, and the Historical Imagination* (2011) proposes that the frontiers of imperial thought were in flux. Away from the abstracted debates encountered in the previous chapter, Koditschek proposes officials faced three urgent questions as the nineteenth century commenced. Once British rule had extended across the subcontinent from Bengal how could empire be justified as the only means of 'rescuing' colonised people from chaos and raising them to modernity? After encountering India's

diverse peoples officials had to grapple with what mode of governance could govern a pluralistic empire? Finally, the age old questions how to better tax, deliver justice and define private property remained the ideational continuity by the turn of the eighteenth century.⁴⁷³

Liberalism and Empire (1999) by Mehta posits a variation of liberalism; one which focuses on the relationship of key individuals to the Company and empire-building. Mehta argues that early nineteenth century imperial liberalism defined the kernel of ideological justifications of empire by arguing for a scale of civilisations. Figures like James Mill, the author of *A History of British India* (1817) who was also an employee of the company added to the groundwork by ordering history as a set of civilisational stages that each civilisation must pass, with Britain at its zenith.⁴⁷⁴ History enjoyed a degree of continuity then from its place in the previous chapter's archive to the type of historical narrative espoused by Mill. Historical knowledge no longer simply connected ancient Europe to ancient India. Instead, Mehta argues it served as the central axis of an imposing imperial liberalism that elevated empire as a course of changing humanity.

Though this chapter is not a history of empire and liberalism, the latter did lay the ideational foundations of a newly formed imperial ideology. While the historiography is mainly focused on the shift during the early nineteenth century, Bourke in *Empire and revolution: the political life of Edmund Burke* (2015) firmly lays the genesis of Mehta and Koditschek's work in the developments of eighteenth-century British parliamentary culture, not India. Burke's own influence in imperial thought was derived from his belief in British power as a

⁴⁷³ Theodore Koditschek. *Liberalism, Imperialism, and the Historical Imagination: Nineteenth-Century Visions of a Greater Britain*. [Online] Cambridge: Cambridge University Press, 2011, p. 67.

⁴⁷⁴ Uday Singh Mehta. *Liberalism and Empire*. London, The University of Chicago Press, 1999, p. 88.

manifested global system of regulated justice and tolerance.⁴⁷⁵ A euphemism for empire, this earlier rendering of imperial liberalism advanced the notion that empire was good; a mutually beneficial relationship that could introduce enlightened government to non-European cultures.

This chapter is thus an intervention between two of the identified historiographical trends: firstly, the noted ‘shift’ at the start of the nineteenth-century to a more unified imperial ideology; secondly, the ideational trend associated with British liberal figures like Burke or Mill which was anchored in enlightenment, progress and civilisational discourses. By Assessing the emergence of a more coherent ideology under ‘improvement’ this intervention will analyse the ideational trend which overlaps in the many varying thoughts Britons had about their empire in Bengal.

Empire’s task of improving and elevating both ruled and ruler spanned three key ideational strands which have roots as early as Clive’s conquest of Bengal in 1757 to the independence of India in 1947. Such strands in this chapter will be broadly categorised as civilisation-driven, liberal reformism and the role of religion as an ideational force of ‘improvement.’ Probing imperial Britain’s new north star, this intervention will show how a loosely defined ideology focused on a linear progression of improvement came to encompass every aspect of colonial governance in Bengal and beyond. This chapter’s sources also differ to the previous chapters. The Company was increasingly under influence from not only formal pressures found from its critics like Burke but from influential figures within the Company itself like James Mill, or a range of figures, unconnected to either the Company or parliament.

⁴⁷⁵ Richard Bourke. *Empire and Revolution: The Political Life of Edmund Burke*. [Online] Princeton University Press, 2015, p. 661.

The Calling of Empire and the Elevation of Humanity examines three features of how this new teleology had a larger appeal. This chapter is sub-divided into four sections. The first section covers the very ideational bedrock of this emerging teleology; centred on the formulation of a 'scale' of civilisations which could rank ethnic groups, customs or historical nations. This section explores the role of James Mill's concept of rudeness and how a sense of linear progression of civilisations was the driving force of history; with an argument of how British civilisation sat at the peak of all other civilisations. This section sets the stage for empire's changing ideational backdrop by drawing on historians like Knowles and Koditschek who note the principal language and theme of this ideology was civilisation and its relative progression.

The second section, *A path to reform* unravels how the penetrating colonial ideology of 'improvement' eventually turned on the Company itself. Darwin's *The Empire Project* anchors the start of a new imperial system in 1840; the gradual erosion of the Company's initial values of mercantilism and its place as a merchant-ruler. Arguments by thinkers like Adam Smith challenged the ideological axioms underpinning Company governance by arguing for free trade. A shifting tide which mooted over European colonisation of India and the introduction of British capital also threatened the entrenched economic interests of the Company as British officials sought new mechanisms to elevate the material conditions of Indians and its economy in Bengal.

Paradoxically, as arguments converged on free trade, unfree labour remained a constant throughout public attempts to 'reform' India's civilisation, Company governance and colonial subjects. *Freedom's Frontiers* draws on works like Barua's *Plantation Worlds* and Major's

Slavery, Abolitionism and Empire in India by building on the consensus that forced labour practises like outright slavery and the coolie trade were so deeply embedded into the colonial economy and India's overall economic system that the colonial state's efforts were largely constrained. Here, the universalism of empire's call to elevate humanity was confronted by its very own practical constraints from a profitable cash crop plantation-island of Mauritius and then deeply normalised slavery in Tamil Nadu and Bengal.

Finally, the teleology of imperial Britain's impulse to improve humanity in India closes with the final ideational frontier – God's work. *Elevating their Souls* examines the arguments proposed by Copeland and Pitts that early nineteenth-century British India witnessed a dramatic shift in how the colonial state perceived religion, principally Hinduism. The decline of the Company's sway over colonial Bengal's 'public sphere' led to greater efforts to shape in from the home country. This influence came in the form of evangelical movements' directly and indirectly who chartered a new course by proposing the ultimate form of improvement, over a 'rude' heathen people was mass conversions, targeting not their marriage practises, economic systems but their souls. Their additional vision of British rule built on earlier notions of uncivilised peoples - empire's highest purpose was connecting empire as a vessel for God's plan for humanity.

Spectre Of Civilisation

History, as an act of writing and an object of popular imagination became mainstream in the British Isles during the eighteenth century. Popular histories like Gibbon's *The History of the Decline and Fall of the Roman Empire* (1776-1789) and Mill's *The History of British India* (1817) compelled Britons to reflect on empires, foreign cultures and even the nature of

history itself. Unlike Gibbon's work, the type of reflection intended in Mill's contemporary history of empire was an explicit change in colonial governance and perceptions of Britain's Indian colonies. Knowles summarises the *History* as a mirror held up against British society and its claims around empire, he argues that Mill wanted Britons to be embarrassed about their love of domination. The *History* retained its utility for a justification of colonial rule by not arguing for empire's abolition, rather, a transformation in the purpose and duty Britons had in India.⁴⁷⁶

James Mill's greatest influence lay not in persuading the public of empire's crimes; his greatest contribution to Britain's new imperial ideology was the promotion of viewing colonialism as a force powering the linear progression of all of history's civilisations. Before considering Mill's *History*, his politics must become more familiar as the *History* was an inherently political piece. As one of the noted godfathers of utilitarianism, it's no surprise Mill's historical works and his political treatises overlapped. Mill's sense of history and the role civilisation played depended on two premises – the teleology of government and how power should serve such ends.

Luckily for historians of empire and thought, Mill was explicit in the form of value-universalism that utilitarianism entailed. Eventually, "the end to be obtained, through Government as the means, is, to make that distribution of the scanty materials of happiness, which would insure the greatest sum of it in the members of the community."⁴⁷⁷ Value-universalism and utilitarianism held sway among across the empire; as a metric it could

⁴⁷⁶ Adam Knowles. "Conjecturing Rudeness: James Mill's Utilitarian Philosophy of History and the British Civilizing Mission." In *Civilizing Missions in Colonial and Postcolonial South Asia: From Improvement to Development*. Edited by Carey Watt and Michael Mann. Anthem Press, 2011, pp. 37–64, p. 38.

⁴⁷⁷ Thomas Babington Macaulay. *Utilitarian Logic and Politics. James Mill's 'Essay on Government', Macaulay's critique and the ensuing debate*. Edited by Jack Lively and John Rees. Oxford: Oxford University Press, 1978, p. 56.

quickly assess the validity of an Indian custom, polity or British colonial policy.

Government's ends were therefore objectively good or bad; connected to the use of reason, not brute force.

The correlation between a government's teleology and a civilisation's progress was not original to Mill. His systematic approach to ranking culture, governments and people firmly inserts him as a child of the eighteenth century. So why, even by the 1820s did such a system retain its influence over elite officials? Koditschek's argument is that Mill's ultra rationalist universalism was a direct appeal to his patrons, the narrow English ruling class. On closer inspection, Koditschek argues that Mill's Indian culture did less to promote the triumph of universal liberal values than to reinforce the narrow prejudices of the new English ruling elite.⁴⁷⁸ In *Ungoverned Imaginings* (1992), Majeed makes a similar argument, detailing how Mill's *History* was tied to a running commentary on Britain's ruling class consensus following the French Revolution. Imagination and conservatism were the idols Mill attempted to tackle argue Majeed, inevitably this was transplanted to British perceptions of India at the time in the form of his *History*.⁴⁷⁹

Aware of his audience and influence as a Company insider, Mill's collection of writings and views were curated to partly narrate, partly influence empire as a pitch to elite British audiences. Decades after Plassey and almost thirty years after the trial of Warren Hastings Mill depicted early colonial history in his own systematic scale. Eighteenth-century Bengal's riches functioned as its own historical cliché of the orient's corrupting wealth. He criticises Bengal's Naib Nizams as an antithesis to utilitarianism's idealism, wasting money instead of

⁴⁷⁸ Koditschek. *Liberalism, Imperialism, and the Historical Imagination*, p. 87.

⁴⁷⁹ Javed, Majeed. *Ungoverned Imaginings: James Mill's The History of British India and Orientalism*. Oxford University Press, 1992, p. 195.

improving the services of the people. “They had been taught to consider the disbursement of a very large sum of money, as a matter of prodigious importance ; they had never been taught to consider the rendering of the services of government to the people, provided the people would be quiet, as a matter of any importance at all.” ⁴⁸⁰

Early colonial governance directly was not spared. Mill tapped into grievances spanning back to Clive’s trial of Company servants captured by India’s deep-rooted ‘decadence.’ Early Company servants and its directors, he alleges were corrupted by the tales of Bengal’s vast wealth. ⁴⁸¹ But unlike Bengal’s earlier governments, British colonial rule was an example of enlightened government that could usher in progressive reform. In his *History* Mill determines 1772, with the creation of the Court of Review to be the start of India’s entry into modernity as the Court was “answerable for the happiness of between twenty and thirty millions of human beings.” ⁴⁸²

Value-universalism complements Mehta’s claim that the liberal justification of empire was an endorsement of empire as a legitimate form of government that is built ideologically on invoking civilisational, racial and civilisational hierarchies to justify it. ⁴⁸³ This assemblance of a hierarchy of civilisation was precisely from Mill’s idea of civilisational history as linear; moving towards the utilitarian vision of secular government focused on maximising mass happiness. Civilisations were therefore praised or condemned on the metric of stagnation or progressive evolution. Britain’s Asian empire was one which occupied a fixed civilisation; in

⁴⁸⁰ James Mill. *History of British India, volumes 3-4 5th edition*. Edited by H. H. Wilson. London : J. Madden, 1858. Cambridge University Library. 8500.d.412, p. 378.

⁴⁸¹ Mill. *History of British India, volumes 3-4 5th edition*, p. 343.

⁴⁸² Ibid, p. 377.

⁴⁸³ Uday Singh Mehta. *Liberalism and Empire*. London, The University of Chicago Press, 1999, p. 2.

volume one of his *History* Mill declared manners and culture of the Hindus from the time of Alexander were exactly the same as those found in Clive's time.⁴⁸⁴

India's contemporary ruin was attributed to its fixed civilisation; political institutions would remain unchanged, which Mill claims Indians are still an ancient people as they lent on gods to justify the social and political order during the eighteenth-century as contrary to reason, "everything, in short, is established by divine prescription." Indian institutions were inferior based on historical progressions because "they were devised at a very remote period, when society yet retained its rudest and simplest form."⁴⁸⁵

Rudeness as a concept was not unknown to literate elites in eighteenth and nineteenth century Britain. Consulting the Oxford Dictionary between the fifteenth and nineteenth centuries prominent use was its combined secular and religious use to describe an idea, state of knowledge or belief in a primitive, child-like form.⁴⁸⁶ Theocracy as an intrinsic, unchanged trait of Indian civilisation empowers the arbitrary absolutism utilitarianism so despised because ancient India's political theorists could never conceive of governments without an absolute will. Rudeness, as a distinct form of ideological communication to readers, is for Mill governments with the presence of an absolute will. This belief lent on wider tropes of oriental despotism as all Asian monarchies were "extremely simple and rude."⁴⁸⁷

Rudeness as an emerging feature of British imperial thought combined its historic usage with a changing view of ancient India away from influential Indophiles like Hastings, Colebrooke

⁴⁸⁴ James Mill. *History of British India, volumes 1-2, 5th edition*. Edited by H. H. Wilson. London : J. Madden, 1858. Cambridge University Library. 8500.d.411, p. 118.

⁴⁸⁵ Mill. *History of British India, volumes 1-2, 5th edition*, pp. 124-125.

⁴⁸⁶ "Rude, Adj., Sense I.3.b." Oxford English Dictionary, Oxford UP, March 2024, <https://doi.org/10.1093/OED/5599799528>.

⁴⁸⁷ Mill. *History of British India, volumes 1-2, 5th edition*, pp. 141-142.

or Halhed. Precisely because Indians were condemned as exactly the same during Alexander and Clive's conquest, they were deemed rude. The link between rude people and the institutions that governed them had great appeal in creating new distinctions between the British, a 'polite' people with 'polite' institutions, who would rule over and reform 'rude' peoples. Conveniently, this induced an ideational shift in the boundaries of British liberalism as it came to embrace unlimited claims that Mehta proposes were transracial, transhistorical; an aim to encompass all of mankind.⁴⁸⁸

This argument fused pre-existing stereotypes of early modern Asian political culture with the transhistorical claim that rude people deserved rude government. Mill touches on this with his own political analysis by applying the three branches of government theory to rudeness. Critiquing India's 'Hindu' political system automatically bolstered British reforming efforts in colonial Bengal. Unsurprisingly many of Mill's arguments mimic the ongoing debates within the Company like on the employment of Brahmins, or previously contentious issues like the judicial system or Permanent Settlement. Ancient India's judicial system consisted of a judge or a king sitting on a bench listening to the "trial of causes" which Mill curiously painted as "simple and good; as it always is among a rude people."⁴⁸⁹

In a bizarre twist Mill implies this "simple and good" system lacks any type of due process as witnesses are not properly cross-examined and written statements are forged; the latter conforming to the type of pro-reform arguments made by early colonial officials in the 1770s-80s. Mill analyses Hindu political theory through the branches of government theory which incorporated Brahminism as a political critique. Brahmins became a target in Mill's

⁴⁸⁸ Mehta. *Liberalism and Empire*, p. 51.

⁴⁸⁹ Mill. *History of British India*, volumes 1-2, 5th edition, p. 149.

vision of India; their monopoly on the legislative function which is entirely based on interpreting oracles and ancient texts. He then goes on to conclude “They who possess the power of making and interpreting the laws by which another person is bound to act, are, by necessary consequence, the masters of his actions. Possessing the legislative and judicature powers, the Brahmens were, also, masters of the executive power.” ⁴⁹⁰

Stokes, in his landmark work *The English Utilitarians and India* (1959) differentiates Mill’s characterisation of Indian oriental despotism which penetrated deep into a barbaric society as a combined political and religious tyranny of King and Priest. ⁴⁹¹ India’s fusion of governmental powers which was shared by the sole figure of a monarch and priest was typical of an “uncontrollable sway of superstition” which “in rude and ignorant times confers upon its ministers such extraordinary privileges, that the king and priest are generally the same person.” ⁴⁹² Rudeness was therefore shorthand for Mill; a reference to his evolving ideational ecosystem which encompassed value-universalism, a linear progression of history and epistemology.

Epistemology and a civilisation’s acquired knowledge functioned as new metric to justify imperial liberalism’s reform agenda over a ‘rude’ people. In *The principles of toleration* (1826) the type of superstition that was ascribed to India’s civilisation was contrasted to the epistemic ideal that all good British liberals would subscribe to. Mill concluded that the dominance of clerics in human societies results in religious figures who “unfit the man for honest inquiry, and leave him without a relish for truth.” ⁴⁹³ As Britain no longer endured the type of religious domination found in contemporary India, its secular epistemology could be contrasted with that of intellectually inferior, ‘rude’ people. As Locke did two centuries

⁴⁹⁰ Ibid, pp. 150-152.

⁴⁹¹ Eric Stokes. *The English Utilitarians and India*. London: Oxford University Press, 1959, p. 54.

⁴⁹² Mill. *History of British India, volumes 1-2, 5th edition*, pp. 152-153.

⁴⁹³ James Mill. *The principles of toleration*. New York: B. Franklin, 1971, p. 26.

earlier, Mill linked epistemology to morality as the “habit of forming opinions, and acting upon them without evidence, is one of the most immoral habits of the mind.”⁴⁹⁴

This connection made by Mill did not simply exist in a vacuum of intellectual thought in Britain. Pitts in *A Turn to Empire* (2006) fills such a space, arguing that Mill’s rudeness as a broad term was a piece of a larger picture as liberals turned to empire this period was also accompanied by the eclipse of nuanced and pluralist theories of progress; they gave way to more contemptuous notions of “backwardness” and a cruder dichotomy between barbarity and civilization that Mill captured.⁴⁹⁵

The Scottish economist Adam Smith, who will feature in greater detail in the next section of this chapter though known for his work in free trade shared the same linear progression of government and law. This theory, which condemned societies like India because “among savage and barbarous nations, the natural progress of law and government is still slower than the natural progress of arts”⁴⁹⁶ precisely because such progression was held back by ‘backwards’ institutions like Brahminical jurists. Mill’s own epistemic worldview has its own lineage as Smith announced “Science is the great antidote to the poison of enthusiasm and superstition”⁴⁹⁷ by which he is referring to the same eighteenth-century empiricist tradition Mill came from.

Progress could be measurable in human societies just as it was measured in a Scottish factory.

For Smith the progression of society was an empirical pursuit - the formation of certain

⁴⁹⁴ Mill. *The principles of toleration*, p. 18.

⁴⁹⁵ Jennifer Pitts. *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*. Princeton: Princeton University Press, 2006, p. 2.

⁴⁹⁶ Adam Smith. *Wealth of Nations*. Oxford: Oxford University Press, 1998, p. 344.

⁴⁹⁷ Ibid, p. 441.

habits, the development of new needs and forms of interaction; which leads to increasingly complex and regulated rules and political institutions. Even in more ‘simple’ societies the rules and customs were determined by the same calculation made by Smith.⁴⁹⁸ In India this was interpreted as rudeness; an idea of India which saw rude societies, who have more simple needs and forms of interaction as being a reflection of the inhabitants.

Bengal’s rapid colonisation then was a catalyst for ‘simple’ societies to have their institutions transformed by civilisations perceived to be on a higher scale of progression – the ideational axis of Britain’s emerging imperial ideology that combined a civilising mission, Company reform and conversion efforts. During the early nineteenth century, Britain’s successful colonising efforts had extended its frontier beyond the plains of Bengal into its highlands and forests in the extreme north and east. Unsettled peoples, or those who did not conform to ethnolinguistic or cultural categories receive the greatest condemnation as a “miserable race [and] are of a most vindictive disposition.” On the border with Bhutan inhabitants were deemed not even worth of civilisation as the Geedarmars’ lands were “infested by colonies of a wandering class of people” dedicated to murder.⁴⁹⁹

Prior to the 1810s and 1820s very little was known about tribal peoples inside Bengal. References in the sources consulted for this dissertation like in chapters one and two only refer to “hill zamindars” who possibly were chiefs ruling isolated peoples away from the Bengal’s plains in the north and east. It’s during this period that the first ideological claims of European settler-colonialism surfaces in the mainstream. Colonial officials who penetrated remote areas observed one author was “a strange concurrence of circumstances [to] have brought into contact with the British nation, where the two extremes of civilization meet.”⁵⁰⁰

⁴⁹⁸ Pitts. *A Turn to Empire*, p. 35.

