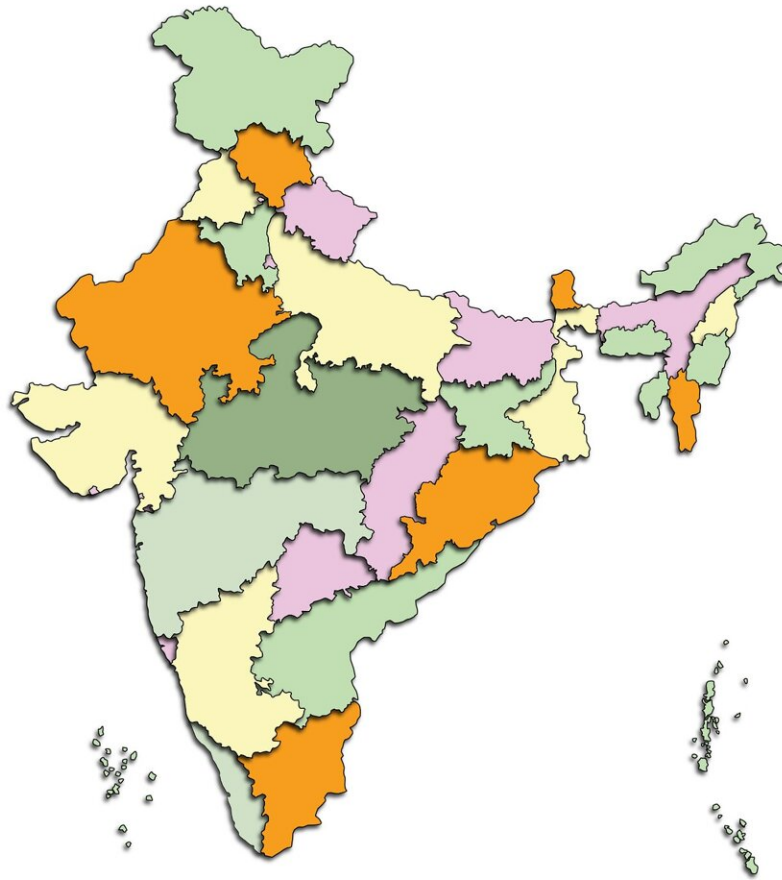


Q&A: Book describes how British adapted Mughal systems of justice to establish rule in India

June 26 2023, by Kate Blackwood



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The British Empire was not created through military might alone, historian Robert Travers points out in a new book; subsuming existing bureaucracy was another way the East India Company consolidated power in India starting in the 1770s.

In "Empires of Complaints: Mughal Law and the Making of British India, 1765-1793," Travers, professor of history in the Cornell University College of Arts and Sciences, shows how British conquerors colonized and adapted systems of territorial governance created by the Mughal empire—the preceding power in parts of India—including Persian-language forms of bureaucratic record-keeping and Mughal practices of adjudicating local disputes.

"The book emphasizes the durability of Mughal, Persianate ideas of imperial justice in early colonial India, revealing how Indian subjects invoked the memory of Mughal justice in making claims on British rulers," Travers said.

Travers researched "Empires of Complaints" as a Faculty Fellow with Cornell's Society for the Humanities. The Law and Society Association awarded the book honorable mention for the James Willard Hurst Book Prize.

"This very ambitious work demanded Travers move beyond the British-centric frame to go deep into Mughal archives," noted the award citation. "In doing so, he identified more push-back against British colonizing law than had been understood."

Cornell's College of Arts and Sciences spoke with Travers about the book.

How did the British Empire use judicial incursions to

take power in India?

My book focuses on judicial mechanisms of state-formation, showing how British conquerors used their military power to expropriate Mughal venues for adjudicating local disputes. By receiving Persian petitions from tax-paying subjects and issuing decrees in relation to disputes over hereditary land rights, the British used judicial processes to establish their own authority as arbiter of local claims, drawing selectively on earlier Mughal precedents. In this way, the British gradually established a new colonial system of land and tax law by adapting and transforming Mughal protocols for doing justice to petitioning subjects.

What individual English and Persian documents did you draw from for this study, and what larger story do they tell?

Though many tax and judicial records were kept in Persian, a major language of administration in Mughal India, relatively few of these documents survive compared with the voluminous English-language records of the East India Company. I was able to read a few Persian petitions, as well as several Persian treatises in which Indian officials tried to explain Mughal practices of governance to British rulers. These helped me to see how many of the Company's English-language records were actually translations from Persian originals, and how Indian litigants used Persian official documents to justify for their claims.

There seems to have been a disagreement between the British and the South Asians over the very nature of law. How did conceptions of law from the two different cultures clash?

The question of the changing nature of law in early colonial India is very complex and much debated among historians. My book suggests how Mughal tax administration had created a system of hereditary legal entitlements over land rights, and an extensive legal public of petitioners and agents accustomed to appealing to imperial authorities to reinforce local claims.

In creating a new system of colonial law, the British made selective translations from Mughal administrative norms, as well as from "religious" forms of Muslim and Hindu law. But they also introduced important changes, including new codes of written law. It may be that the British desire for codified written laws clashed with earlier systems marked by locally variable forms of unwritten custom. The British also used new written regulations to reinforce the salability of hereditary land rights. Encouraging wealthy Indian merchants to buy up land rights of defaulting taxpayers, the British deployed forced sales of local fiscal entitlements to enforce higher taxes. This seems to have clashed with earlier Mughal understandings of the need to protect vulnerable peasants from excessive tax demands.

How did administrative practice become racialized in this setting?

British attempts to adapt Indian forms of law contributed to racialized practices of colonial governance. Company officials were constantly suspicious of Indian petitioners and their agents, who often made allegations of corrupt practices against British officials. Even as the British adapted Mughal legal forms to their own uses, they also drew on established European stereotypes about Islamic "despotism" to accuse Indian officials and petitioners of pervasive venality. British officials used this racialized language to justify their own supreme authority as the most trustworthy arbiters of Indian law, even as they continued to

rely in practice on Indian experts and Persianate forms of law.

Provided by Cornell University

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