⁴⁹⁹ James Peggs. *India’s Cries to Humanity*, “*Hamilton’s Hindostan*.” London: Simpkin and Marshall, 1832. Cambridge University Library. 8620c.71, p. 401.

⁵⁰⁰ Ibid, p. 403.

How would a colonial polity manage the two extremes of civilisation? One possible plan was a proto-reservation project that could protect tribes from “comparatively strong and virtuous colonists” who would be invited to settle on their lands. The exact rationale behind this was explicitly sanctioned by the civilisational scale now vogue in empire, Indians would be ‘elevated’ like African slaves, thereby “Colonization would make the oriental slave a free man.”⁵⁰¹

Settler colonialism in Bengal persisted as a popular solution to the Company’s prevailing governance problems that decade. Even during the years running up to the Permanent Settlement officials mooted over the preference for European farm managers and tenants. In the nineteenth century, settler colonialism remerged as to improve Hindu civilisation not through institutional and cultural reform as proposed by Mill and Smith but a mass settlement of Europeans. *An Essay Upon National Character* by Richard Chenevix from 1832 advanced civilisation, as the cornerstone of imperial domination because “Britain has created, by the degree of civilization which she has diffused, and the tracts of earth over which she has spread it, that she must be judged by posterity.”⁵⁰²

Higher civilisations interacting with lower ones via colonial rule conforms to Sen’s second category of how the British perceived India as a subject territory, that assimilates a sense of civilisational superiority and custodial powers that would be exercised over society.⁵⁰³

Chevenvix extends Sen’s category to the maximum, noting not just the fact Britain considered India as a subject territory, but of history itself. He remarked, “We are compelled at length, however reluctantly, to abandon our extravagant and fanciful notions of ancient

⁵⁰¹ Peggs. *India’s Cries to Humanity*, “Hamilton’s Hindostan”, p. 404.

⁵⁰² Peggs. *India’s Cries to Humanity*, “Hamilton’s Hindostan”, p. 452.

⁵⁰³ Amartya Sen. “Indian Traditions & the Western Imagination” in *Daedalus*, Fall, 2005, Vol. 134, No. 4, 50 Years (Fall, 2005), pp. 168-185, p. 170.

Hindoo civilization, and to come to the rational conclusion, that the Hindoos were always inferior to their conquerors, of whatever denomination : these conquerors effected all, in improving them, that was within the scope of their ability ; but still, as they were not very powerful, or a very civilized people themselves, they are far indeed from having effected what is in our power to accomplish.”⁵⁰⁴

Ancient Hindu India’s civilisational status, formerly held in such high regard to justify learned societies, Company jurists and sterling pouring over it existed no longer. It was ancient India’s Hindu civilisation, with its exercise over the present that became twisted as through whatever means it was to be replaced. Pomeranz argues this was not a unique process confined to British imperialism in India. Western development imperialism shared similarities to Chinese and Russian empire-building. They all assumed that there was only one civilised way to live, that it was possible to find elites everywhere, and that those rational native elites, even from ‘lower’ civilisations could be integrated and groomed to lead their societies in accordance with imperial values. ⁵⁰⁵ This process differed from only a few decades earlier that saw the construction of Bengal’s archive and the integration of literate elites into the colonial polity.

Institution reform and supplanting India’s ‘ancient Hindu’ civilisation was not the only form of ‘improving’ India’s civilisation. Just as the chronological scope of this dissertation closes free trade erupted in Britain as the defining ideological debate that encompassed virtually all aspects of life, including empire. The heights of this debate were reached in the 1820s and 1830s as an anonymous pamphlet published connected India’s lower civilisational scale with

⁵⁰⁴ Peggs. *India’s Cries to Humanity*, “*Chevenix An Essay*”, p. 456.

⁵⁰⁵ Kenneth Pomeranz. “*Empire & ‘Civilizing’ Missions, Past & Present*” in *Daedalus*, Vol. 134, No. 2, On Imperialism (Spring, 2005), pp. 34-45, p. 41.

its poor contemporary economy. describes the inferiority of Indian production and colonial production in other European empires. “To what is this to be ascribed, but to the slovenliness and ignorance of a semi-barbarian people? The whole is a mere affair of civilization ; and in so far as the Hindoos are inferior to Europeans and to Chinese in real skill and intelligence, so must be the productions of their agricultural, their manufacturing, or their any other kind of useful industry.” ⁵⁰⁶

Historians can be tempted to view these pamphlets, texts and figures as a loosely related, chronological trend termed ‘liberal imperialism.’ The drive to improve and elevate through a colonial project had a long history in England. Satori traces this back to John Locke, the intellectual godfather of both Smith and Mill. Locke himself discussed the purpose of readying children for government and life and this easily led itself into the purpose of readying non-European societies for ‘adult self-government’ by European ones. ⁵⁰⁷

The type of liberalism espoused by Locke, Mill and Smith could be compatible with colonial societies based on violence, slavery and extraction. Satori’s view is that colonialism was compatible, as the colonising process prepared non-Europeans for ‘self-rule.’ Mehta argues the original tension in India was the constitutive nature of empire as an impulse to better the world; in reality colonial rule was not compatible with liberal notions such as tolerance, the right to representation and equality. ⁵⁰⁸ One of the Company’s old guards, Charles Grant, whose career oversaw Bengal’s vast transition could make sense of this tension in imperial liberalism. Grant announced all sides could agree, that the average Indian subject in Company-controlled territories are in a flourishing condition in contrast to “their former

⁵⁰⁶ Peggs. *India’s Cries to Humanity*, “*Free Trade and Colonization in India*”, p. 391.

⁵⁰⁷ Andrew Sartori. *Liberalism in India An Alternative History*. Oakland: University of California Press, 2014, p. 21.

⁵⁰⁸ Mehta. *Liberalism and Empire*, p. 80.

situation under the despotism of their own princes.” Utilitarianism as the ‘solution’ to such tension is apparent; Grant justified colonial rule as Indians “are not only happy, but in a progressive state of happiness.” ⁵⁰⁹

At home argues Mehta, British elites could argue for personal freedom, individualism and representative democracy, while abroad the absence of this in day-to-day colonial governance among non-Europeans could also be perfectly rationalised. This was because the types of claims made in British liberal discourses that both James and his son John Stuart Mill existed within proposed that core liberal tenants like equality, representative democracy “are dependent on societies having reached a particular historical maturation or level of civilization.” ⁵¹⁰

Improving humanity also required improving the lone Indian subject sat between the two civilisations interacting over Britain’s empire in Asia. John Malcom’s *The political history of India* (1826), like Mill’s is a reassertion of ideological claims made about Britain’s empire. Colonial rule had to penetrate deep into the psyche of Indians, as there “are no people so abhorrent of change as the inhabitants of India”, this urgency imposed itself on officials as it was “for the improvement of our subjects in what we deem the blessings of civilization.” ⁵¹¹

Phillips in *Civilising Missions and the Rise of International Hierarchies in Early Modern Asia* (2014) though focused on the Qing and Mughal empires about how emerging ideas in British India were merely a continuity of how conquering groups perceived the conquered.

⁵⁰⁹ *The East India Question Fairly Stated*. London: James Ridgway, 169, Piccadilly, 1831. Cambridge University Library. Pam.6.83.10, p. 38.

⁵¹⁰ Mehta. *Liberalism and Empire*, p. 81.

⁵¹¹ John Malcolm. *The political history of India, from 1784 to 1823. Vol. 2*. London: 1826. Cambridge University Library. 8500.c.392, p. 249.

Civilising mission provided Manchu and Mughal conquest elites with an ideological bridge to bind indigenous collaborators with imperial systems of rule within a framework to transform indigenous institutions and therefore stabilising hierarchies.⁵¹² While the Mughals had Akbar's *sulh-i kul* or the Qing China's ancient Mandate of Heaven concept, the British had their own framework – enlightenment. Cain's work, *'Ordered Liberty', and the Mission to Civilise* (2012), a study of the late empire's civilising missions globally between 1870-1914 functions as a contribution to the historiography from early modern to modern.

Combining these arguments, imperial Britain's framework for stabilising its hierarchies ironically, was derived from a narrative of conquerors in the British Isles. Cain's argument rests on the ideal of the uniqueness of 'British character' which Author makes the claim that much of this comes from the belief that empire in India came about through 'British character' that came from the fusion of the Romans and Normans who brought order to Anglo-Saxon society. This in addition to more recent factors like the protestant reformation and the civil war – as from "that rich history, it was argued, had emerged a culture and a polity that combined in effective measure the necessary qualities of order and liberty."⁵¹³

Like the Qing and Mughals, civilisation was often employed as a shorthand to describe cultures' relative proximity to the metropole and its new ruling elites. By 1825, this view of bringing the metropole's civilisation closer to conquered peoples penetrated into mainstream English culture. One proponent, a Cambridge clergyman named T.S Grimshawe proposed "Great Britain has longed signalized herself in that portion of the globe, by a series of the most illustrious achievements" while he celebrates the conquests of the East India Company,

⁵¹² Andrew Phillips. "Civilising Missions and the Rise of International Hierarchies in Early Modern Asia" in *Millennium*, vol. 42, no. 3, pp. 697-717, p. 698.

⁵¹³ Peter J. Cain. (2012) 'Character, 'Ordered Liberty', and the Mission to Civilise: British Moral Justification of Empire, 1870–1914', *The Journal of Imperial and Commonwealth History*, 40(4), pp. 557–578, p. 559.

he reminds readers that the true victory is “the blessings of her Rule in the admiration and gratitude of succeeding ages” which in turn would transform the British empire and India, the latter to recognise the former as “no longer a Conqueror to whom she is bound by the terror of our arms, but a Benefactor indissolubly endeared by the triumphs of our mercy.”⁵¹⁴

Empire therefore had a duty, unlike the oriental cause which was to bring an ‘inferior’ civilisation to the metropole, what differed was this civilisational argument justified the intervention into colonial culture by bringing the metropole to India and not vice versa. This ideology allowed for the aggressive intervention and reforming of Indian institutions and culture. British elites looked to both the past and present to justify intervening in India politically as the ossified Indian caste system and political structure increasingly came to be seen as both alien and objectionable. A broader trend of Europeans’ tendency to engage with the outside world by means of conceptual opposites contributed to this perception of extra-European alienness. India, above all, was transformed from the stuff of oriental fairytale into a paradigm of sociological alterity⁵¹⁵ which required the colonial state to intervene. Officials increasingly rejected the reserved, limited interventionist approach favoured by Hastings. Former Governor-General of Bengal, John Macpherson praised the reign of Akbar⁵¹⁶ known for its sweeping reforms of Indian society, its revenue system, political culture and inter-religious vision.

A scale of world history’s civilisation became the lynchpin of Britain’s new imperial ideology. Mill’s *History* forming the best codified version of this ideology serving as the

⁵¹⁴ T.S Grimshawe. *An Earnest Appeal to British Humanity In Behalf of Hindoo Widows*. 1825. London: J. Hatchard and Son. Cambridge University Library. 8.19.36, p. 43.

⁵¹⁵ Jürgen Osterhammel. *Unfabling the East: The Enlightenment's Encounter with Asia*. Princeton: Princeton University Press, 2018, p. 412.

⁵¹⁶ MSS EUR F/291/97. *Adam Ferguson’s Later Writings: New Letters and an Essay on the French Revolution*. Edited by Stewart, Ian; Skjonsberg, Max. 2023. Edinburgh, Edinburgh University Press, p. 217.

antithesis to the non-interventionist, Indophile legacy of Warren Hastings. By the nineteenth century this vision of India became outdated; its golden age was replaced with Bengal's juxtaposed reality of history's most advanced civilisation and an inferior, despotic Asian one. Increasingly, this justified interventions in India, to improve and prepare a rude people for the trappings of civilisation and governments dedicated to 'happiness.' Albeit interventions did not start or end in India; the next section will uncover how Britain's emerging imperial ideology was also dedicated to improving the Company itself with a commitment to responsible government, free trade and a commitment to freedom for 'rude' peoples.

A Path To Reform

The Company's status in British society and its acquisition of the Bengal Subah in 1757 remained a controversial, divisive subject in both continents spanning right to its abolition in 1874. Since the dawn of Plassey, parliamentarians and metropole-based elites were eager to crack down on the Company's lineage of uncontrolled violence, plunder and autocratic rule – it even ended up in two blockbuster eighteenth-century trials of Clive and Hastings. As encountered earlier in this dissertation by the 1770s the inclination to reform was gathering pace, as Sutherland notes the Regulating Act of 1773, when this dissertation begins was an attempt to discipline officials by ruling "orderly."⁵¹⁷

Parliamentary reform had its limitations. Individuals in Britain and Bengal increasingly came to shape discourses around what empire should look like as seen in the previous section. John Darwin in *The Empire Project* places 1840 as the start of Britain's imperial system because

⁵¹⁷ Lucy S. Sutherland. *The East India Company In Eighteenth-Century Politics*. Oxford: Oxford University Press, 1952, p. 280.

the point of the system was to promote the integration of these widely separated places: commercially, strategically, politically and – by diffusing British beliefs and ideas.⁵¹⁸ But this section will argue this process started much earlier; its genesis was by individuals who unlike parliament, challenged the very basis of the Company and diffused British notions of freedom to Bengal.

Despite the Regulating Act of 1773, in Britain, there was a growing chorus of influential public figures who cast doubt on the legitimacy of the Company to even govern Bengal, let alone in the name of Britain. One such figure was the Anglo-Irish statesman Edmund Burke whose analysis was one which recognised the Company's rule came from conquest rather than popular consent. Hence, its legitimacy could only be realised through the pursuit of security, in particular the security of the subject. Burke's idea of freedom was centred on a freedom from arbitrary government and the security of private property even in the colonial context of eighteenth-century Bengal.⁵¹⁹

In the blockbuster trial of Hastings in 1789, Burke returned to the Bengal famine of 1769-70 to chastise the role arbitrary government had in causing the famine: "This obliged the Company to a very serious consideration of an affair which dishonoured and disgraced their Government, not only at home but thro' all the countries in Europe, much more than perhaps even more grievous and real oppressions that were executed under them. It had been marked and had alarmed their feelings and called the attention of the public upon them in an eminent

⁵¹⁸ John Darwin. *The Empire Project: The Rise and Fall of the British World-System, 1830–1970*. Cambridge: Cambridge University Press, 2009, p. 2.

⁵¹⁹ Richard Bourke. *Empire and revolution: the political life of Edmund Burke*. Princeton: Princeton University Press, 2015, p. 524.

manner.”⁵²⁰ Liberal figures like Burke recognised that ‘improving’ Indians and granting them ‘freedom’ demanded the empire first look inwards, reform and then change the world. Exporting shared British political values to the peripheries of its empire was firmly linked to the crisis of legitimacy post 1757 which expressed great distain to the merchant-rulers of Bengal. Koditschek singles out liberalism’s push for deeper, invasive forms of legitimization of the imperial connection; reinforced by the erosion of the older bonds of mercantilism on which British India had originally been built.⁵²¹ This post-1757 drive to reform empire has a lengthy historiography; generally historians agree Burke was the first public figure to lead it. Mehta maintains that during this time Burke was alone in thinking about how British sense of liberalities were to be applied to non-European peoples. Especially in the instance of Britain’s Asian empire when power is confronted with ethnic and cultural diversity.⁵²²

Though while these works are occupied with empire, and Britain’s colonies in India there is a more historic ideational lineage that connects Burke with former colonising efforts. Canny’s influential *The Ideology of English Colonization* argues the Tudor conquest of Ireland created a need for moral and civil justification for their conquest of Ireland⁵²³ which as seen in the previous section was based on the conquest of barbaric societies. With irony, the English conquest of Ireland saw its descendent Anglo-Irish peer advocate for British values to be exported elsewhere in the aftermath of conquest.

This civil justification of conquest delegitimised Company rule, not an endorsement of the status quo. The then Governor of Massachusetts Bay, Governor Pownall in a document which

⁵²⁰ *The Writings and Speeches of Edmund Burke, Vol. 7: India: The Hastings Trial: 1789-1794*. Edited by P. J. Marshall and William B. Todd. Oxford: Oxford University Press, 2014, p. 42.

⁵²¹ Koditschek. *Liberalism, Imperialism, and the Historical Imagination*, p. 58.

⁵²² Mehta. *Liberalism and Empire*, p. 155.

⁵²³ Nicholas P. Canny. “*The Ideology of English Colonization: From Ireland to America.*” *The William and Mary Quarterly*, vol. 30, no. 4, 1973, pp. 575–98, p. 588.

acted to advise post 1773 Bengal decried the central problem was “The first origin of the evil is, *that the merchant is become sovereign.*”⁵²⁴ Over fifteen years later, Burke tapped into the same sentiment that Britain’s empire was broken by merchant sovereigns as he stood in Parliament he announced “Vices of Dignity. Before you great revolutions. The ruin and expulsion of great and distinguished persons, the sacking of the first Houses in Asia. The Breach of solemn Treaties—must take great high roads where you more easily follow.”⁵²⁵

Away from the noise of Westminster trials and internal meddling one liberal figure exercised an outsized influence on the criticism of the Company; not on its breach of solemn treaties but on the very existential basis which justified its existence. Scottish economist and moral philosopher Adam Smith in his *The Wealth of Nations* (1776) set out a theoretical argument that was aimed at improving the material condition of humans and the societies they inhabit. In his argument promoting free trade Smith contrasts this with the East India Company as the epitome of monopolistic financial power, market abuse and misgovernance.

Coleman’s recent research on *Adam Smith’s Case against the British Empire* (2023) posits Smith’s thought as being dependent on creating a “Natural System” which was defined by a harmony of interests - the Natural System was beneficial for all stakeholders in the empire.

⁵²⁶ Bengal was singled out over Britain’s other Asian outposts because of Clive’s conquests, the famine and its purpose as a mini-metropole of a subcontinental empire. Like Pownall this came down to the recurring criticism of Bengal’s merchant-rulers who in Bengal behaved like a sovereign but still behaved as a private organisation. He argues the Company should

⁵²⁴ Thomas Pownall. *The right, interest, and duty, of government, as concerned in the affairs of the East Indies. The case as stated and argument upon it as first written, by Governor Pownall, M.P. in 1773, now revised.* Printed for J. Almon, opposite Burlington-House, Piccadilly, MDCCLXXI. [1781], p. 3.

⁵²⁵ *The Writings and Speeches of Edmund Burke*, Vol. 7, p. 32.

⁵²⁶ William Oliver Coleman “*Adam Smith’s Case against the British Empire.*” *History of Economics Review* vol. 86 no. 1, pp. 30–44, pp. 36–37.

allow for “the most perfect freedom of commerce” by abolishing monopolies and allowing for greater competition for products which can then be sold back to England. Smith argues instead that the Company is “incapable of considering themselves as sovereigns.” ⁵²⁷

Bengal’s tribulations, argued Smith were down to the principle of merchants ruling over a polity. Smith termed this a “price” Britain paid for its empire since the creation of the East India Company a premium cost was levied for its monopolistic function. Britain’s additional ‘price’ argued Smith was “all the extraordinary waste which the fraud and abuse, inseparable from the management of the affairs of so great a company, must necessarily have occasioned. The absurdity of this second kind of monopoly, therefore, is much more manifest than that of the first.” ⁵²⁸

Bourke connects the foundational criticisms levied by Burke and Smith by the view that the acquisition of territorial sovereignty from 1757 had politicised the commercial basis of the Company, leading to the distorted arrangement whereby the corporation administered a polity with a view to exploiting it for profit while simultaneously seeking commercial advantage via a system of political patronage. As a result, the Company played two roles, both incompatible with its interests, and therefore detrimental to the welfare of the metropole and the Bengal. ⁵²⁹ This paradox, argued Smith was the basis for its reform as “by a strange absurdity, regard the character of a sovereign as but an appendix to that of a merchant, as something which ought to be made subservient to it, or by means of which they may be enabled to buy cheaper in India, and thereby to sell with a better profit in Europe.” ⁵³⁰

⁵²⁷ Smith. *Wealth of Nations*, pp. 367-368.

⁵²⁸ Ibid, p. 366.

⁵²⁹ Bourke, *Empire and revolution*, p. 635.

⁵³⁰ Smith. *Wealth of Nations*, pp. 368-369.

Unlike Burke or Mill, Smith argued Bengal was inherently doomed if it was governed by a corporate structure and mercantilist doctrine. An opponent of foreign conquests, corporate rule harmed the interests of the metropole as public companies were “nuisances in every respect; always more or less inconvenient to the countries in which they are established, and destructive to those which have the misfortune to fall under their government.”⁵³¹ This vision of empire viewed the Company as unreformable; an obstacle to good governance while incentivised to pursuing its own interests. William Bolts, best known for his *Considerations on India Affairs* (1772) and employment in early Company history was another figure who wanted to curtail corporate governance. Similar to Smith, his main concern was how the Company could be reformed and made accountable to the nation, not shareholders. Dutch-born he used the example of how the *Vereenigde Oostindische Compagnie*, the Dutch East India Company its rival was successfully integrated into a democratic metropole. He recommended constitutional checks on power which could enable honourable government to come into being.⁵³²

Before India could be transformed, the exact causes of the Company’s misrule had to be corrected. The type of mercantilism which could only come about by rule of merchants could cause material harm to Britain’s subjects as well act as a cap on its true ambitions for empire. Bengal’s famine was again singled out as “Some improper regulations, some injudicious restraints imposed by the servants of the East India Company upon the rice trade, contributed, perhaps to turn that dearth into a famine.”⁵³³ At best, Smith was agnostic about empire, arguing overseas colonial expeditions and monopolies did not lead to prosperity; but by the 1770s it was apparent at least in Asia Britain’s empire would not dissolve. If empire could

⁵³¹ Smith. *Wealth of Nations*, pp. 373.

⁵³² Stephen Vella. “Imagining Empire: Company, Crown and Bengal in the Formation of British Imperial Ideology, 1757-84” in *Portuguese Studies*, vol. 16, 2000, pp. 276–97, p. 281.

⁵³³ Smith. *Wealth of Nations*, p. 325.

not be abolished, Smith argued the duties pressed upon Fort William could no longer be performed by merchants – empire’s calling was higher. He warned readers “To found a great empire for the sole purpose of raising up a people of customers, may at first sight appear a project fit only for a nation of shopkeepers.” ⁵³⁴

Smith’s warnings from the 1770s about governing India with the same vision as its early mercantilist merchant-rulers did seem to be heeded. As Mill sought to transform the institutions of ‘rude peoples’, Smith’s theories were used to reform the Company and in turn improve the material conditions of Indians. Free trade as the ‘gift’ from Britons by the early nineteenth century was in vogue. The scale of civilisation argument perfectly formed the rationale for the need of colonial rule to proactively enforce free trade in Bengal – a curious contrast to the mercantilist policy which brutalised Indians only a few decades previously.

Elevating Indians required correcting their economy. In ‘Free Trade and Colonization in India’, the anonymous pamphlet encountered earlier distributes the causes of India’s decay on its people, its urban planning and on the total absence of capital investment. Echoing Smith’s words from the grave, the author sets out the barrier to improvement is the lack of incentives created by generations of India’s rulers, including the Company. Indians are disincentivised from trading because no state has created the conditions for prosperity; near the markets on the street people are allowed to make their homes, the sewers are destroyed and because of the disorganised nature of towns people perish from poor health. ⁵³⁵

⁵³⁴ Smith. *Wealth of Nations*, p. 358.

⁵³⁵ Peggs. *India’s Cries to Humanity*, “Free Trade and Colonization in India”, pp. 394-395.

Empire's free trade advocates based their arguments on what Adams (1999) defines as the rational choice theory of state-formation. Rational choice theory posits that while the state operates as a system that mediates between different competing interests, including its own. Despite different preferences, all actors who are governed are assumed to have something in common; they are all rational, all seek to pursue their own interests first – mainly in the form of wealth.⁵³⁶ Free trade advocates thus sought to improve India through the colonisation of India by English settlers. English settlers carrying the ideas of free trade with them into rural Bengal⁵³⁷ became a novel means of propagating ideas of colonial rule. British power in India sought to increase its proximity to its Asian subjects – not distance.

In their famous *The Imperialism of Free Trade* (1953) hypothesis, Gallagher and Robinson dispel the idealism of free trade's sudden enthusiasm among Britain's empire-builders. They root it in two emergent contexts that can be found globally in Britain's nineteenth century empire – expansion and the rise of its informal empire. Britain was expanding; its domestic industrial base was growing, its global exports were on the rise and critically so was its population. Self-assertive, the English language, new ideas and critically ordinary people migrated across continents which in *The Imperialism of Free Trade* credits to the growth of Britain's informal empire.⁵³⁸

Britain's new imperial ideology mimics this wider split between formal and informal governance. European colonisation of Bengal was one such project; sanctioned informal by

⁵³⁶ Julia Adams. "3. *Culture in Rational-Choice Theories of State-Formation*". *State/Culture: State-Formation after the Cultural Turn*, edited by George Steinmetz, Ithaca, NY: Cornell University Press, 1999, pp. 98-122, p. 100.

⁵³⁷ Peggs. *India's Cries to Humanity*, p. 388.

⁵³⁸ John Gallagher and Ronald Robinson. "The Imperialism of Free Trade." *The Economic History Review*, vol. 6, no. 1, 1953, pp. 1–15, p. 5.

empire's civilian networks in by the late 1820s it was mooted by Bentinck himself. Both arguments from empire's formal and informal angle link colonisation, free trade and the improvement of Indians. European settlers could improve Indians' material condition by sale auctioning waste agricultural land to European settlers, creating experiential farms to produce new agricultural methods and yields imported from England and bringing colonial rule closer by reducing the expense of remote markets by building roads. Such reasons were intrinsically cloaked in the free trade language of this era as the "extensive colonization of Europeans in India, appears from the state of its agriculture and manufactures, the general inattention to improvement, and the pernicious influence of cost." ⁵³⁹

Only a few years later in 1829 was such a proposal finally sanctioned, at least in theory by the highest echelons of British India. Bentinck's commitment to improving the material conditions of India vastly differed from the types of theories associated with Hastings. Unlike supporters of the Permanent Settlement, Bentinck's view of improving India no longer rested on Bengal remaining as a tax-farmer's paradise in a far flung Mughal subah. His vision of India was free trade carried by the expansion outlined in *The Imperialism of Free Trade*. Hence India's development could only be realised by "the introduction of European capital and skill" ⁵⁴⁰ which was the opposite of the Company's typical dependence on local credit and labour networks across northern India.

Bentinck's apparent endorsement for European colonisation was what *The Imperialism of Free Trade* describes as an example of a concept of informal empire which uncovers

⁵³⁹ Peggs. *India's Cries to Humanity*, pp. 389-390.

⁵⁴⁰ Letter 104, *The Correspondence of Lord William Cavendish Bentinck. Volume I. 1828-1831*. Oxford University Press: 1977. Edited by C. H. Philips, p. 201.

underlying unity between formal government and such informality.⁵⁴¹ Such a concept was the opposition to *mass* European colonisation by Bentinck. Mass colonisation of India by Europeans could never occur because of two main reasons; settlers would undermine the ‘formal’ empire by invading the rights of Indians and then revolt against the government in the name of a free system like the Thirteen Colonies. Secondly, India’s climate would not permit the type of unregulated settlement growth seen in North America as large parts of India would pose a substantial challenge for European farmers. Finally, India’s topography suggested colonisation could only be contained to the east and northern plains; which would lead to greater demographic pressures.⁵⁴²

Bentinck’s cautious balancing of the perceived benefits of free trade with the historical memories of how the largest portion of Britain’s western hemispheric empire was lost during an imperial crisis.⁵⁴³ Free trade morphed into an interchangeable term for colonisation, marketisation of Bengal, a doctrine to ‘improve’ Indians – and after 1813 the perceived *de facto* basis of British rule. Imposing civilisation never entirely discounted the use of violence, but with the introduction of free trade it promptly relegated such expressions of colonial power below the colonial state operating through “commerce, emigration, and peaceable settlement”⁵⁴⁴ first.

Legislation defined another inflection point in 1813 as it assumed its own special place in the history of empire as the Charter Act of 1813 dismantled the very function of a trading Company since its first grant by Elizabeth I in 1600. The Act formally abolished the

⁵⁴¹ Gallagher and Robinson, “*The imperialism of Free Trade*”, p. 7.

⁵⁴² Letter 104, *The Correspondence of Lord William Cavendish Bentinck. Volume I*, p. 207.

⁵⁴³ H. V. Bowen. “*British conceptions of global empire, 1756–83*” in *The Journal of Imperial and Commonwealth History*, 26(3), 1–27, p. 11.

⁵⁴⁴ Anonymous Pamphlet, Peggs, *India’s Cries to Humanity*, p. 468.

Company's monopolistic trading privileges – its archaic political lineage that was used to cynically govern India and fight outside regulation. One effect on the ideational development of imperial thought was the decentralised nature of British India with empowered Governor-Generals who could independently shape policy. Governor-Generals were no longer executors of the directors back home; they were instructed to “make any other laws or regulations for the government of the natives.”⁵⁴⁵ Misra argues that between 1813-34 there was the growth of the utilitarian influence from the changes outlined because of the Charter Act. This enabled imperial thought to intervene in what Misra describes as social and cultural fields which previously was forbidden by the Company's *laissez faire* cultural policies and focus on day-to-day administration.⁵⁴⁶

Free trade as an antidote to the Company's history of brutality and profiteering was not wholly accepted in Bengal. By 1830 the precise material change resulting from abolishing the Company's monopolistic powers started to be questioned; pressure from below challenged the claim that free trade would result in less violence and more prosperity. Desh-U-Lubun, a prominent Bengali argued free trade simply replaced a regulated, monopolistic system with an unchecked flow of capital. Desh-U-Lubun connected Bengal's militarisation with a succession of forces which free trade compounded. He argues since the charter of 1814 the military force had doubled with exponential growing in the demand of military resources including the price of metals⁵⁴⁷ which had material challenges for ordinary people.

⁵⁴⁵ V/27/141/4 British Library, *The Rules and order of the Supreme Court of Judicature at Ft. William in Bengal*. Calcutta: Samuel Smith and Co. No. 1 Hare Street, 1829, p. 66.

⁵⁴⁶ B. B. Misra. *The Central Administration of the East India Company 1773-1834*. Manchester, Manchester University Press, 1959, p. 55.

⁵⁴⁷ Desh-U-Lubun. *Letter to the author of a "View of the Present State and Future Prospects of the Free Trade and Colonization of India."* London: Smith, Elder, And Co. 1830. Cambridge University Library. RCS.Case.c.307, p. 19.

Free flowing goods were not the only concern for Desh-U-Lubun. Mass colonisation of India by European settlers increasingly came to become sanctioned by free trade as one of its doctrines, free movement of labour. Lubun regarded free trade as a fantasy project in India as the free movement led to colonial officials fixated on ideology, not practical governance, he asked “But is it not idle to protract this theoretical and speculative day-dreaming, for the supposed amelioration of India?”⁵⁴⁸

Freedom’s Frontiers

Labour, by free agents, settler colonialism, indentured workers or slaves endures subject-attention for historians to consider the overlap of colonial thought, trade, slavery and racism. During the first three decades of the nineteenth century, Bengal’s colonial economy expanded into highly labour-intensive sectors, primarily involving plantation production of cash crops like indigo and tea. Labour histories composing of colonial and pre-colonial forms of forced labour combine shed insight into the limits of any meaningful reform of the Company. In *Plantation Worlds* (2024) by Maan Barua records the connection between the introduction of colonial capital into India and the drive of indigenous labour being bound to emerging plantation economies in South Asia.⁵⁴⁹ While Britain did not invent indentured labour in South Asia, the colonial form of indentured migration for the purpose of labour-intensive cash crops was unique during this period.

Labour’s intersection between the colonial economy, empire and thought has drawn in several historians⁵⁵⁰ beyond Barua’s recent work that offer explanations for the material

⁵⁴⁸ Desh-U-Lubun. *Letter to the author*, p. 57.

⁵⁴⁹ Maan Barua. *Plantation Worlds*. Duke University press, 2024, p. 34.

⁵⁵⁰ See Jairus Banaji. "The Fictions of Free Labour: Contract, Coercion, and So-Called Unfree Labour". *Historical Materialism* 11.3 (2003), pp. 69-95; Arnab Dey. *Planting 'Improvement': Tea in British India*.

constraints imposed onto officialdom's ideology. Global trade was increasingly on the move; favouring labour-intensive cash crops in the east that demanded coercive labour patterns. Das Gupta records the rise of Indigo plantations in India because the growth of the cotton industry in England and then its cultivation decline in traditional commodity centres like Santo Domingo in the West Indies. Forced labour organisation was also transplanted to the east as Europeans who were managers of slave plantations in the West Indies were hired in managerial roles for Indian indigo plantations.⁵⁵¹

It was during the 1820s that the economic constraints increasingly determined colonial rule, not its purported idealism. In the Western hemisphere debates raged about the immortality of slavery as its profitability declined, in the East its practise was tolerated and sanctioned as new economic opportunities discarded the ideals of empire. James MacQueen, in a series of letters to the Earl of Liverpool (1825) examined the global driving forces behind Britain's juxtaposed response of idealism and realism regarding unfree labour practises. Analysing the price of brown sugar, average prices of brown sugar in West Indian plantations it is 27 shillings, Indian is 19 shillings, Havannah it is 25 shillings and Brazil it is 22 shillings 6d. He then goes on to say "Brazil sugar produced by slave labour is equally cheap as East Indian sugar produced by free labour."⁵⁵²

The catch was India's 'free labour' on the ground was not free; while the diminishing returns of enslaved African labour was apparent testimonies from Britons and Indians alike

Österreichische Zeitschrift für Geschichtswissenschaften : Özg, 2019-12, Vol.30 (3); Ranajit Das Gupta. 1992. "Plantation Labour in Colonial India." The Journal of Peasant Studies 19 (3-4), 1992, pp. 173-98.

⁵⁵¹ Ranajit Das Gupta. *Plantation Labour in Colonial India*, p. 175.

⁵⁵² James MacQueen. *The Colonial Controversy: Containing a Refutation of the Calumnies of the Anticolonists, the State of Hayti, Sierra Leone, India, China, Cochin China, Java, &c., &c., the Production of Sugar, &c., and the State of the Free and Slave Labourers in Those Countries, Fully Considered in a Series of Letters Addressed to the Earl of Liverpool, with a Supplementary Letter to Mr. Macaulay*. United Kingdom, Khull, Blackie, 1825, p. 149.

confirmed the widespread sanctioning in British India. One example of how profit triumphed over ideology is in the example of Mauritius in the Indian Ocean. In his study of the plantation island spanning 1810-1860 Allen (2008) confirms the trend of coercive labour simply being transplanted to another hemisphere. Colonial officialdom, he argues grew frustrated with the inability of the African Mauritian slave population to furnish the labour needed by plantation economics; this spurred the importation of hundreds of thousands of indentured labourers, mostly from India but also from China, the Comoros and Madagascar.

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Empire's 'British values' as a vehicle to elevate non-Europeans in India remains wholly absent on Mauritius which was within Calcutta's orbit. Coolies, a category of labourers in India challenge the benevolence of empire's reforming spirit. Calcutta was flexible, in 1838 it eventually banned the exporting of indentured labourers, only to relapse later on in 1842 as they would be defined as "Hill Coolies and other Indian labourers."⁵⁵⁴ On the ocean island the causes behind unfree labour were admitted as the liberated slaves were "addicted to idle, vagrant, and unprofitable habits" meanwhile their replacements were "under contracts for lengthened periods of times at extremely low wages."⁵⁵⁵ Das Gupta, whose work focuses on colonial India identified the exact same process happening in Calcutta-ruled Mauritius.

Das Gupta identifies a trend with his focus on indigo plantations; labour intensive cash crops imposed additional demands upon the coordination of the colonial state. A specific type of labour was required for many of these crops, including tea in Assam required an extra type of authority exercised over agricultural labour. Das Gupta's key argument is that this extra

⁵⁵³ Richard B. Allen. "Capital, Illegal Slaves, Indentured Labourers and the Creation of a Sugar Plantation Economy in Mauritius, 1810-60." *The Journal of Imperial and Commonwealth History*, 36 (2), 2008, pp. 151-70, p. 52.

⁵⁵⁴ *The export of coolies from India to Mauritius*. British and Foreign Anti-Slavery Society, 1842. Slavery and Anti-Slavery: A Transnational Archive, p. 3.

⁵⁵⁵ *Ibid*, pp. 4-5.

authority that was driven by the highly competitive macroeconomic landscape following slavery's abolition in the west imposed nonmarket mechanisms to maintain competitive production processes. Nonmarket mechanisms required nonmarket actors; hence the colonial state intervened to sanction the extra-economic coercion required, which Das Gupta correctly states was in-work violence like floggings, imprisonment forced contracts upon peasants and state-sanctioned violence.⁵⁵⁶

On Mauritius, unfree labour practises with the coordination of Calcutta reinforces Das Gupta's work on nonmarket mechanisms for coercive labour. Britain's emerging colonial ideology lacked consistency when engaging with the new economic realities of the early nineteenth century. The export of Indian Coolies to Calcutta-ruled Mauritius had support amongst the highest echelons of Company power. In the continual debate on its abolishment, with one case reaching the Supreme Council of India, "Mr Bird, one of its members alleged the chief magistrate who was tasked with investigating the abuses, a man "who appears throughout in the character of a partizan arguing in favour of the Coolie trade."⁵⁵⁷

Empire's values of liberty, improving the lives of its non-white subjects abruptly conclude once such values threatened the profitability of its colonial plantation economy. The trade's existence was not the only area of forced labour that came into discussion in British India. Debates on welfare, which passed through institutional organs like the Company's courts exposed the slave-like conditions underpinning its colonial economy. One court case disputed the legal grounds of an employer to beat an employee. The court heard of a coolie named Harlin whom brought a case against his 'owner', Mr Salesse. Salesse criticised Harlin for his

⁵⁵⁶ Gupta, *Plantation Labour in Colonial India*, pp. 177-180.

⁵⁵⁷ *The export of coolies from India to Mauritius*, p. 5.

work and then there was an allegation Harlin antagonised him and he was beaten by Salesse. The ruling from Calcutta founded both parties guilty; Salesse was fined two shillings and Harlin was sentenced to 14 days hard labour. Testimonies from other coolies suggested a spectrum of practises, some indentured labour, some outright slavery existed on the island. In another testimony workers were reported to be compelled to perform *corvée* work for three hours a week on Sunday on behalf of plantation owners. Further evidence suggests living conditions on the island for coolies was no different to the plantations islands associated with the Transatlantic slave trade. Once on the island, coolies would live in what were politely described as “estate hospitals” which are basically “prisons in which the labourers are confined for various reasons, as under slavery.” High mortality rates continued once on the island too as estate hospitals were defunct; incubating diseases amongst plantation workers who were banned from leaving their estates.⁵⁵⁸

Investigations confirmed the conditions of slavery were already established even in the Bengal Presidency reports of abuses from “Mr Dowson” who was a shipper and exporter of coolies. The allegations were “his agents in Calcutta locked up and strictly guarded on premises belonging to himself a considerable number of them, who had been improperly obtained. and who were subsequently liberated by the police.” The mortality rates averaged between 8-9% in Port Louis and then work in the interior of the country saw 10-11% mortality rate which at the time made it as high as colonial Cuba as quoted in the report.⁵⁵⁹

Bengal’s international coolie trade did have its defenders beyond a cohort of its plantation owners. Britain’s new imperial role as an agent of ‘elevating’ the lives of its colonised

⁵⁵⁸ Cited Coolie testimonies found in *The export of coolies from India to Mauritius*, pp. 10-11.

⁵⁵⁹ Ibid, p. 13.

subjects also penetrated the discourse on forced labour. Major and Faruquee connect the coolie trade to the broader ideological convergence that this chapter argues took place in the first half of the nineteenth century. Major records the abolitionist John Scouble description of the coolie people as “always spoken of as more akin to the monkey than to the man. They have no religion, no education, and, in their present state, no wants, beyond eating, drinking and sleeping; and to procure which, they are willing to labour.” A paradox thus emerges; the civilising force of British imperial values which was used to ban the practice of slavery in the West was perceived to be a power of civilisational improvement in the East.

Much like Mill’s characterisation of ‘rude people’, a similar ideational view focused on how forced labour was beneficial to rude cultures. In James MacQueen’s slavery pamphlet in some instances he is ardently pro-slavery as he announces its benefits towards other ‘rude’ nations like the Polish and Russians. MacQueen attributes the productivity of “rude people” in Poland and Russia who can produce vast amounts of corn compared to other countries in the world. says alone they don’t have the ability to organise themselves and become productive, but the despotism of Poland and Russia is useful he argues. He then states “In like manner it is with the slaves in our own Colonies under intelligent and opulent masters.”⁵⁶⁰

Faruquee documents how forced labour as a force of improvement persisted as a mainstream sentiment across empire. She argues that only a minority of Europeans characterised the indentured labour system as a ‘corrupting’ force. Most simply excused plantation violence and promiscuity as inherently Indian - a combination of the class, racial, caste and cultural characteristics of the ‘coolie’ labourer which predated colonial Bengal. Arguments in favour of such practises became vocal as supporters outlined how “throughout the indentureship

⁵⁶⁰ MacQueen, *The Colonial Controversy*, p. 157.

period, planters and officials maintained that the labour system provided an opportunity to change and correct the natural 'immorality' of 'coolies', especially 'coolie' women."⁵⁶¹

Reforming the culture and structure of the Company with early nineteenth century British values at the surface appears as part of a historic vacuum of Company trials and publicised mismanagement dating from Bengal's famine. However, on closer inspection the Company's switch to pursuing despotism within India, particularly in the form of slavery is evidence Company rule was in fact part of a much wider discourse of the new duties of empire. Progressively, slavery did emerge in the European public discourse; though the single defining factor, argues Major was the correlation between its reception and geographic region. In the western hemisphere of Britain's empire, African slaves, with their memory of being imported into a foreign land to work on plantation colonies in the 'new world' was different. In the East however Indian slaves existed as a cultural fixture dating back to ancient times hence attracting less of a moral crusade. Within the passionate debates which engulfed the metropole, Indians were imagined simultaneously as an 'enslaved other', whose culturally servile characteristics justified colonial domination, and as autonomous peasant labourers who might provide a 'free-labour alternative' to African labour of cash crops in the west.⁵⁶²

Indian slavery, a pre-colonial institution refers to a broad generalisation that encompasses a variety of practises in different regions of India including indentured labour and coercive practises. Throughout the period of this dissertation, slavery in India featured as the by-product of the type of orientalism and civilisational decay that legions of Britons characterised India as. In Bengal, Fort William acknowledged slavery's presence as part of its

⁵⁶¹ Faruqee. *Conceiving the coolie woman*, p. 62.

⁵⁶² Andrea Major. *Slavery, Abolitionism and Empire in India, 1772-1843*. Liverpool: Liverpool University Press, 2012, pp. 22-24.

laissez-faire approach as its continued practise left “most credible Mussulman and Hindoo inhabitants, condemn the usage of selling slaves, as repugnant to the particular precepts both of the Koran and the Shaster.”⁵⁶³ India’s apparent embedded slavery evokes the broader civilisational discourse which relegated Indian civilisation precisely because its culture appeared to sanction such practices. Unlike African slavery, whose practice could only be justified on the financial basis of slave labour, India’s sanctioning conformed to the standard descriptions of primitive societies on the basis of their morals, laws and religion⁵⁶⁴ - its sources in scripture encompassed all three!

The extent of slavery’s toleration in British India is imperative to understanding how British political values were selectively imposed onto colonised spaces. Intervention, and the perceived ‘right’ of Fort William to intervene into Indian society morphed into a paradox. Burke’s idea of Britain’s new integrated empire ruled by a single sovereign power⁵⁶⁵ by the 1810s this pushed colonial governments to equalise their rule across colonies irrespective of culture. In India though, universalising British values throughout its empire became compromised as the abolishment of slavery in the west soon lost its zeal in the east.

If the 1810s were the decade of even colonial rule, the 1830s widened the gap between an idealised empire governed by freedom and the reality of a brutal status quo. Britain’s landmark 1833 Abolition Act, which abolished both the trafficking and use of slaves across parliament’s global jurisdiction. Article XLV showcases the limitations of imperial idealism; both its geographic coverage and its ambition. While the Act abolishes slavery in a range of

⁵⁶³ Peggs. *India’s Cries to Humanity*, pp. 281-282.

⁵⁶⁴ Osterhammel. *Unfabling the East*, p. 294.

⁵⁶⁵ Iain, Hampsher-Monk. ‘Edmund Burke and Empire’, in Duncan Kelly (ed.), *Lineages of Empire: The Historical Roots of British Imperial Thought*, Proceedings of the British Academy (London, 2009; online edn), p. 119.

colonies like Jamaica, Tobago, Nevis with allocated commissioners who will compensate owners in the pursuit of exporting British freedom globally in the east this vision to improve humanity was put on hold. Article XLV abruptly challenges this desire; while the trafficking of humans and their enslavement is abolished in the west, the Article makes zero reference to India.⁵⁶⁶

Only two years before did Charles Grant endorse the Company's reform agenda as "We are legislating for India, for the happiness of India"⁵⁶⁷ though this draws attention to the widening gap between a vision to improve Indian governance and the impositions imposed upon Fort William's increasing administrative sprawl. On consulting the sources, British restraint about banning slavery in India has no discernible explanation. Although, like in other areas of this dissertation British colonial rule was still subjected to the same constraints which had plagued the Company since Roe's first voyage. These constraints were persistent as the success of Britain's 'imperial vision' being executed was dependent on the bargaining power at any given time.⁵⁶⁸

This analysis, by Levi offers the closest explanation which the sources lack. Abolishing slavery in India was too ambitious; it exposed the extent to which British rule on the ground remained negotiated. This gap, between the ideology and reality is however present in the sources; the emancipation and universalistic claims of British values remained dominant only a few years before the 1833 Act. The constraints on imposing Britain's new vision globally in the Slavery Abolition Act 1833 potentially came from the distinction between the

⁵⁶⁶ *Article XLV, 1833 Slavery Abolition Act.*

⁵⁶⁷ Ridgway, *The East India Question Fairly Stated*, p. 45.

⁵⁶⁸ Margaret Levi. "The Predatory Theory of Rule." *Politics & Society*, vol. 10, no. 4, 431-465, pp. 439-440.

embeddedness in wider Indian society and the isolation of Britain's plantation colonies in the Caribbean.

The colonial statesman, Mountstuart Elphinstone who was then the resident at Poona outlines in 1817 the type of constraints that were possibly manifested in Article XLV sixteen years later. Its widespread acceptance among Indians stems from, he argued that "slaves are generally indifferent to freedom – to the acquisition of property – to elevation in society."⁵⁶⁹ Campbell proposes that Western-abolitionism globally was driven by three main impulses: the abolition of slavery and its trade in existing empires; pressure on indigenous powers to enact anti-slavery laws; and implementation of abolitionist measures through legislation and military action under the new colonialism of the late nineteenth and early twentieth centuries.

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In early nineteenth century India, the extent to which these impulses were neutered depends on a cross-over of direct political power and arguments to ban slavery. Free trade and the profitability of colonial economies offers some explanation about the presence of Article XLV and the apparent gap between ideology and reality. Like in the West Indies, abolitionism leaned on arguments borrowed from Smith on the profitability of free labour and the potential financial benefits of British 'freedoms' to colonial subjects. W. B. Bayley, Secretary to the Bengal Government in 1817 praises the free movement of labour, noting its profitability in colonial cash crops like indigo.⁵⁷¹

⁵⁶⁹ Peggs. *India's Cries to Humanity*, p. 371.

⁵⁷⁰ *Abolition and Its Aftermath in the Indian Ocean Africa and Asia*. Edited by Gwyn Campbell. Taylor & Francis Group, 2005 [Online], p. 9.

⁵⁷¹ Peggs. *India's Cries to Humanity*, p. 381.

On closer inspection, while in the west slavery's footprint became less profitable in India there is greater evidence to suggest both slave-based economies and the trade of human beings rose in profitability. The source work supports Levi's view of bargaining power; in British-controlled India slavery was simply too profitable to balance the scales of intervention onto the side of abolitionism. On consulting the sources though no quantitative data exists, it is possible to infer the growth of slavery in Bengal based on its profitability. Over fifteen years since the non-legally binding decree issued by Cornwallis which 'banned' slavery by the early nineteenth century its presence became even more visible. An early reference to Calcutta's open slave markets comes from Judge Leycester's report in Sep 1815 which noted "There are many natives of Africa in the provinces under the Bengal Government, that have been imported by people now holding them as slaves."⁵⁷²

The report comes from *East India Slavery* (1829) by George Saintsbury whose publication offers a critical insight into the debates around slavery in the eastern hemisphere during the run up to Article XLV. Despite a judicial report, eight years on Calcutta's own slave market boomed as one observer in 1823 records ships from Arabia would arrive in Bengal, take native women, return them to Arabia where they are bartered with African slaves, then those African slaves are sold in Calcutta.⁵⁷³ Two years later, the toleration of slavery within Bengal correlated with market forces that compounded this growth. In giving evidence to the East India Company Select Committee Mr Cotton testified that the pace of slavery was actually advancing in British-controlled Indian lands and that the price of slaves had risen and he argues this is because of the increased demand in them.⁵⁷⁴

⁵⁷² *East India Slavery*. By George Saintsbury. London: Charles Tilt, 86, Fleet Street. 1829. Cambridge University Library. Ddd.18.39, p. 18.

⁵⁷³ *Ibid*, p. 14.

⁵⁷⁴ *Ibid*, pp. 9-10.

How could Britain's global impulse to civilise its empire coexist with its toleration of slavery and a growing slave market in its Asian capital? Two historians, Koditschek and Major offer one approach to conciliating ideological ambition to elevate humanity to the realities of colonial rule. Major roots the divergence in opinion of slavery in the west vs the east due to the relative historic memory of slaves as African slaves still retained their memories of being imported into a foreign land. Indian slaves, however existed as a cultural fixture dating back to ancient times.⁵⁷⁵ Koditschek argues that one of the pressing demands at the frontiers of imperial thought was the lack of universal solutions 'on the ground.' Slavery's embeddedness in Indian culture, its importance in Bengal's colonial economy, and meant colonial rule had to respond according to the time and place it operated within, not the abstractions of its ideas.

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This historiographical area, which posits the widening gap between the high idealism of early nineteenth century abolitionism with the constraints officials faced on the ground is part of a wider field which studies how officials perceived and analysed colonial India. Wilson, whose framework features throughout this dissertation provides the wider context in examining the ideational backdrop of officials. Britain's toleration of slavery conforms to Wilson's refraction model; inevitably how officials perceive Indian society is rooted in an analysis of colonial thought operating within and outside the dominant colonised culture. Administrators, Wilson argues, articulate ideological narratives; inserting themselves and their Indian subjects into useful social worlds. This collation of frameworks, practices, and justifications facilitated the direction of the colonial state in a colonised society.⁵⁷⁷

⁵⁷⁵ Major. *Slavery, Abolitionism and Empire in India*, p. 22.

⁵⁷⁶ Koditschek. *Liberalism, Imperialism, and the Historical Imagination*, p. 67.

⁵⁷⁷ Nicholas Hoover Wilson. "From Reflection to Refraction: State Administration in British India, circa 1770–1855." *American Journal of Sociology*, vol. 116, no. 5, 2011, pp. 1437–77, p. 1446.

Another strand of historiography which focuses on Indian slavery provides an alternative view – the limits of ideology. This dissertation has investigated the ideas and thoughts which governed an empire; through its revenue and judicial systems, its own regulation and its own colonial archive as well as the disputes between Bengal and the British metropole. The ‘limits’ of ideology are precisely defined by the limits set out by the difference between culture, and state; imperial thought in India only shaped the latter. Caste-based slavery, which features as a variation of microhistory in *Enslaveability, Slavery and Global Micro Histories: Reflections through the Case of Cali* (2022). Caste-based slavery proved the limits of ideology; although an individual can be owned by a landlord, they ‘looked after’ by a second landlord who it is contracted out to who serve as proxy masters. This meant bondage was inherently local, unregulated by government but regulated by caste and the community.⁵⁷⁸

Community regulation, a staple of Indian social life therefore proves the limits of Britain’s ideological assertion to improve a subcontinent. In their study of slavery in colonial Tamil Nadu, Kanagammal and Regina (2015) confirmed the limits of ideology once it was confronted with aspects of Indian life which were regulated on a local level through caste-based structures. On the ground, at the zillah level, British collectors experienced this limitation of ideology; officials wrote to the Revenue Board of the Madras Presidency about Tamil slaves who fled to work on other estates which in turn altered the ability of zamindars to pay their fiscal obligations.⁵⁷⁹ Instances of slavery which were regulated by local Indian monarchs did enjoy success – further defining the limits of colonial ideologies to formal interactions. As slavery was openly practised in Tamil Nadu’s fields and Calcutta’s markets the rare successes came from influence exercised over a polity. In 1808 this limit remained at

⁵⁷⁸ M. van Rossum, A. Geelen, & M. Tosun. “*Enslaveability, Slavery and Global Micro Histories: Reflections through the Case of Cali*” *Slavery & Abolition*, vol. 43, no. 3 (2022), pp. 482–498, p. 490.

⁵⁷⁹ S. Kanagammal, V. Regina. “*Agrarian slavery in Tamil country during the colonial period*” *Language In India*, vol. 15, no. 10, Oct. 2015, pp. 224+, p. 224.

the state level, as the British Resident in Delhi successfully lobbied the Rajah of Kota, Rajasthan to ban the enslavement of children.⁵⁸⁰

On the mainland, British India's tolerance of slavery was documented in great detail by Governor-General George Eden in the late 1830s. Formal stipulations before the eventual abolition of slavery in India in 1844 do sanction the colonial state intervening in regulating the slave trade. Statue 3 and 4 of an undeclared code which requires the GG council "to take into consideration the means of mitigating the state of slavery, and of ameliorating the condition of slaves, and on extinguishing slavery."⁵⁸¹ Kanagammal and Regina in their study of slavery in British-controlled Tamil Nadu uncover the persistently fragmented view that prevailed across all of British India – institutional authority enjoying varying degrees of toleration at the Presidency level and on a more local level. At a *zillah* level, District Collectors and the state Revenue Board acknowledged the plight of runaway slaves without taking any particular measures to alleviate forced labour. Higher up the colonial chain, like in Calcutta the presence of open-air slave markets across Tamil Nadu suggest a similar disconnect between official decries against slavery and its widespread non-interventionist position taken by the colonial polity in Madras and Calcutta.⁵⁸²

This divide, between the purported claims of British imperialism's highest calling to abolish slavery while retaining its laissez-faire oversight in India was fully exposed by the Governor-General's office itself. Previously *The Despatch from the Governor General* (1841) stated the obligations imposed upon the Governor-General to suppress slavery; then later in the source

⁵⁸⁰ Peggs. *India's Cries to Humanity*, p. 324.

⁵⁸¹ *The Despatch from the Governor General of India in Council to the Court of Directors*. 8th February 1841. East India Slavery Volume 3, p. 5.

⁵⁸² S. Kanagammal, V. Regina. "Agrarian slavery in Tamil country during the colonial period" *Language In India*, vol. 15, no. 10, Oct. 2015, pp. 224+, pp. 224-226.

in 1838 the same office conducted a survey into the practise and extent of slavery in British India. The shocking exposure of officialdom's toleration came from the respondents to the survey – Indians themselves.

Tek Loll, a slave owner from Behar, then under control of Calcutta, outlined the disparity between ideology and reality. Loll offers a window into how British values in imperial governance failed to stop Behar's open slave markets; free people, recently enslaved "are very common, and so are sales of persons already in slavery." The belief that slavery's abolishment in the West could at least be a force for elevating the conditions of indentured/forced labour in the East never materialised. Loll's sentiment confirms evidences this - stating the convention amongst the slave-owning class is "If a slave will not work, he is coerced by threats, by flogging, by stopping his rations" with slavery being so mainstream in the fields "slaves are generally mixed with free labourers."⁵⁸³

Geographically, the testimonies confirmed slavery's presence universally across British India: urban, rural, markets, plantations, rich and poor. Raj Govind Sen, Mooktear of the Rajah of Tipperah who was based in the northeast of Bengal's Presidency, like Loll, details the mainstream practise of violence and forced labour. Sen's testimony signals the organised, normalised trade of humans and violence spanning different regions. He references a unique internal slave trade in the north east which sees human traffickers directly capture people from Assam or frequent slave markets; to bring them back to plantations in Bengal.⁵⁸⁴ The openness found in these testimonies to the Governor-General's office is clear proof of slavery's proliferation in British-controlled territories. Sen openly confesses to the type of

⁵⁸³ *The Despatch from the Governor General of India vol. 3*, pp. 225.

⁵⁸⁴ *Ibid*, p. 223.

violence seen hundreds of miles away on Mauritius as “If a slave give offence, it is usual to give him a slap or a blow with a shoe.”⁵⁸⁵

British India’s laissez-faire approach to both the slave trade and its mainstream incorporation as part of the colonial economy challenges aspects of the historiography dealing with liberal imperialism. Cain’s central thesis, as encountered earlier was Britain’s ‘new’ empire of the nineteenth century regarded itself as being a moral project; its colonial organs a means of implementing liberal universalism.⁵⁸⁶ *Slavery and the Slave Trade in British India With Notices of the Existence of These Evils in the Islands of Ceylon, Malacca, and Penang* (1841) fundamentally challenges this notion of empire as a moral project by introducing another substantial constraint to the universalism of liberal governance.

As official documents acknowledged the coolie trade on a faraway island, ‘home’ colonial documents also recorded in great detail the vastness of India’s enslaved populace. *Slavery and the Slave Trade* authors John Scouble and Thomas Ward compiled together documents and statistics directly sourced and produced for the Company up until 1841. According to ‘official’ statistics procured by Company servants the slave population in Behar was “22,722” and a figure of 80,000 was sourced for “Sillet and Buckergunge.” Large enough figures for an empire committed to elevating Indians to European civilisation but Ward and Scouble cast their own doubts onto the official figures. Noting their scepticism of the official figures, the authors believe the number to be much higher because these numbers “fall short

⁵⁸⁵ *The Despatch from the Governor General of India* vol. 3, p. 224.

⁵⁸⁶ Cain, *Mission to Civilise*, p. 558.

of the actual number of slaves in British India” with the real estimation to cross a million in British-controlled territories.⁵⁸⁷

Irrespective of the underreporting found in official statistics, into the early 1840s as more information on British India’s slavery reached the public domain, the mood in Calcutta soured towards the previously laissez-faire approach. Within the primary sources, the mid 1830s signals the ideational trend shift away from forced labour in India. As examined before, while the Company initially banned the Coolie trade in 1838, three years previously empire’s insiders were mooted over state-driven interventions. One of whom was C. M. Wade, a political agent based in India who summarised the mixed view of Company, “considering the responsibility which attaches to me in the degree of interference that I may be disposed to exercise for the suppression of a practise which, though repugnant to British law, is very different in general, both as to the mode in which it is pursued in this country.”

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Lydon’s work *Imperial Emotions* (2019) becomes relevant in partly uncovering this shift away from British India’s non-interventionist approach to forced labour, particularly slavery. Lydon argues the Enlightenment’s fixation on rationality drove public opinion towards the plight of non-Europeans; empire was rebranded as an engine of ‘improving’ brown and black colonial subjects through interventionist state policies.⁵⁸⁹ This premise, for the abolition movement unravels part of the wider historiographical debate on abolitionism in British

⁵⁸⁷ *Slavery and the Slave Trade in British India With Notices of the Existence of These Evils in the Islands of Ceylon, Malacca, and Penang, Drawn from Official Documents*. John Scoube. Thomas Ward and Company, 1841, p. 2.

⁵⁸⁸ *East India Slavery Volume 5*. Returns of all Copies of Extracts or Correspondence between The Directors of the East India Company and the Company’s Government in India since 1838, on the subject of Slavery In the Territories Under the Company’s Rule. October 1841, p. 68.

⁵⁸⁹ Lydon, *Imperial Emotions*, pp. 29-30.

India. Lydon's work on the role of emotionalism is a stark intervention in comparison to Campbell's which firmly posits the role of nineteenth-century industrial capitalism which fought slavery on the grounds of wage labour's competitively efficient allocation of labour.

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James MacQueen, whose pamphlet on slavery was cited earlier captures this change as early as 1825, before Britain's formal Abolition of Slavery Act (1833) which ignored British India. Echoing Lydon's argument of the importance ascribed to the public sphere's sense of morality towards non-Europeans, MacQueen commented "we cannot help blushing for that hypocrisy which turns up its nose and its eyes at West India slavery, whose hand, at the same moment is twisting the chain, to the last stretch, round the neck of the trembling Hindoo!"⁵⁹¹ But historians should be cautious about adopting a uniform perspective on imperial emotions, rather to the difference in perspectives between slavery in the West Indies and in British India. Unlike the notable public campaigning against the injustice of plantation slavery in the West Indies, no such high-profile public campaign emerged, which suggests the imperial emotions debate becomes much more nuanced. This nuance stems from the varying differences in the testimonies about Indian slavery which affected its penetration into the public zeitgeist.

The varying differences of slavery in British India was a driving force in the lack of campaigning and late abolition of the practise. Simply, it failed to capture the imagination of a wider group of decision-makers and public figures like in the West Indies. Calcutta's own officials on the ground further complicated the image of slavery. In Sylhet, a centre of

⁵⁹⁰ Campbell, *Abolition and Its Aftermath*, p. 2.

⁵⁹¹ MacQueen, *The Colonial Controversy*, p. 149.

Bengal's slave trade, its British magistrate observed no noticeable material differences between free labour and the enslaved. The magistrate testified in the Governor-General's survey that it was common for slaves in Sylhet to own private property; in this context slavery was a legal abstraction which had little impact on the lived experience of the enslaved, as argued by the magistrate.⁵⁹² In the same report commissioned by the Governor-General's office Hamid Russoll a vakeel unlocked another 'condition' of slaves in India. Russoll refutes the narrative that labour was 'all the same' in India's fields. Specifically, he focuses on the gender dimension; noting Muslim slave owners have the right to rape their female slaves who were unmarried.⁵⁹³

Momentum was building; slavery's eventual ban in India arose from a long-protracted argument within Calcutta's officialdom that oscillated between regulating the trade, as with the Cornwallis decrees in the 1790s or probing its severity like the survey from 1838. By 1843, the official narrative emanating from London and Calcutta was the abolition of slavery was exclusively inspired by "the principle of the great Act of 1833, which led to the liberation of nearly 800,000 slaves in the West Indies and other British colonies, has thus been in great part achieved."⁵⁹⁴ The official explanation provided its own version of Britain's imperial ideology as the banning of slavery in 1843 was connected with the "Divine benediction may largely rest on the millions whose welfare this illustrious act of justice and benignity is adapted directly to promote."⁵⁹⁵

⁵⁹² *The Despatch from the Governor General of India in Council to the Court of Directors. 8th February 1841. East India Slavery Volume 3, p. 229.*

⁵⁹³ *The Despatch from the Governor General of India in Council to the Court of Directors. 8th February 1841. East India Slavery Volume 3, p. 228.*

⁵⁹⁴ *The British and Foreign Anti-slavery Reporter Volume 4 1843. London: Lancelot Wild, p. 217.*

⁵⁹⁵ *Ibid, p. 217.*

Elevating the material conditions of Indians through such secular illustrious acts of justice, even if it did have the blessings of the Divine was largely in trend with the Company's emergent ideological architecture. Slavery would go on to be formally banned in British India, with The Abolition of Slavery in India Act being passed on the seventh of April, 1843; no public outpouring, no mass cultural movement, no dramatic testimonies. But there was a twist to the ban on slavery. While officialdom compared the ban to its West Indies counterpart the actual lettering of British India's ban on slavery retained its strong, non-interventionist ideal of slavery regulated by the community, not the state. This distinction arose in the specific references found in the Act; it was self-referential by default. 'Abolishing' slavery was defined by the courts negating rights claimed in cases arising in the colonial judicial machinery as "No rights arising out of an alleged property in the person &c. of another as a slave, shall be enforced by any Court." ⁵⁹⁶

For over five decades spanning the 1790s to 1840s colonial insights into slavery failed to take account of slavery's variety in India; with the Act's non-interventionist theme as cases spanning India's varying conditions of slavery would not "be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company." Abolition did mirror liberal imperialism's vision for India; as while cases would not be enforced the rule of law became a great equaliser, as the act declared "And it is hereby enacted, that any act would be a penal offence if done to a free man shall be equally an offence if done to any person on the pretext of his being in a condition of slavery" ⁵⁹⁷

⁵⁹⁶ W. Theobald. *The Acts of the Legislative Council of India, with a Glossary; an Analytical Abstract Prefixed to Each Act, and Copious Indexes*. 1844, p. 585.

⁵⁹⁷ Theobald, *The Acts of the Legislative Council*, p. 585.

Abolishing slavery was therefore different to the coolie trade; it was far deeply embedded in Indian society being justified in both Hindu and Islamic jurisprudence. Indentured labour was controlled; concreted on plantations managed by Europeans, or tighter geographic boundaries like in Martius. Ultimately, as with many other areas of this thesis the boundaries of Britain's vision for India were bound by the limits of its colonial state. The 1840s clearly show an alignment of willpower, state capacity and officialdom's dropping of its laissez faire approach to India's multitude of forced labour practises could still not maintain the universalism of Britain's ideological assertion to 'improve' Indians' lives. As slavery was officially declared legally void, on Martius the coolie trade would continue to oscillate between suspension, encouragement and then eventual abolition in 1916.

Colonial India's toleration of slavery is therefore derived from the constraints of *de facto* power on the basis of the 'time and place' those reforms were found within. Unlike in the West Indies, Britain never completely controlled India; its ideology of reform, of exporting British values was only ever dependent on the extent of administrative and state-sanctioned violence. In this sense, the bridge between a 'civilised' empire and the 'uncivilised' customs of its colonial subjects which became the dominant ideology of British India, though limitless in its stretch in practise was only ever constrained by the regulation of Indian social life by its immediate community and caste structures. Britain's laissez-faire approach, which sanctioned slavery throughout India was also discontinued at the same time, in a very different area. Religion, and the conversion of both Muslim and Hindu subjects remained 'hands off' from the period 1773-1813. Fort William's laissez-faire view of Indians' free choice to practise their own religion in peace dramatically morphed into a desire to convert and 'improve' Hinduism and Hindu cultural customs. The next section will uncover how this remained a vital product of Britain's emerging ideological assertions over its non-European subjects.

Elevating Their Souls

Perception is reality. The gulf which divided Britain and the Indian subcontinent was perception; otherness persists through human culture as a function of determining in group/out group preferences. In British India, a persistent theme was religion, in colonial governance it was the status of non-Christian religions. Jean-Antoine Dubois, a French Jesuit priest whose unsuccessful conversion efforts and assimilation into India produced his *Hindu Manners, Customs and Ceremonies* (English version 1816) which became popular in imperial circles. Dubois argued for a non-interventionist approach to changing India's Hindu customs⁵⁹⁸ which up until the mid 1810s was the Company's *de facto* policy in regard to non-European religions.

Though in the same decade following the charter renewal in 1813 a conflict emerged between the inclination to remain India's religious in peace, or to intervene in its religious culture and engage in institutionally sanctioned conversions. Copland in *Christianity as an Arm of Empire* (2006) locates this conflict because of colonial expansion, the slow change from enclave to territorial empire. Proximity to Hinduism increased as the Company extended its territorial limits into the west and south, it inherited not only the lands and revenues of India's conquered regional royals but also their religious obligations, which involved,

⁵⁹⁸ Nicholas B. Dirk. *Castes of Mind*. Delhi: Permanent Black, 2018, pp. 26-27.

amongst other things, overseeing the management of state-owned temples and making ceremonial appearances at important Hindu festivals.⁵⁹⁹

Expansion and colonial India's closeness to Indian religions brought a newfound confidence to British officials which while not enough to ban slavery, did lead to an increasing desire to intervene in areas previously outside beyond state control as argued by Copland. Pitts (2006) builds on this, by arguing the universalist instincts of Britain's new imperial ideology in India warranted a greater impulse to intervene in the colonised society's religion.⁶⁰⁰ In the realm of religion and religious culture, this confidence of the colonial state to intervene was rationalised on the grounds of morality and 'correcting' superstitious beliefs with reference to Hindu theology.

Despite the early history of Brahmins cooperating with Fort William's legal system, their dharmic duties and place in Hinduism singled them out as an opponent of a renewal in Indian morals and rationalising of religion. Even before the closing of the eighteenth century, Bengal's chief chaplain, John Owen drew the ideological opponents of Britain's reforming agenda – Brahmins and Brahminism was its first casualty. Owen characterises Indian morality and Hinduism's idolatry as a function of Brahmin practises. Owen argues this corruption first comes from India's temples whose Brahmins "are licentious, and eager for gain to an incredible extent" while "The unbounded superstition of the people, protects them [the Brahmins] in their vices."⁶⁰¹

⁵⁹⁹ Ian Copland. "Christianity as an Arm of Empire: The Ambiguous Case of India under the Company, C. 1813-1858." *The Historical Journal*, vol. 49, no. 4, 2006, pp. 1025–54, p. 1033.

⁶⁰⁰ Pitts. *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 14.

⁶⁰¹ John Owen. *A charge delivered from the chair, at a general meeting of the Society for Promoting Christian Knowledge, at their house, in Bartlett's Buildings, Holborn, on ... April 4, 1797, to W.T. Ringeltaube, and I. G. Holzberg, then about to embark for the East Indies, as missionaries to the heathen*. London : Ann Rivington, 1797. Cambridge University Library, Syn.5.79.42(14)pp. 14-15.

Britain's ideological framing of religion was the discourse of Christianity's failure in to convert India's mass Hindu population arose from Christianity's status as a 'rational' religion and Hinduism's appeal amongst superstitious people manipulated by Brahminism. Lt. Adam White, based in Bengal declared the "failure [Christian conversion efforts] amongst the vulgar must be ascribed to its abstract and intellectual character. Christianity is a religion adapted to a refined and civilized people." The rationality of the Gospels was unsuited for India as "Christianity should make no progress amongst a people unaccustomed to exercise their reason on the doctrines of religion" thus requiring adaption to a superstitious culture. ⁶⁰²

Over three decades earlier, during the production of knowledge on Hinduism, orientalist scholars like Dow had already distinguished between the superstitious practise of contemporary Hinduism as a steep deterioration from its previous golden age. This 'decline' from the rational purity precepts found in its ancient lineage is examined in greater detail by Patterson in *British Interpretations of Hinduism* (2021). ⁶⁰³ Before 1813, evangelicalism in India and the campaign against Sati was spearheaded by the legendary orientalist Colebrooke as he laid out the ideational axioms for the type of ideological attacks levied against Brahminism in the 1820s. Hinduism's superstition lacked its own origin story argued Colebrooke, attributing this to multiple roots "whether their mythology be a corruption of the pure deism we find in their books, or their deism a refinement from gross idolatry ; whether

⁶⁰² Adam White. *Considerations on the state of British India : embracing the subjects of colonization; missionaries; the state of the press; the Nepaul and Mahrattah wars; the civil government; and Indian Army. / by Lieutenant A. White, of the Bengal Native Infantry.* Edinburgh : Printed for Bell and Bradfute [etc.], 1822. Cambridge University Library, 8600.c.116, p. 30.

⁶⁰³ Jessica Patterson. *Religion, Enlightenment and Empire: British Interpretations of Hinduism in the Eighteenth Century.* Cambridge: Cambridge University Press [online] 2021, p. 154.

their religious and moral precepts have been engrafted on the elegant philosophy of the *Nyāya* and Miamansa or this philosophy been refined on the plainer text of the Veda.”⁶⁰⁴

In the nineteenth century, Brahminism was attacked as being the primary cause associated with “a corruption of pure deism.” The prevailing view was Hinduism’s religious culture, though ripe for reform was held back by Brahmins, the caste system it supported and the all-encompassing tradition of Hinduism. White’s own thought was that India’s caste system served as a mechanism to preserve a static society, he wrote the “institution of cast opposes a more formidable barrier to change than exists under any other system.” To remove it, India demands “an entire change in the moral and political condition of the Hindoos to enable them to throw it off.”⁶⁰⁵ Brahminism and the impulse to rationalise Hinduism were antithetical argues White, as the rise of Brahmins historically distinct class were successful through using ceremonies to convert India’s ‘superstitious minds to “those divine rules for the conduct of life.”’⁶⁰⁶

Anti-Brahminism as an aspect of Britain’s new imperial ideology can be traced even during the start of the nineteenth century. In 1800 Serampore, British missionaries operated a printing press which would print material to be delivered verbally to Bengali Hindus. The source goes on to confirm anti-Brahminism as an accepted doctrine of British Protestantism in India “We have another piece nearly ready, written by a native (Ram Boshu), exposing the folly and danger of the Hindu system. This is peculiarly pointed against Brahminism,

⁶⁰⁴ *Miscellaneous essays, by H. T. Colebrooke. With life of the author. By his son, Sir T. E. Colebrooke. In three volumes. (v.1).* London: Trübner & Co., 57 and 59, Ludgate Hill. 1873. Cambridge University Library. 810.7.c.85.18, p. 61.

⁶⁰⁵ White, *Considerations on the state of British India*, p. 31.

⁶⁰⁶ *Ibid*, p. 67.

something like those thundering addresses against the idle, corrupt and ignorant clergy of the church of Rome, at the commencement of the reformation.”⁶⁰⁷

Though a new imperial ideology was shaping British colonial rule in India, on a deeper inspection, older ideas of Englishness – Protestantism and freedom resurfaced as an assertion of British justifications to reform India’s Hindu culture. Like early Tudor claims of Papal despotism and idol worship, British attacks on Brahminism assumed an identical pattern of thought. One criticism levied was Hindus “all pay a thousand-fold more reverence and devotion to the Brahmund, than ever the people did to the priesthood in the darkest days of popery ; and all are bound in their present state by the chain of the caste.”⁶⁰⁸ Caste and Brahminism were identified as the mechanism preventing the reformation of religion like a few centuries earlier in Europe.

Comparisons of nineteenth century Hinduism with the English Reformation were parallel to another ideational shift – the move away from cultural relativism. Kompf terms this the ‘revisionist’ histories of Hinduism in contrast to the ‘orientalist’ historiography encountered in the previous chapter. Popular with officials in the metropole and Fort William it advocated for aggressive, interventionist social and cultural change for India via colonial rule as a vehicle of ‘reforming’ religion.⁶⁰⁹ Exclusionary positions against Brahmins were not exclusively a discourse associated with intervening in India’s largest religion. Decades earlier, brahmin pundits were assimilated into Fort William’s appellate courts – by 1820 some believed they should be assimilated as an instrument of religious reform. White

⁶⁰⁷ E. Carey. *Memoir of William Carey, D. D : late missionary to Bengal ; Professor of Oriental Languages in the College of Fort William, Calcutta*. London : Jackson and Walford, 1836. Cambridge University Library, Oo.36.13, p. 403.

⁶⁰⁸ Carey. *Memoir of William Carey*, p. 405.

⁶⁰⁹ David Kopf. *British Orientalism and the Bengal Renaissance*. Los Angeles: University of California Press, 1969, p. 97.

believed the ‘light’ of European civilisation could be directly imparted to Bengali brahmins based on their “desire to attain intellectual improvement.” ⁶¹⁰

Intellectual improvement, the predecessor to rationalisation emerged as a benchmark to not only rank civilisations, as encountered before, but as a strategy employed to change religious culture. Assimilating India’s priestly group into this reforming agenda was the cornerstone of indirectly elevating millions of Hindus as “The progress of refinement will instruct them [Bengali Brahmins] that the most rational worship which can be offered to the Supreme Being is to promote the happiness of fellow creatures.” ⁶¹¹

Rationalising the beliefs, practises and ceremonies of the myriad of groups under the Hindu family was never the hangover of post enlightenment British officials in the 1820s.

Brindley’s work on early Chinese civilising missions (2021) suggests the impulse to rationalise religion was an age-old imperial tactic. Brindley features the Chinese concept *jiaohua* (教化) or “educational transformation” which was an overarching program (or the effect of some program) promulgated by imperial leaders to unify, harmonise, and create a coherent whole out of China’s non-Han population. ⁶¹² Mirrored in the case of Bengal, rationalising the assorted vernacular variations of a religion the scope of Hinduism mimics imperial China in its pursuit of uniformity.

Despite the characterisations of Bengali Brahmins as promoting slavery, idolatry, creating India’s caste system one notable, Ram Mohan Roy complemented the push to rationalise and

⁶¹⁰ White. *Considerations on the state of British India*, p. 58.

⁶¹¹ Ibid, p. 58.

⁶¹² Erica Fox Brindley. “The Concept of ‘Educational Transformation’ and Its Relationship to Civilizing Missions in Early China.” *Journal of Chinese History*, vol. 5, no. 1 (2021), pp.1–21, p. 8.

improve Hinduism and its adherents. Roy's vision of Hinduism in the nineteenth century nodded to the ideational origins of British claims as a superior civilisation. Roy's English translation of *Kena Upanishad* an ancient Sanskrit text which defines Brahma proclaims the benefits of Christianity as he found the theology of Christianity "more conducive to moral principles, and better adapted for the rational beings."⁶¹³ Rationalising Hinduism offered a chance for officials in Fort William to break the Brahmanical monopoly of religious authority; while previously Brahmins collaborated with colonial rule this was principally through Sanskrit-based learning and its application to an emerging legal ecosystem now the British could drive a wedge between the Bengali Brahmins in their religious authority.

Focusing on this aspect of his public profile, Roy became the ultimate Brahmanical collaborator for the British as an agent who could command the traditional religious authority of Hinduism's highest caste while simultaneously breaking such authority.⁶¹⁴ Key to elevating India's Hindu population lay in dismantling the status of Brahmins as interlopers between the divine and worshipper; Roy, like orientalist in the 1780s attributed this power to the use of Sanskrit. Roy's proposal, like the English protestants centuries earlier were the translation of texts from the divine, into the vernacular. In his own words, translating texts into Hindi and Bengali while distributing them caused vast upheaval in Bengal "from their

⁶¹³ *Kena Upanishad in Translation of a conference between an advocate and an opponent of the practice of burning widows alive / from the original Bungla*. Rammohun Roy. S.I: 1818. Cambridge University Library. 8100.d.2903, pp. iv-v.

⁶¹⁴ For consulted studies and debates concerning Roy's thought and impact on Britain's empire see K.A. Ballhatchet, "Raja Ram Roy's Visit to England." *Bulletin of the School of Oriental and African Studies*, University of London, vol. 20, no. 1/3, 1957, pp. 69–71; Subbhas Bhattacharya. "Indigo Planters, Ram Mohan Roy and the 1833 Charter Act." *Social Scientist*, vol. 4, no. 3, 1975, pp. 56–65; Brian A. Hatcher, *Hinduism Before Reform*. Cambridge, Massachusetts: Harvard University Press, 2020; Noel Salmond. *Hindu Iconoclasts: Rammohun Roy, Dayananda Sarasvati, and Nineteenth-Century Polemics against Idolatry*, Wilfrid Laurier University Press, 1984; Brian A. Hatcher "Remembering Rammohan: An Essay on the (Re-)Emergence of Modern Hinduism." *History of Religions*, vol. 46, no. 1, 2006, pp. 50–80; Tausif Fatima, and Tousif Fatima. "Women's Rights And Hindu Law Of Inheritance: The Approach Of Rammohun Roy." *Proceedings of the Indian History Congress*, vol. 70, 2009, pp. 643–48; Martin Färe. *India in the Eyes of Europeans: Conceptualization of Religion in Theology and Oriental Studies*. Karolinum Press, 2021; Rajesh Kochhar. "Hindoo College Calcutta Revisited: Its Pre-History And The Role Of Rammohun Roy." *Proceedings of the Indian History Congress*, vol. 72, 2011, pp. 841–62.

self-interested leaders, the Brahmins.”⁶¹⁵ Bayly ties such a specific example into the ideological change of how officials grew to perceive India’s population from the turn of the century. Officialdom saw the vast majority of India’s population, whether as *ryots* or anything else as requiring liberating through the despotism of a small group of British officials.⁶¹⁶ The officials saw the regeneration of Hindustan as coming from the Company’s earlier role as a patron of classical literature; a process itself which broke Brahmanical authority.

Ramos (2017) proposes that Roy’s commitment to breaking Brahmanical authority, and the pursuit of India’s vernacular languages as encountered earlier was the perfect marriage between indigenous collaborators and European colonialism. Bengal’s most notable Brahmin collaborator compared his own reform Hindu reform agenda Hindu to Martin Luther’s Reformation in Europe which successfully ‘purified’ Christianity by removing unnecessary rituals. He remarked, “I began to think that something similar might have taken place in India and similar results might follow from a reformation of popular idolatry.”⁶¹⁷ Reforming Indians’ souls, which demanded intervention into altering indigenous religious culture; unlike Islam, with its prohibition on imagery, Hinduism conformed to a set of stereotypes around hierarchy, idol worship, esoteric religious languages and corruption that the Company, hailing from a protestant power could easily transplant into India.

Islam, one of the great siblings of the Abrahamic faiths receives far less criticism in the sources consulted and the policies enacted by Fort William. Islam could never be compared to Catholicism, for Islam had already captured the imagination of early modern Europeans for

⁶¹⁵ *Kena Upanishad in Translation of a conference*, p. v.

⁶¹⁶ Bayly, C.A. *Imperial Meridian: The British Empire and the World 1780-1830* (1st ed.). Routledge [Online] 2016, Pp. 210-211.

⁶¹⁷ Imma Ramos. “*Pilgrimage and Politics in Colonial Bengal: The Myth of the Goddess Sati.*” Routledge: London, [Online] 2017, p. 90.

centuries in trade and warfare. It was Hinduism's distinct beliefs and practises which attracted the gaze of Fort William's reforming arc. One such area was, in the realm of gender relations and death rites. Power, and the extent to which despotic rule allowed men to dominate women was argued by Mill to be codified directly into Hinduism; shaping the moral basis of nineteenth century Hindus. The *Manusmṛiti* was singled out by Mill because "neither by sale nor desertion, can a wife be released from her husband" to which he goes on to say that the law also allows for the selling of wives into slavery. To which he describes the husband as having total power, nothing "Nothing can exceed the habitual contempt which the Hindus entertain for their women." ⁶¹⁸

White, whose own views agreed with Mill's discourse; but was expanded to all of Asia. "In Asia, the power of man has been perverted to the oppression of women. Distrusting their natural inclinations, he has shackled their liberty, which has debased their character; hence, that refined sense of honour, and purity of manners, which characterize female society in Europe, does not exist; but it is unfair to infer from this, that the Hindoo women are generally unchaste." ⁶¹⁹ This passage is an example of how British India's emerging ideological consensus spanned the abstracted, civilisational condemnations of Mill to the 'grounded' trope of oriental despotism's span was wielded even by Hindu husbands in their own households.

This spectrum, concerning the abstract and the specific argues Bayly (2012) a substantial change in the inner workings because Indian liberalism represented a broad and internally contested range of thought and practice directed to the pursuit of political and social liberty

⁶¹⁸ Mill, *History of British India*, vol. 1, p. 311.

⁶¹⁹ White. *Considerations on the state of British India*, p. 80.

through colonial governance and intervention into Indian culture. Its common features were a desire to re-empower India's people with English notions personal freedom in the face of the despotic government of foreigners, entrenched traditional authority and supposedly corrupt domestic or religious practices ⁶²⁰ recounted by the likes of Mill and White.

A single contentious topic created consensus in the contested ideas committed to elevating the cause of Indians – Sati. ⁶²¹ Mani's *Contentious traditions: the debate on Sati in colonial India* (1998) introduces the first ideational starting point for officials wanting to ban Sati. Initially, Fort William's official strategy was to focus on Sati's scriptural basis; insisting that the prohibition of widow immolation was consonant with enforcing the explicit rules of Hinduism. ⁶²² Constituting the problem of sati primarily as a matter of scriptural tradition allowed the Company to shift its moral responsibility to improve Indians to their Brahmin pundits. *Suttees' cry to Britain* (1827), a set of edited sources from the 1810s-1820s published by James Peggs adds complexity to the British debates on regulating and then eventually banning sati cremations.

Despite not being a Bengali pundit, the British missionary challenged the initial effort to shift the religious intervention into the British courts away from Fort William. Peggs disputed this approach as the practise was secular; depending on caste and geographic region; concluding that "that the cruel practice has in it more of the nature of a civil, than a religious ceremony."

⁶²⁰ C. A. Bayly. *Recovering Liberties Indian Thought in the Age of Liberalism and Empire*, Cambridge University Press, June 2012 [Online], p. 1.

⁶²¹ The literature on Sati and gender during colonial India is vast. A good overview is *Sati, the Blessing and the Curse : The Burning of Wives in India*, edited by John Stratton Hawley, Oxford University Press, Incorporated, 1994. However, for a focused survey rooted in gender and colonialism after 1765 see J. Taneti *Caste, Gender, and Christianity in Colonial India : Telugu Women in Mission*, Palgrave Macmillan, 2013; Eliza Kent F., *Converting Women: Gender and Protestant Christianity in Colonial South India* (New York, 2004).

⁶²² Lata Mani. *Contentious traditions: the debate on Sati in colonial India*. London: University of California Press, 1998, p. 15.

⁶²³ The appeal of regulating sati, was colonial Bengal's judicial system was experienced enough to handle complex, jurisprudential interpretations as seen in chapter two. Mani argues that the key appeal of a scriptural analysis of sati was the British courts to judge sati funerals based on their legality according to Hindu law. However, the Company's blind spot was regulation would only involve British officials even more into the debate as they would have to continue to adjudicate cases on an individual basis according to Hindu law and thus they would be in a constant conflict between legality and morality. ⁶²⁴

Like White, Peggs was part of a new cohort of lower order colonial officials who increasingly published their opinions on Bengal and India. As Mill spent his days locked away, Peggs, as a missionary in Cuttack offers to historians the 'frontline' penetration of utilitarian language in Britain's emerging imperial ideology. Peggs took a multidimensional approach to forming his view on sati and calling for its active prohibition. Evaluating sati was the obligation of the colonial state's organs in studying "the effects of this system on social happiness" ⁶²⁵ which reinforces utilitarian applications to foreign religious cultures. Though the missionary played no institutional role in banning sati in 1829 his writings, and desire to compile this text points to the constant ideological discourse outside of British officialdom – the case of sati became ideological mainstream.

Just like Europe's reformation, in the eyes of Protestants they reclaimed Christian institutions and morality from Roman Catholicism, the campaign against sati galvanised a similar moral crusade. Ram Mohan Roy's transplanting and vision of rationalising Hindu theology is effortlessly compared to Peggs' vision of the historic magnitude of elevating Hindus' moral

⁶²³ *Suttees' cry to Britain : containing extracts from essays published in India and parliamentary papers on the burning of Hindoo widows.* Edited by James Peggs, 1827. Cambridge University Library. Pam.5.82.28, p. 13.

⁶²⁴ Mani. *Contentious traditions*, p. 125.

⁶²⁵ *Suttees' cry to Britain*, p. 7.

worldview. Fort William could draw on the English protestant psyche, as Peggs compares a time when early modern England was also backwards and more brutal, such times like “the whole reign of bloody Mary, or than disgraced the annals of papal superstition in Britain from its establishment to its downfall.”⁶²⁶ This prevailing belief in the marching linear arc of a civilisation’s progress singles out Peggs as the entire embodiment of imperial liberalism’s belief in civilisational hierarchies ultimately concluding with reforming the moral systems of ‘inferior’ peoples. Sati features little in Mill’s own writing, but his ideational influence on normal missionaries like Peggs is apparent. Mill’s own scale of civilisation ranked equal parity between the sexes as a signal of a civilisation’s superiority.⁶²⁷

Fisch (2000) intervenes in the historiography on sati; he agrees that with Mani on the initial discourse around regulating sati via Bengal’s judicial system. But why did this shift so quickly from tolerating sati to integrating it as part of an ideological moral crusade against backward civilisations? Fisch argues this dramatic ideological shift arose from the trap Fort William fell into; consulting for the jurisprudential religious opinion of sati attracted the divisive topic to an even closer association with British rule.⁶²⁸ Paradoxically, tolerating sati, with British judges distinguishing between illegal and legal cremations opened up further divisions at the expense of alienating large portions of Britain’s Hindu subjects.

It was in sati, that the impulse to ‘raise’ India’s civilisation found a natural ally in parts of India’s upper caste Hindu elite. In Tamil Nadu, the Madras Courier’s editor receives an anonymous letter in response to the paper’s coverage of sati. The letter characterises the practise as adopted by “People of limited understanding, not being able to comprehend the

⁶²⁶ *Suttees' cry to Britain*, p. 31.

⁶²⁷ Mill, *History of British India* vol. 1, p. 310.

⁶²⁸ Jörg Fisch. "Humanitarian Achievement or Administrative Necessity? Lord William Bentinck and the Abolition of Sati in 1829." *Journal of Asian History*, vol. 34, no. 2, 2000, pp. 109–34, p. 113.

system of worshipping the Invisible being, have adopted doctrines and by that means confounded weak minds in remote times.”⁶²⁹ The letter’s identity is impossible to infer through the source, moreover Roy’s own reply is a return to the type of crusading Protestantism that became mainstream in early nineteenth century India because “I was the first to point out the absurdity of idol worship and to inculcate the propriety of divine worship.”⁶³⁰

India’s history of petition-making and public engagement allowed the filtration of Britain’s ideological campaign against sati enter the mainstream. Since petitions carried weight only when they were signed by a sizeable number of people, the act of preparing a petition was a very public one involving manipulating public opinion and creating publicity. No doubt, these acts of publicizing petitions involved the patron-client relationships that were at the core of all *dalas*, but they would also need a wider support network, which would have been created by word of mouth, but also by pamphlets and newspapers like the Madras Courier.⁶³¹ Roy’s exchange, and the publishing of letters denouncing sati leveraging a more modern form of Indian petitioning for the sake of British ideological causes. The sources consulted also functioned in this way; British pamphlets debating sati were published in both British India and the Home country like *Suttees' cry to Britain*.

Interest in sati beyond the confines of Calcutta, indeed stretching all the way to parliament. Its interest from the Governor-General’s office, individual MPs and Company servants alike serve as a useful example in investigating the limits of ideology and the frontiers of colonial

⁶²⁹ Roy, *Translation of a conference between an advocate and an opponent of the practice of burning widows alive*, p. 3.

⁶³⁰ Ibid, p. 5.

⁶³¹ Aritra Majumdar "Rammohun and the Debate on Sati: Locating the Public Sphere in Early Colonial India" *Proceedings of the Indian History Congress*, vol. 78, 2017, pp. 627–34, p. 629.

governance. The desire to ‘improve’ Indians through intervening in customs like sati, does feature as a trend of early nineteenth century colonial thought, when the Bengal polity’s frontiers were still confined to revenue and appellate organs. – mention the primary sources here and then the chapter should be pretty much completed. A document submitted to parliament in 1826 which contained evidence on Sati confirms the non-interventionist approach.

An echo from chapter two of this dissertation, parliament reverted back to early colonial jurisprudential thinking making since 1772; Hindu texts and indigenous collaborators sanctioning formed the basis of state-determined cultural intervention argument in as now officialdom announced suppressing sati stems from being “unsanctioned by Hindoo law.” Coupled with this, the previous reluctance to ban sati outright resorted to Fort William’s claim that in 1799 legislation already existed to criminalise the practise. Section 3 of Regulation VIII (1799) offered some substantive grounds to consider sati as homicide and charge those associated with it as complicit in homicide.⁶³² Parliament would later reject this argument, casting doubt on whether the Act technically could even encompass the victims of sati and individuals ‘complicit’, hence it was rejected on the basis the Company was not serious. Curiously, both these examples, submitted to Parliament by the Company exposes the dependencies and desire to build an indigenous consensus on banning sati through jurisprudential tools, not Fort William-issued directives.

Between 1772 and 1799 then, Fort William exposed the limits of its rule; cultural interventions were limited and were confined to utilising pre-existing legal tools that the

⁶³² Parliamentary Abstracts. Containing the Substance of All Important Papers Laid Before the Two Houses of Parliament During the Session of 1825. London: Longman, 1826, pp. 280-282.

Company had employed elsewhere like in the Permanent Settlement and Joint Hindu Family Stock – which were heavily dependent on indigenous sanctioning through the influential Brahmanic pundit class in colonial Bengal. After 1799, this trend towards consensus building on sati shifted to targeting officials in the metropole. Increasingly the metropole’s public domain became the space for testing ideologically charged views via the medium of publications, which have also been examined elsewhere in this chapter. Richard Hartley Kennedy’s *The Sutti, as Witnessed at Baroda* from 1825 (though this edition was published in 1855) is one such example of how increasingly British imperial thought was being iterated outside of official channels in Fort William.

Kennedy positioned his account as the opposite of the Company’s Indophilic wing, which by the 1820s was largely out of fashion. His observations at Baroda were a narrative of anti-civilisation, starting with the pre-cremation gathering once the widow became “surrounded by a straggling mob of half-naked Brahmins, shouting “Ram Bahie Ram!” The author, though British was a friend of the family and therefore could also record the voice of the widow, who he interviewed. He notes how “the victim, a gastly looking figure, her hair dishevelled, and defiled, as well as her whole person” despite herself and the crowd being blasé about the whole ceremony. Kennedy interviewed the widow as “herself spoke to me in a tone of absolute jest, on the marked curiosity with which I noted and examined every step of their proceedings.” Examining the belief system from the victim herself, not interlopers outlines how the widow was motivated by “Her belief in the Pythagorean doctrine of transmigration was firm and fixed ; she looked forward without a doubt to secure for herself and her husband, by this sacrifice, a new life of happier existence.” ⁶³³

⁶³³ Richard Hartley Kennedy. *The Sutti, as Witnessed at Baroda, November 29th 1825*. London: J. King, 1855, pp. 12-17.

This account, published not to parliament but in the public sphere echoes Lyndon's work on Imperial Emotions as encountered earlier. Widows willingly rationalising their desire to be cremated alive, the crowd wholly complicit in the custom was an example of 'bad emotions' projected onto non-European people.⁶³⁴ Kennedy's anti-civilisational, anti-women portrayal of sati was in line with the ideational trends outlined earlier in Mill's characterisation of rudeness. As the widow walked to her funeral pyre "Some were clashing rude cymbals"⁶³⁵ which was a linguistic ploy, designed to draw in 'home' readers who had no experience of India.

As with many of these published writings, the text typically concludes with an inherently political, jingoistic call to arms; pitted in a struggle between British civilisation and uncivilised cultures. Kennedy concludes that such an empiric account of a sati funeral would sanction cultural interventions, as "a new day has dawned on India, and that these wretched sacrifices may be spoken of by the future generations as things that were, before British dominion enlightened India." Like Mill, empire's success was measured by civilisation as Britain must "go on conquering, and to conquer, until every dark recess of the Cave of Error shall have been enlightened, and every stronghold of cruelty and superstition been overthrown!"⁶³⁶ Emotional appeals to shape imperial thought's role in cultural interventions was dramatically different to the previous judicial reversions, which largely placed the decision indirectly into the hands of the colonised.

⁶³⁴ Lydon, *Imperial Emotions*, pp. 29-30.

⁶³⁵ Kennedy, *The Sutti*, p. 12.

⁶³⁶ Ibid, *The Sutti*, p. 55.

Anti-civilisational discourses in pamphlets remained the popular medium in forming interventionist arguments for the colonial state's intrusion into Hindu custom. Sir Charles Forbes received *An Appeal to the Inhabitants of Great Britain on behalf of the Native Population of India* (1836) from an anonymous author; premised on an extraordinary claim that its author spoke on behalf of Indian people. Touching on Lyndon's work and Kennedy's emotional appeal, the British author consolidated the message that Indian women were not sovereign agents; the preceding premise being sati is a coercive function. Forbes lays out state of female education in India, he says "it is impossible to conceive the wretched state of females in India" and then "education was so utterly unknown, that it was doubted whether a Hindoo female could be found who could even read." Familiar arguments resurfaced as women existed in "such a state of moral and personal slavery, what hope can be entertained for their children", which indirectly hints at the need of state-intervention.⁶³⁷

Indian women as victims, lacking agency in an anti-civilisational condition of early nineteenth century India was a widely held mainstream view of colonial circles. Indian women who existed on the frontiers or beyond the confines of the Bengal polity were regarded as being most at risk from anti-civilisational forces. Emphasis was placed on the 1819 incident of predatory tribes within Bengal as part of a wider example in the obligations for the colonial state to 'correct' anti-civilisational elements, particularly pertaining to women. Under the administration of Governor-General (Marquis) Hastings, 1819 witnessed less than 9000 females destroyed themselves on an incursion of the Pindarree tribes for insults either received or feared. Then in the years immediately preceding the establishment of British influence, there were repeated instances of females destroying themselves by

⁶³⁷ *An Appeal to the Inhabitants of Great Britain on behalf of the Native Population of India: in a letter to Sir Charles Forbes, Bart.* London: Henry Blanshard, 1836, p. 12.

hundreds on approach of an enemy.”⁶³⁸ These types of texts, which are included later in this chapter showcase how the decline of empire’s non-intervention policy was partly rooted in the construction of a cultural and historic narrative of Indian women lacking protection, agency and ultimately victims of their own culture, communities and husbands.

By the 1820s, sati, despite British attempts to quietly reduce the practise through its judicial system still held a presence among Bengali Hindus. Between 1815 and the time just before the ban, 1828 the yearly average of Sati cremations was 581.⁶³⁹ Additional research from Lani suggests the initial belief that sati’s proportionally high representations amongst Brahmins as official company figures from 1823 report that it was still dominated by higher castes as: “brahmin 234; kayasth 25; vaisya 14; sudra 292.”⁶⁴⁰ The momentum to ban sati grew progressively; in his annual report Hamilton alluded to the doomed attempts at regulating the practise through scripture. During a fact-finding survey in Benares he consulted Hindus of different castes; concluding there was not a solid authority on the subject which could confirm sati burnings. Even in discussions with pundits – who would be responsible for providing jurisprudential opinions in sati cases agreed there was no clear sanctioning in Hindu scriptures.⁶⁴¹

This report, from January of 1828 suggests that the ideological case for colonial intervention in religious customs existed as part of a multitude of causes for the eventual ban in 1829. Within the judicial machinery of Fort William, magistrates and British judges who would be overseeing its regulation withdrew their support. Judicial employees from the Sadr Adalat placed pressure on Governor-General Bentinck for a gradual or immediate abolishment of the

⁶³⁸ An Appeal to the Inhabitants of Great Britain on behalf of the Native Population of India, pp. 19-20.

⁶³⁹ Fisch, *Bentinck and the Abolition of Sati*, p. 109.

⁶⁴⁰ Mani. Contentious traditions, p. 22.

⁶⁴¹ Letter 78, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 146.

sati custom. Their appeal was based on the overarching ideology covered in this chapter as they said “Every rational and civilised being” must feel anxiety for the continued practise in British-controlled territories. This appeal was part of the same circular issued to military officers which acknowledged empire and its justifications, depended on sati’s abolishment because the justification of empire would be “very incomplete, if upon the continuance of the British rule did not entirely depend on the future happiness and improvement of the numerous population of this eastern world.”⁶⁴²

The belief that Britain had a moral duty to abolish sati also grew from within the Company’s ranks. Grimshawe’s *An Earnest Appeal to British Humanity In Behalf of Hindoo Widows* (1825) is another public outlet for increasing the mass appeal of ideological justifications for empire – in this case a direct address to the British public. He called “On that Government, which has so often redressed the wrongs of suffering humanity, and on the British Parliament at large, we would now solemnly call, to arrest the progress of this Destructive rite.”⁶⁴³

Grimshawe was himself an Anglican priest; whose place outside the colonial engine of Fort William is evidence of a mainstream ideological consensus which irrespective of ‘camp’ employs the same language and rationale to justify colonial intervention – to which sati was its most famous. Eric Stokes proposes a convergence thesis around the time of sati’s abolishment; evangelicalism and utilitarianism had some shared concepts, both “had turned against the tolerance and respect for Indian civilization”⁶⁴⁴

Abolishing the Hindu practise, which has its own roots in a Vedic era custom was, despite the media coverage and moral crusading a means to an end. His conceived end was “Great

⁶⁴² Letter 50, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 91.

⁶⁴³ Grimshawe. *An Earnest Appeal to British Humanity*, p. 40.

⁶⁴⁴ Stokes, *The English Utilitarians and India*, p. 54.

Britain has longed signalized herself in that portion of the globe, by a series of the most illustrious achievements” while he celebrates the conquests of the East India Company, he argues that the true victory is “the blessings of her Rule in the admiration and gratitude of succeeding ages” which in turn would transform the British empire and India, the latter to recognise the former as “no longer a Conqueror to whom she is bound by the terror of our arms, but a Benefactor indissolubly endeared by the triumphs of our mercy.” ⁶⁴⁵

Indian pushback, in the form of an 1829 petition published by supporters of sati recognise from the colonised the change in Britain’s imperial ideation. The petition declared the ban would be against the spirit of various Acts of parliament because “no one is to interfere in any shape in the religion or the customs of the Hindu subjects.” ⁶⁴⁶ They did have reason to recognise this change; for colonial rule was rapidly changing from the prevailing worldview of Hastings in the 1770s and 1780s – the start of this enquiry. Viswanathan in *Masks of Conquest* (1989) proposes that the administration of Hastings was essentially a reconciliation; it offered a bridge between the Indian elites that British officials required to gain the trust of to effectively rule, and the Company’s true masters in the metropole – parliamentarians and the court of directors. ⁶⁴⁷ Bridging the divide between colonised and coloniser required officials to recognise the limits of their power; it was a pre-ideological stance that embraced a commercial idiom of politics, based on negotiation rather than dictation. ⁶⁴⁸

Lingering in the background, was Fort William’s belief in decision-making rooted in Indian consensus mechanisms, not outright policy directives. Lord Amherst, then Governor-General

⁶⁴⁵ Grimshawe. *An Earnest Appeal to British Humanity*, p. 43.

⁶⁴⁶ Letter 168, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 370.

⁶⁴⁷ Gauri Viswanathan. *Masks of Conquest: Literary Study and British Rule in India*. New York: Columbia University Press, 1989, p. 43.

⁶⁴⁸ Ibid, p. 70.

alluded to majoritarian consensus building in an exchange with the court of directors in London. Fort William's 'private' view on the matter in 1825 was that any ban should be based on "the extent to which it prevails, and the enthusiasm by which it is upheld." The insider's view was that a premature ban would unravel the decades spent winning the 'hearts and minds' of Hindus as examined in the previous chapter. Amherst argued against a ban, stating "We have reason, however, to believe, that in the eyes of the natives the great redeeming point in our government" was the "scrupulous regard we have paid to their customs and prejudices" and any intervention would result in alienation. Unlike earlier arguments which resorted on pundit authority, the appeal this time was in majoritarian consensus building, not pundit-jurisprudential as "In native opinion, the voluntary nature of the act of suttee diminishes the right of the government to interfere ; and it must be remembered that the safety and the expediency of suppressing the practice must be judged by reference chiefly to native, and not to European habits of thinking." ⁶⁴⁹

Curiously, this private view by the Governor-General failed to enter the mainstream as in the same source enclosed in the letter was Mr Harington's minute who argued sati has "recently excited much interest in England" ⁶⁵⁰ by the 1820s. This excited interest in sati alienated Fort William itself by the 1820s; from the perspective of Indians and Britons alike the total abandonment of negotiated rule – ideology ruled. Ram Mohan Roy, an insider critical of contemporary Hinduism and sati observed this too. He described the British abolition of the sati practise as being perceived as: "While the English were contending for power, they deemed it politic to allow universal toleration, and to respect our religion; but having obtained the supremacy, their first act is a violation of their professions, and the next will

⁶⁴⁹ *Parliamentary Abstracts Containing the Substance of All Important Papers Laid Before the Two Houses of Parliament During the Session of 1825*, p. 278.

⁶⁵⁰ *Ibid*, p. 279.

probably be, like the Mahomedan conquerors, to force us upon their religion.”⁶⁵¹ An inside view of ideological interventions into Indian culture both Roy’s observations and Viswanathan’s work only concern the institutional cause-change shift. Lydon’s *Imperial Emotions* (2019) intervenes by interrogating the type of forces at work which drove the institutional change that is typically the focus of historical writing.

Mass media, public campaigns and the involvement of non-colonial officials increasingly came to drive the delicate, negotiated fixture of the 1770s and 1780s to the moralistic universalism of the 1820s. Lydon anchors this to the Enlightenment’s impact on the public sphere because rationality, in the eyes of the public becomes infused with ‘sentiments’ and ‘good emotions’ which in the colonial context extended to non-Europeans, in this instance the Hindu widows. Sympathy was henceforth a benchmark which became a new tool for the public to distinguish civilised and uncivilised peoples. Lydon’s analysis introduces a new trend to imperial ideology because it “evoked Britain’s temporal evanescence at a time of growing appreciation of the time-depth of human civilization, as well as an awareness of the global diversity of humankind, largely prompted by Enlightenment exploration.” Like the Romans, the contemporary blended with the historic as empire was examined as a moral cause to be judged in the future with the children of empire coming to London from New Zealand like contemporaries visit ancient Roman ruins.⁶⁵²

Bentinck, who played the most substantial individual role in sati’s abolishment was the child of both these trends. In his *Minute on Sati* his rationale confirms the moral elevation of empire as its abolishment can only be justified by “reason, and reason alone.”⁶⁵³ Morality did

⁶⁵¹ Letter 157, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 338.

⁶⁵² Lydon, Jane. *Imperial Emotions: The Politics of Empathy across the British Empire*. Cambridge: Cambridge University Press [Online], 2019, pp. 29-33.

⁶⁵³ Letter 157, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 335.

matter, and Britain's empire-builders were concerned with their own legacy as history, and historical writing continued to play a role in imperial liberalism ideational development. Ataç ascribes this to the grand historic, civilisational cycle that many educated Britons took for granted. Starting in antiquity with the dual Greek empires – Athenian and Spartan antiquity depicted a global dynamic cycle, through which civilizations rose and fell. It was the first states of antiquity, seen on the Grand Tour that experienced this cycle of 'birth, growth, maturation, decline and death', but all nations were subject to it. They would follow the same historical patterns and inevitably meet the same end, which was irrecoverable degeneration.

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On the 4th of December 1829 the campaign against sati came to an end with the issuing of the Bengal Code's Regulation XVII; Article I stipulated the "practise of burning widows is punishable by criminal courts."⁶⁵⁵ Britain by the 1820s therefore had a newfound level of confidence, unlike Mill's writings which merely described the disparity between civilisations – and making the crucial connection between rudeness and inferior moral systems⁶⁵⁶ there was a new generation of colonial officials heavily influenced by the new public sphere and eager to act, not write about change in India. Stokes separates this as a lynchpin of Mill's ideological legacy in India; his conception of a top-down revolution of Indian society carried through solely by the weapon of law.⁶⁵⁷

Imperial liberalism then assumed a very different course to its initial concept of figures like Bentinck and Mill. It welcomed the resurgence of evangelicalism; built on the foundations of

⁶⁵⁴ Akça C. Ataç, "Imperial Lessons from Athens and Sparta: Eighteenth-Century British Histories of Ancient Greece" in *History of Political Thought*, vol. 27, no. 4, 2006, pp. 642–60, pp. 643-645.

⁶⁵⁵ Letter 164, *The Correspondence of Lord William Cavendish Bentinck Volume I*, p. 360.

⁶⁵⁶ Mill. *History of British India*, volumes 1-2, 5th edition, pp. 152-153.

⁶⁵⁷ Stokes, *The English Utilitarians and India*, p. 69.

elevating India's moral compass it was a far cry from the secular, utility-centric worldview of Bentham and Mill. Empire as a vessel of God's will was transformed as a mainstream view because of the belief India's backwardness came from its religion. Hamilton's *Hindustan*, encountered earlier brings the moral cause of a transnational Christian empire; the Company's rise, as a Christian power was able to obtain in "two centuries, the same ascendancy which idolatry has enjoyed in India." Sati was merely the most famous victory as Christianity was needed "to extinguish the fires of the funeral pile, into which superstition is annually casting its victims."⁶⁵⁸

The end of empire, indeed, the teleology of Britain's new imperial ideology was in its moral elevation of humanity; a protestant reading of morality that exported mass conversions, self improvement and the culture-changing universalism that was brought along with the debate on sati. Unlike Hastings or Cornwallis, whose vision of colonial rule was fiscal surplus extraction, Christianity was enterally in battle with "the root of human misery" which could point "its weapons against the principle rather than the development of evil"⁶⁵⁹ instead of the previous Company playbook of regulating custom, not abolishing it.

Empire's crusading zeal did not terminate with sati; in the runup to the Company's charter renewal, this time in 1833 banning the Hindu practise, characterised as good versus evil was merely the springboard for an even greater, all-encompassing impulse to save humanity. In 1831, when debating the future of the Company Robert Grant, a member of the board of commissioners celebrated the triumph and new mission of empire as it "progressively improves, and its foundations are so broad and deep that none can guess the future magnitude

⁶⁵⁸ James Peggs. *India's Cries to Humanity*, "Hamilton's *Hindustan*", p. 406.

⁶⁵⁹ Ibid, p. 446.

of the superstructure. Into whatever forms of moral or political excellence, philanthropy, in her radiant but permitted dreams, can mould the dust of morality, she may one day awake and find them exemplified on the banks of the Ganges.”⁶⁶⁰ White, a decade earlier recorded the epochal shift in Indian history because of Company rule, across Asia’s subcontinent “the dawn of improvement has manifested itself”⁶⁶¹ Until India’s attempted revolt in 1857 imperial liberalism’s moral universalism, whether declared by the principle of utility or the Gospels remained dominant.

Cain, in *Mission to Civilise* (2012) whose work focuses on the late British empire claims the impulse to elevate, as a terminal point of Britain’s emerging imperial ideology lived on. Beyond Bentinck’s time, right across the nineteenth century and beyond, British imperialists saw the empire as a moral project. Since the 1820s then argues Cain, imperial governance for the rest of the nineteenth century was thought of in moral terms. Improvement would come at a slower pace as still the moral project of an equality of morals between Indian and British could be realised through Britain’s imperial duties.⁶⁶²

How can historians define such a moral project? What did an equality of moral standing look like? Was it simply confined to populist topics like sati? Such answers lay chronologically outside of this dissertation, but its roots lay in very early arguments about Indians’ morals. Rev. John Owen of Queen’s College Cambridge offers one window into a vision of empire’s end – morality. Owen believed the object of missionary movements outside of Europe was “the *universal* dissemination of the Christian Faith”⁶⁶³ Richard Hey, another theologian a

⁶⁶⁰ Ridgway. *The East India Question Fairly Stated*, p. 2.

⁶⁶¹ White. *Considerations on the state of British India*, p. 59.

⁶⁶² Cain, *Mission to Civilise*, p. 588.

⁶⁶³ Rev. John Owen. *An address to the Chairman of the East India Company : occasioned by Mr. Twining's letter to that gentleman, on the danger of interfering in the religious opinions of the natives of India 1807*. London: J. Hatchard, 1807. Queens’ College, Cambridge, Old Library, P.447(19), pp. 4-5.

world away from Bengal declared “we behold a potent claim upon the humanity and exertion of Britain, to confer every practicable benefit upon the extensive and populous territories subjected to her dominion.”⁶⁶⁴ Such theologically-inspired writings though, on a closer inspection capture the unifying essence of a coherent, loosely defined ideology centred on improvement. Hey’s writings reinforce the loosely defined moral system which passed into the mainstream.

Elevating the souls of Indians was increasingly defined as a process of ‘instruction between two civilisations, Christian and non-Christian. Connecting Indian morality to a civilisation’s backwardness; positing that like children, the duty of a Christian empire was to “train them to have good *Habits*.”⁶⁶⁵ Habit, used in this context and of the early nineteenth century is defined by the OED as “The way in which a person is mentally or morally constituted; the sum of the mental and moral qualities; mental constitution, disposition, character.”⁶⁶⁶ Changing Indian culture then became the terminal point of empire – the moral fibre of India had to be corrected by empire. Hey argues the most effective means of achieving this was through the instruction of Britain’s colonial subjects in the precepts of Christianity and higher civilisations.⁶⁶⁷

Coincidentally, the foundations of empire as a moral project occurred outside the Company’s reach and two decades before the sati ban and charter renewal. Rev. Robert Hall, like Hey had no connection to the East India Company’s administration in any presidency in conjunction with no evidence of having even visited the subcontinent. Despite this, Hall

⁶⁶⁴ Richard Hey. “*Some Principles of Civilization; With Detached Thoughts on the Promotion of Christianity in British India*” by Richard Hey. Cambridge: J. Smith. Queens’ College, Old Library Gg.6.20(1), p. 27.

⁶⁶⁵ Ibid, p. 52.

⁶⁶⁶ “*Habit*, N., Sense III.8.” Oxford English Dictionary, Oxford UP.

⁶⁶⁷ Hey, *Some Principles of Civilization*, p. 75.

predicted the powerful ideational convergence of utilitarianism, evangelical Christianity and British liberalism – all in 1800. Critically, Hall noted the “prevalence of Christianity everywhere marks the boundary which separates the civilized from the barbarous or semi-barbarous parts of the world” itself a completely different vision of colonial governance even to officials like Cornwallis. Hall’s vision was an aggressive intervention in non-Christian cultures that echoed the ‘rationalisation’ of Hinduism two decades later as he argued for “this boundary [to] be extended” and “redeemed from the waste, and prepared to receive the precious seeds of civilization and improvement.” ⁶⁶⁸

Empire, and the teleology of its rule in India therefore was elevated itself; for Hey, Hall and Mill it was a moral project concerning the age-old battle of good vs evil. The essence of colonial administration then, was an urgency to ‘instruct’ or extinguish India’s non-Christian religions to “exalt the sentiments and purify the principles of this corrupt and effeminate race” ⁶⁶⁹ Though the exact end of this battle was unclear, even if there was no end. So long as humanity existed, the duties imposed by morality and history would remain. Hey himself pre-empted the self-doubt that governing India might bring whether 1833, 1857 or 1947. Despite having never visited India, never been employed by the Company Hey concluded the end of imperial ideology in this critical phase of empire with the belief that the “difference of opinion, in the writers whom I have consulted, respecting the precedence of civilizing of christianizing those who stand in need of both. Some propose Civilization as a step preparatory to the introduction or offer of Christianity, others speak of Christianity as the only or most effectual means of civilizing.” ⁶⁷⁰

⁶⁶⁸ Robert Hall. *An address to the public, on an important subject connected with the renewal of the charter of the East India Company* / by Robert Hall, A.M. Bristol: Printed by R. Rosser, published and sold by J.M. Gutch, 1800. Trinity College, Wren Library. (L.1.85[21]), p. 10.

⁶⁶⁹ Ibid, p. 13.

⁶⁷⁰ Hey, *Some Principles of Civilization*, p. 13.

Empire's Duty

When Roe appealed to Jahangir in 1615 to allow a noble trading company to begin its operations that Company would go on to bind the fates of Britain and the Indian subcontinent, with its effects stretching into modernity. Over a century and a half later, Roe would have been surprised at the sight of Clive, commanding an Anglo-Indian force to supplant an Indian ruler in the pursuit of its commercial operations. In turn, the same Company, during its charter renewal in 1833 would be as unrecognisable to Clive as it was to Roe.

This chapter has charted the terminal point of Britain's imperial ideology; it has introduced the teleology of improvement as a coherent ideological footprint in early nineteenth century India. As encountered, there is an established historiographical backdrop to many of themes considered so far. Koditschek's *Liberalism, Imperialism, and the Historical Imagination* provided a foundation to this chapter; showing that imperial thought was in constant flux as officials grappled with the perceived challenge of their duty to 'rescue' colonised peoples and bring them into modernity.

Mehta in *Liberalism and Empire* provided the ideational background to these developments; the commonly believed idea separating modernity and 'the past' was the distinction between civilised and uncivilised. This distinction, as this chapter has demonstrated became the kernel of imperial thought's evolution. In the first section of this chapter, Mill's scale of civilisations was a testimony to how mainstream discourses were permeated by a growing sense of

superiority that centred on the colonial interaction. Focusing on difference, not the intrinsic value of Indian culture differed from the Indophilia encountered from earlier ideational strands found in chapters 2 and 4; Indian culture was regarded as a barrier to rule, not a plane for collaboration.

A divergence from institutional patronage, toleration and utilisation of Indian culture and its institutions occurred during the start of the nineteenth century. Both the primary sources consulted for this chapter and the historiographical contributions of historians like Pitts in *A Turn to Empire* articulate a pluralistic strand of ideas focused on empire as a boundary between civilised and uncivilised. This chapter has articulated the rapidly growing influence of non-Company sources and an increasingly metropole-driven discourse which inserted a greater ideological zeal than was previously held by high-level administrators like Hastings, Colebrooke or Cornwallis. This pluralism argued Pitts came in the form of a full-spectrum of voices including radicals, conservatives, parliamentarians and other thinkers who had a newfound civilisational confidence in the early nineteenth century.⁶⁷¹

Hence the first section captured the kernel of British imperial thought; it's self-regarding belief in Britain's civilisational superiority. Mill's own *History of British India* served as the epitome of a codified source which combined a set of ideas drawing on utilitarian notions of 'good governance', evangelical criticisms of contemporary Hinduism and broader liberal notions of freedom.⁶⁷² Britain's imperial ideology was not original; its ideational heritage stemmed from overarching hegemonic themes of the Enlightenment including secularism, rationalism and universalisation. These values translated into a discourse that centred on

⁶⁷¹ Pitts. *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 14.

⁶⁷² Codified examples of this ideology are found beyond the *History of British India* see Mill's 'Essay on Government' for the theoretical developments.

using the colonial state to ‘improve’ India by transforming its institutions, state-driven cultural interventions and an imposed economic system centred on free trade.

The second section demonstrated how this impulse to improve India’s condition also turned its gaze onto the Company. The colonial polity itself came under scrutiny as the perceived ideals of an enlightened British civilisation sought to ‘correct’ Bengal’s colonial polity from its roots as a mercantilist corporation to the very embodiment of British values in Asia. This trend, itself a product from the decades-long scandals associated with Bengal’s history since Plassey in 1757 invited new ideas, trends and ideas into the sphere. Smith, Burke and lesser-known officials criticised the very essence of the East India Company; confronting the very basis of a corporation with a monopoly ruling as a sovereign. Free trade and efforts to regulate slavery altered the Company’s basis as a monopolistic entity which could only be occupied with fiscal extraction. Trade and institutional change, not tax farming and soldiers replaced both the Clive and Hastings legacies which so dominated the Company.

Slavery confirmed the very limits, both of this new ideology in India and the very constraints of the colonial state. The failure to properly regulate slavery as echoed in the sources used tell a story of the slave trade flourishing in Bengal throughout the early colonial period. Despite the public campaigns and moralising to ban slavery in the western hemisphere of Britain’s empire, its simultaneous growth in India exhibits the very limits of ideology – to the reaches of the state. The evidence that the colonial polity, even by 1833 still could not entirely enforce its own system in Bengal points to the persistent reality constraints that the ideological discourses faced.

Britain's impulse to 'improve' an inferior civilisation reached a terminal point – the destination for this trail of thought, indeed, the destination of all its strands both secular and evangelical lay at belief in the transformative interventions of the colonial state in changing the moral-value structure of India. By the 1820s the campaign against sati and its eventual abolishment focused the ideational strands into a unified discourse that increasingly pointed to powerful influences from the public sphere, parliament and Company outsiders.

Bengal's own place in history cemented its role as the testing ground of colonial governance but also as a unique history of how ideas are increasingly determined by material constraints and not pure abstractions. In 1773 as the subah was recovering from a devastating famine Fort William's administrators were compelled to solve a collapsing agrarian system, defunct legal system – not a focus on rationalising Hinduism or challenging India's indentured labour market. In contrast to 1834, Fort William rightfully enjoyed a newfound confidence in the condition of empire; by the 1810s and 1820s the building blocks of governance had finally been stabilised.

This stability unlocked the opportunity for Fort William to pursue more abstracted policies which could only be realised once revenues could be predicted and Bengal returned to a functional polity. The journey of colonial Bengal's ideas is very much a narrative of the conditions determining the ideational development, and not ideas imposed on the land. An irony emerges though, as this entire dissertation charts the growth of a coherent and increasingly codified ideology just as the Company's actual power as an entity was eroded in the nineteenth century – as the Company shrank, ideology grew; eclipsing it as a shadow of the days of Clive and Hastings.

An Empire of Thought?

“World History is a court of judgement.”

Hegel, *Lectures On The Philosophy Of History* (1837)

Britain's Indian empire never ended in 1834, it was far from its territorial limit. British India came to encompass lands beyond the subcontinent, beyond the dreams of Akbar or Ashoka. From its seat in Bengal, the boundaries of Britain's new empire in the Asia flowed to modern-day Myanmar, then Burma; on the opposite side the annexation of the Sikh Kingdom of Punjab in 1849 demarcated its most western boundary. Internal instability, a curse of empires alike would persist even beyond the Company's self-declared ascent over the subcontinent. The Indian Rebellion of 1857 itself challenged the consensus reached by 1834 that Britain's centre of power in Bengal was structurally sound; its myth rooted in an introduction of cow and pig fat as rifle greasing masked far deeper systematic problems.

The revolt in many ways was a challenge to the 1772-1834 timeframe in Bengal as the colonial state moved to rationalising its fiscal system, promote the rule of law and assimilate both Hindu and Islamic systems into Fort William's colonial superstructure. Severe land taxes, widening discontentment between coloniser and colonised and Britain's successful military campaigns in India contributed to the revolt's causes and subsequent momentum.⁶⁷³ In the context of *Colonial Rule and the Bengal Polity* and this dissertation's central argument that vision and colonial governance was primarily determined by material constraints, not abstractions invites historians to take the chronological mantle of this dissertation onwards.

⁶⁷³ While there is an exhaustive body of literature on the conflict, its causes and the responses; of particular its relevance to imperial thought and Bengal. See Astrid Erll. (2006) 'Re-writing as re-visioning: Modes of representing the 'Indian Mutiny' in British novels, 1857 to 2000', *European Journal of English Studies*, 10(2), pp. 163–185; Jimmy Casas Klausen. "Violence and Epistemology: J. S. Mill's Indians after the 'Mutiny.'" *Political Research Quarterly*, vol. 69, no. 1, 2016, pp. 96–107; Matthew Stubbings. "British Conservatism and the Indian Revolt: The Annexation of Awadh and the Consequences of Liberal Empire, 1856–1858." *Journal of British Studies*, vol. 55, no. 4, 2016, pp. 728–49; Troy Downs. "'Putting the Saddle Back on the Right Horse': British Suppression of Rural Insurgency in the Benares Division during the Indian Revolt of 1857–58." *South Asia: Journal of South Asian Studies* 37 (2) 2014: pp. 306–22; Debapriya Paul. "'Hindoo Patriot' and Hurish Chunder Mookherjea: A Study in Colonial Resistance." *Victorian Periodicals Review*, vol. 37, no. 2, 2004, pp. 161–75. For a history of how the revolt was considered by historians see Darshan Perusek. "Subaltern Consciousness and the Historiography of the Indian Rebellion of 1857." *NOVEL: A Forum on Fiction*, vol. 25, no. 3, 1992, pp. 286–301.

What is known, is that 1857 was a serious challenge to the model of governance that found its genesis and success in the capital of Britain's Asian empire, Bengal. Famously, the Company would be abolished through the Government of India Act in 1858; as this dissertation has proven the seeds of such an annexation to crown rule were sown in the late eighteenth century. But the Company was itself a vessel of various functions since its initial charter; private corporation, instrument for hybrid colonial rule, Indian state; its downfall lay in its rise, for it always required permission to exist. If the Company was gone, did the realism and idealism be carried on? The best-known reforms in the popular historical imagination, greater incorporation of India's many petty rulers, more Europeans in its army, the creation of the Indian Civil Service for Indians suggest a deeper mixing of both vision, and reality.

The legacy of a political experiment in colonialism on the boundaries of northeast India would go on to provide a model for colonial governance across the planet. In the popular imagination and narrative histories, the most well-known features of British colonialism; common law, indirect rule, British style civil service were tested at scale in Bengal. Within the Indian subcontinent after the failed revolt, colonised and coloniser's fates would further be intertwined as Britain's industrial revolution further bound the two societies together. As the technical innovations of industrial capitalism entered India through the railway and combustion engine, the power of history and tradition still lingered.

As India's railroads were laid, racing urbanisation and shifting labour markets, history's lesson to the present was always a sense of legitimacy from the past. After the abolition of the Company such a lesson came in the form of the British Raj; a union of two historical claims of rule over India. India formally became an imperial province, with Queen Victoria, not reclusive officials in walled citadels formally ruling over India's many petty aristocrats,

known as the princely states. At a surface level, a British Queen wearing the *koh-i-noor* and receiving Rajas and Maharajas in the Court of St. James, meanwhile their offspring sent off to Eton and Oxbridge was the antithesis of the style of governance from the 1770s as argued in this dissertation. On the ground, Britain's colonial pragmatism, its perpetual adjustment to constraints of ruling still remained. The proposals of mass colonisation by European settlers never did become mainstream, neither did the desire to save Indians' souls through mass conversion efforts.

The petri dish of Bengal's lasting legacy in India until the country's independence in 1947 was constant. Colonial pragmatism persisted, as Britain's eastern empire faced no serious existential revolts or challenges until afterwards – with violence and anarchy emerging on the fault lines of its partition by Lord Mountbatten along primarily religious divides. Even in our contemporary times, public sphere discussions in both Britain and India regarding imperial histories grapple with many of the issues defined by Bengal's tumultuous time as the bridge between the Mughals and Britain's Indian empire.

This dissertation has examined the following: *To what extent was colonial rule in Bengal guided by a sense of imperial ideology, or the constraints of ruling?* Its argument rested upon what was said, what was done and the effects of constructing a functioning colonial polity that was recovering from famine, war and corruption. By ideology, the various chapters have charted a variety of Company debates which were characterised loosely as falling under larger 'internal ideologies' that guided British colonialism. Many of these debates will already be familiar to readers like orientalism, free trade, evangelicalism; nuance though has hidden less defined ideational streams. Quantification, legal positivism and institutions to enforce cultural hegemony remained dominant in northeast India during this period.

Sovereignty, in chapter one, unearths a tension spanning continents and centuries inside the Company. The riddle of what the Company was, and to whom climbed to its peak during its rule over Bengal – but it would also be its downfall. Its hybrid structure, which enabled it to hold a monopoly of violence, collect taxes, access public financing and private capital markets all while masking as an Indian sovereign catapulted the Company into success. Corporate sovereignty arrived in eighteenth-century India at the perfect timeframe; the haemorrhaging of the Mughal empire and the rise of successor states like the Kingdom of Mysore and Maratha Confederation granted Bengal its own self-possessed legitimacy.

Warfare, and the successful campaigns conducted from Calcutta in asserting subcontinental dominance led to the rise of treaty-making. This mechanism of asserting sovereign claims, itself a prize of war was a high price to pay; fielding a large standing army, bribing local rulers and an ever-growing list of wars paradoxically undermined this very mechanism. Chapter one detailed the downfall of this mechanism of asserting legitimacy; the growing costs of war and the reliance on the tax farming arrangement since ruling over Bengal resulted in a fiscal crisis. Eventually, the price of corporate sovereignty was too high. Bengal's debt crisis starting in the 1780s into the 1790s only increased the public bailouts, and therefore parliament's hands onto Bengal. Erosion of Bengal's sovereignty was gradual; parliamentary committees and public-facing disputes like the Hastings trial eroded the metropole's confidence over time in the Company's mission. This chapter argues 1813 was a breaking point in this erosion as the Charter Act of 1813, as evaluated it compounded the Company's financial decline.

Chapter two opened with Bengal's scars from its decades of turmoil, failed reforms, Company conquests and most recently a devastating famine which constrained Governor-

General Hastings even before he arrived in post. A polity's most fundamental foundation – tax and agriculture ruled officials' minds as a response to both the famine and the newly found authority following the abolishment of the dual governmental system. Private property, local *zamindari* elites, how to tax agriculture; all became mini laboratories in British colonialism's first foundation stone of a functioning colony. This foundation, as argued was never built on any prevailing vision around property, socio-economic class, or reform. Instead, a sober calculation of fiscal-agrarian optimisations based on land productivity, probability to pay taxes, elite cohesion and direct control determined the reforms running up to the Permanent Settlement of Bengal.

This dissertation's start with the reaction to Bengal's famine, declining revenues defined the core tension between polity reconfiguration as principally determined as a reaction to crisis, or administrative changes which were active and interventionist. Another vector is thus added to this enquiry's core argument; event-reactant and event-driven added another layer of complexity to this argument and the dynamics between the *realpolitik* and abstractions of colonial rule. Creating a colonial legal system from scratch was never wholly possible for the British, their own numerical demographic strength and Bengal's religious diversity opposed any outright compulsion.

Bengal's positivist legal system, as explored in chapter three articulated how a clear delineation between ideology, practicality, and the colonised experience is never quite clear. Fort William's colonial judicial system was itself an enforced set of abstractions that was superimposed on top of India's fragmented dispute-resolution system. Imposing a command-driven positivist system still required consent; colonised people had to willingly contract into the system thereby legitimising it. Chapter three also teased out the subtle features of actual

colonial power – its ability to assimilate beliefs into a set of impersonal commands. By integrating both Hindu and Islamic jurisprudence, Bengal's inhabitants would willingly legitimise the newly formulated legal commands that were being superimposed upon them.

Translating and curating non-European sources of knowledge were not just exclusive to Bengal's colonial legal system. Chapter four was perhaps the best example of how the metropole's increasing involvement in the affairs of Bengal came to shape the experiences of both colonised and coloniser. Colonial Bengal's intellectual history was tied more closely to the polity's gradual exposure to Britain's influence on it. The idea of the state's 'archive' in Fort William was evidently an influence from abroad – confirming Bengal's wider colonial institution to Europe's century of Enlightenment. But as chapter four reinforced, the institution alone was not a sole driver in the alienation of Indian collaborators.

Chapter four proposed that the formation of the colonial archive gradually alienated Indians by allowing contribution, but not access to its newly formed repository of information, including Indian learning. Enlightenment Europe's broader ideational trend soon reached the Bay of Bengal. The Spirit of Quantification, a concept introduced by Lesch in *Systematics and the Geometrical Spirit* ⁶⁷⁴ captures European's hierarchy of knowledge – itself an import to colonial India. Classifying and ranking knowledge areas, with an increasing focus on the purity of quantitative disciplines like maths and physics which also alienated Indians. Curating knowledge and ranking it alienated Indian collaborators as it focused a sourced form of indigenous information that was remote, impersonal and highly centralised by colonial officials.

⁶⁷⁴ Lesch, *Systematics and the Geometrical Spirit*.

Chapter five is a story of how the erosion of Indian influence, the rise of metropolitan oversight and the self-assured confidence of the Bengal polity in the subcontinent against Mughal, Maratha and Mysore powers led to the creation of a coherent imperial ideology. Newly found cultural assertiveness rapidly became mainstream in both India and Britain; gone was the orientalist, Indophilia found in chapters one and two. Instead, this chapter argues that hegemony was far more than a militarist concept of domination in India. Civilisational hegemony morphed into the principal attack vector of colonialism, an end-stage call for empire to forcefully ‘improve’ Indian civilisation and culture through aggressive intervention.

Many sources for imperial liberalism’s ideational streams directly came from the newly formed colonial archive. Officialdom leaned on India’s ancient history, a story of imperial cultures beyond its subcontinent to justify contemporary colonial practises. Interactions between Plato and Hinduism, Alexander the Great’s Hindu Kush crossing and an early Aryan invasion theory connecting Gautama and Sanskrit to a claimed ancient imperial lineage all became mainstream by the 1820s. This connection became the *modus operandi* of a series of operations architected to ‘correct’ Indian practises, most notably sati.

A coherent imperial ideology did indeed have inconsistencies; chapter five interrogates how the high idealism of Britain’s imperial liberalism, particularly its commitment to free trade challenged became juxtaposed alongside brutal realities. Colonial Bengal during this period became the unofficial capital of indentured labour in South Asia. From plantation labour in Assam, the open-air slave markets in Calcutta and the three-point link of slavery between Bengal, Mauritius and the Arabian Peninsular – British India enjoyed a resurgence in forced labour practises throughout 1820-1850. Chronologically, as examined, this resurgence

overlapped with many of the major figures, passages of legislation and growing British assertiveness in India. The existence of such practises, particularly the toleration of open air slave markets in British India's capital posed more fundamental questions that chapter five engaged with. Questions of effective control still remained in the 1820s and 1830s as they did in 1772. The same constraints on colonial power; an alien demographic minority and indirect rule beyond Calcutta's boundaries determined the bargaining ability to enforce ideological claims in India.

Civilisation's higher calling through the vector of empire even in the later stages of this thesis appeared at odds with the realpolitik of governance in India. Notable metropole campaigns from the public sphere, on *sati*, mass conversions and slavery in India were far removed from the *zillah* where most of colonial Bengal's subject population worked and lived. This self-awareness, in the hundreds of villages and towns which composed Britain's sprawling territory was known. Ordinary Indians contested colonial power at its very peripheries; in the final chapter many published pamphlets, translated into English petitioning the regulation and ban of *sati* by upper caste women. Perhaps, the nakedness of a polity's constraints was more evident in the cause of slavery itself.

Calcutta's flourishing international slave trade, connecting the subcontinent to markets in South East Asia, Mauritius, East Africa and Yemen ironically to the broad exclusion of European traders also challenged *de facto* realities of a polity. The most notable examples were the testimonies of slave owners, slave traders and owners of vessels themselves testifying in the 1820s. Despite the ban on Bengal's export of slaves by Cornwallis in 1789, such a flourishing international trade in the capital of Britain's Asian empire reveals a deeper reality. Indeed, Britain's ideology became more coherent – as its abstracted visions of India

converged onto a single unified plane the great paradox was it became more detached from rule. Language detached from the grit of Calcutta, the paddies, toiling *ryots*, and the walls of Fort William itself. Detachment though, only appeared to heighten the vision for India.

The terminal point of Britain's ideology was the apotheosis of its teleology; this shift became more grandiose and all-encompassing as a move beyond elevating Indian civilisation it transfigured into elevating Indians' very souls. A ghost, that of the corporate East India Company soon retreated into the background, as the final part of this dissertation examines a new teleology, one away from profit and *realpolitik* – the two previous staples of colonial rule. Empire as an engine for God's will was the last ideational stream examined in this thesis. Contemporary Hinduism as a deformation of those ancient sources translated in the 1770s and 1780s was another mainstream view. With military supremacy, greater metropole control and no signs of instability the imperial gaze soon switched to India's mass conversion to Christianity, an Empire of Heaven on Earth.

Policies aimed at grandiose demographic changes in India such as Christianisation and European colonisation of India's plains inevitably never came to fruition. As this dissertation has clearly defined; the emergence of an imperial ideology in India only widened the gap between actual administration and words on paper or verbal assertions in parliament, Whitehall or Fort William. Here the deviation lies; as officialdom mooted over evangelicalism, cultural interventions and the teleology of its Asian empire – across colonial India the wheels of local government still moved, power was contested at the peripheries, tax farming still happened, and local colonial officials still navigated all of this.

1772-1834 became a critical junction for Britain's emerging empire in both Bengal and the rest of India as it wrestled with an immediate response to a crisis and eventually its Governor-General being raised to Governor-General of all India. Across this remarkable transformation, as this dissertation has argued for – the realpolitik demands of revenue, stability and control dictated colonial rule in Bengal, not any sense of consistent vision or ideological assertions. Once a coherent vision did emerge around the moral teleology of empire, this itself was detached; while there was change in the public sphere's discourse for actual administration and practise of power it remained unchanged.

Wheel Of Empire

How to assess this dissertation's central question beyond 1834, to India's independence in 1947? Despite even greater self-assuredness from crushing the Indian Revolt of 1857 initiatives to realise the teleology of Britain's Empire were never to be. As the British Raj was swept under colonial Europe's 'civilising mission' another ideational trend beyond this dissertation, still, real-world conditions determined colonial rule, not ideologues. Dreams of an Empire of God in India were precisely that – a dream. Missionaries flocked to India as they always had done, but unlike a Christian subject population many of these had very limited, brief successes with, in the language of contemporary times would be defined as Scheduled Tribes in remote locations – ironically as far away from colonial rule as possible.

Practical governance constraints also dictated the drive to transform into a settler colony. Climate, a lack of arable land and total absence of settler enthusiasm meant Britain's new imperial officialdom and now their families simply mimicked the life of their forebearers a century earlier. Unlike America, Australia, New Zealand or Canada, no homesteads emerged.

A seasonal ritual of life oscillating between insular walled compounds and then Summer life in hill stations like Ooty, Shimla and Darjeeling. India's Imperial Civil Service was expanded to Indians following the revolt, reducing the need for a small army of Oxbridge graduates, fifth-in line country gentry, and those nostalgic for the bonanza of eighteenth-century Bengal's adrenaline fuelled opportunities a century earlier.

As the wheel of empire turned, slowly to an eventual stop in 1947 what is to be made of its legacy in India? Unlike Mughal India, Britain never built megalith palaces or forts like Fatehpur Sikri, Agra or the Taj Mahal. With the exception of Calcutta, the most obvious forms of material culture from empires are not apparent to historians. Unlike the previous subcontinental hegemon from Transoxiana, sons of Britain's empire from Roe to Mountbatten never attempted to assimilate into India, often proudly declaring so. The lasting legacy of Britain's empire in India was the polity-level experiment in the petri dish which was Bengal after the abolishment of the dual government.

Unlike the Mughals, Britain's rule over India encompassed all of the subcontinent, a feat lasting as both the unification of India and a source for its partition into West and East Pakistan. Linguistically, it's legacy is secured in contemporary India, Pakistan and Bangladesh and Sri Lanka as a language of inter-regional communication, supplanting languages like Farsi or Urdu. Common law's rise, as examined in chapter two is one such legacy; serving as the legal basis of South Asia's most populous post-colonial states like Sri Lanka, India, Pakistan and Bangladesh.

Personally, the most striking example of such a legacy has reached a full circle. When driving through rural Tamil Nadu, a friend, of Chennai pointed out a large, European-style compound

appearing randomly. Such a property, located in a rural town a world away from the hustle of Chennai, my friend told me was in fact the property of the District Collector, allocated by the state government. Truly, the span of Bengal's 1772-1834 period of experimentation had a legacy that endured both spatially and temporally.

This thesis argued the wheel of empire was carried by a politically sober, impersonal understanding of both the constraints, opportunities and alienation that arose throughout eighteenth-century Bengal and the rest of India. Political abstractions, visions and ideologies were either wholly absent or entirely subservient to the real demands of constructing a colonial polity as a tiny demographic minority. By the time a coherent ideological vision for India was outlined, the realm of ideas was so far from having an effect on officialdom's decisions, and crucially outside the critical polity reformulation between 1773-1793.

Empire's wheel, griding on history is itself not new, for all polities are reflections of the constraints and local conditions by which they arise, govern and collapse under. Empires therefore, are examples of hyper-successful polities focused on resources, expansion, preservation.

Britain's empire in India, the jewel of history's most successful polity was never won by Roe or Clive, in imperial receptions nor battlefields. To conquer was easy, to rule, not; as the great nomadic empire of Genghis Khan, itself second only to the British in landmass came to realise. Power itself is nomadic, for it is always moving, shape-shifting; but if revealed too much and exposed, like water it dries away. Warren Hastings, who marks the start of this thesis understood this ancient political maxim and his legacy of reconfiguring the Bengal polity in the spirit of empire building. Indeed, the pen could be as strong as the sword.

Hastings, like Clive understood both the sword and the pen. Both understood the unique opportunities and structural weaknesses facing the Bengal Subah and the rest of the subcontinent during the eighteenth century. Their success in laying the foundation stone of Britain's Indian empire was a lack of attachment to the realm of ideas; both were attuned to the sounds of the ground – gold, guns and peace. Both men were flexible in assessing what motivates other humans and why; neither projected a meta-narrative or fixed ideology onto Indians, Britons or even power itself. As this thesis has argued and proved, a sober acknowledgement of constraints and possibilities of operating as outsiders drove colonial rule, not the realm of ideas.

As the wheel of empire stopped in 1947, with the partition of India, the legacy of these two men who carried both the sword and pen endured in one notable incident. In the trial of Major-General Sam Manekshaw during 1962, the inquiry alleged his Anglophilic and anti-Indian views. One piece of evidence was after independence the General had restored and then hung two portraits in the office he occupied when he led the Defence Services Staff College. The General himself was a contemporary of the sword, and the son of an empire which had ended. Though, like those who laid the foundations of empire two centuries before, he understood the basis of power lay in an unflinching, sober reading of reality and humans, not time's infinite prisms of contemporary political discourses, ideologies or meta-narratives. The men in those portraits were Robert Clive and Warren Hastings.

*“The end crowns all,
And that old common arbitrator, Time,
Will one day end it.”*

William Shakespeare
Troilus and Cressida (1602)

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