

**THE INDIAN
PERIODICAL
PRESS AND THE
PRODUCTION
OF NATIONALIST
RHETORIC**

SUKESHI KAMRA



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Sukeshi Kamra

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In memory of my grandparents,

Kan Devi and Nihal Chand

Krishna Kumari Wahi and Prem Nath Wahi

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Some years ago, Robert Darnton wrote a piece on the curious history of the Bengal Catalogue of Books at the height of the British Empire in India. Titled “Un-British Activities,” it was where I first learned of one of the more bizarre scenes of late colonial India—the trial of texts. I spent the next few years in archives that were overflowing with evidence of this history. It would appear that Indians wrote prolifically, and inventively, about political conditions in the colony, and government functionaries reported as prolifically and, at times, as inventively, about the “native” press. It is to Darnton’s article, then, that I owe my initial debt for sparking an idea. I owe as much to librarians at the Jawaharlal Nehru Memorial Library in New Delhi, the India Office Library at the British Library, the Center for Research Libraries in Chicago, and the interlibrary loan division at Carleton University. The research was generously funded by a grant from the Social Sciences and Humanities Research Council of Canada. A research trip to India was additionally funded by the Shastri Indo-Canadian Institute. I am grateful to both for the financial support without which this study would not have been possible. A fellowship awarded by Carleton University gave me a year in which to write without interruption. For this, and for other financial support, I am indebted to the dean of the faculty of arts and social sciences at Carleton University. To my colleagues in the English department, who have discussed this project with me over the years and have been very supportive, I would like to give thanks. I have shared many memorable moments exchanging views on the empire and its outposts with Julie Murray, Jodie Medd, Barbara Leckie, Jan Schroeder, Dana Dragunoiu, and Grant Williams, the best ones over a glass of wine! To Jack Healy, who appeared at my office door with an armful of books each time I bent his ear about some detail of the study, I owe as much if not more. His enthusiasm for all things intellectual was infectious, to say the least. David Lafferty was the best of research assistants, cataloguing and classifying material, tracking down obscure references, and editing tirelessly. The editorial staff at Palgrave Macmillan have been enthusiastic and supportive, particularly Jo Roberts, and I thank them for it.

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Although the history this study relates is, without a doubt, about a people's discovery of courage, the determination to face the consequences of challenging an authority prepared to employ force, it is with an image of their humor that I would like to conclude. I like to think that they, as I, chuckled over the absurdities so constitutive of colonial rule when they reported on the knowledge (or lack thereof) of India in the English schoolroom. The *Native Opinion* of 28 June 1875 published an article that, it informed, appeared in the *Amrita Bazar Patrika*. Titled "What is India," the article reproduces answers to exam questions on India. The question instructed students to "State what you know of India, its people [sic], produce, and manufactures." About some answers, the article notes: "A boy from Liverpool delivered himself thus: 'India is a country where positively a grain of salt is not to be had. We furnish them with salt but we can do it but sparingly, the duty being 800 times the cost of preparing it'; "A smart young man, the son of a member of Parliament, gave this

short answer. That won't do Mr. Examiner I know what India is, it is not a country but a charm which has soporific virtues. The name if repeatedly mentioned puts one to a profound slumber. My father while under the influence of this charm had to be repeatedly carried away home from the House in a chair"; and finally, my favorite: "A student, the son of an indigo planter, a spirited and jovial lad, gave this sort of answer: India is derived from indigo, the 'g' of the indigo having been omitted and the 'o' converted into an 'a.' It is a pleasant country where you can flog the natives right and left without being accountable for it."

The resources and collective wisdom reflected above notwithstanding, any errors that find their way into this book are, of course, all mine.

INTRODUCTION

THE PERIODICAL PRESS, GOVERNMENT CULTURE, AND THE MAKING OF THE INDIAN PUBLIC, 1870–1910

The Native Press of India is a very important institution and one charged with especial responsibilities. In a country like England, the Press criticizes the action of the representatives of the people: in India the Press is the only institution which represents the people. In other words, the Indian Press is like an Indian Parliament. It exercises or attempts to exercise something like the same check on the Government of this country as the English Parliament exercises on the English Sovereign. The readers of each paper are its constituency, substantially and not metaphorically.

—*Indian Nation*, 29 June 1885; republished in
Voice of India, July 1885

SANDWICHED SOMEWHERE BETWEEN A GOVERNMENT, WHICH CONSIDERED it to be the place of seditious propaganda, and an Indian colonial cultural elite, prone to thinking of it as an embarrassing site of the popular,¹ was a heterogeneous public whose contribution to the nationalist movement is acknowledged each time we take note of the thousands who marched, protested, and packed the prisons of British India in the 1930s and 1940s. In 1947, in the editorial cartoons of some newspapers, this same group emerges as the *public* anxiously awaiting the outcome of closed-door negotiations between the colonial government and the leadership of the nationalist movement (see *Leader*, 11 May 1947, “Don’t Disturb”). It would appear that, in the view of at least some newspapers, the public had been consigned to the dustbin of history just as the long-awaited moment of independence was within grasping distance.

At the other end of this history, the periodical press announces that an Indian public is in place, claiming credit for its emergence. That the public was more a fiction than a reality in the 1870s, without the means

of effecting meaningful change, is a fact that is simultaneously acknowledged and disguised in the press's functioning of its largely formal status, acting *as if* it had force. Press historiography has established that the Indian owned press, traced back to 1818 (Blackburn 81), developed rapidly in the nineteenth century (Natarajan 49). Chandrika Kaul, for instance, reports that the circulation of Indian language newspapers rose from 299,000 in 1885 to 817,000 in 1905 (101) while Gerald Barrier estimates there were 1,359 English and Indian languages newspapers and journals in circulation in 1905 (9). The reading audience expanded correspondingly, extending significantly beyond its presumed constituency of the urban elite to rural and oral communities in which a multiplicity of occupational and social classes was represented. Christopher Bayly (*Empire*, 335), Uma Dasgupta (36–38), Jitendra Nath Basu (218), and Bipan Chandra, among others, have described newspaper-literate village communities, sustained in their political interest by the practice of having newspapers read aloud to them. In *India's Struggle for Independence*, Chandra et al. offer a vivid description of the culture that sprang up around the newspaper in village India of the early 1870s: "A newspaper would reach remote villages and would then be read by a reader to tens of others. Gradually library movements sprung up all over the country. A local 'library' would be organized around a single newspaper. A table, a bench or two or a *charpoy* would constitute the capital equipment. Every piece of news or editorial comment would be read or heard and thoroughly discussed. The newspaper not only became the political educator; reading or discussing it became a form of political participation" (103). Chandra's claim that reading was understood to be a form of political participation bears emphasizing. It suggests that the development of discourse as a site of a political participation which was, in colonial rule, synonymous with counterdiscursivity, kept pace with the legal moves made by the government from the 1870s on. That is, it describes the preparedness of reading publics to regard counterdiscourse as a form of political struggle, not its precursor.

Much has been written on the many challenges faced by the Indian press of British India. Most histories speak to the extralegal ways, including, and especially, economic, in which the government exercised control. For instance, Barrier mentions that the government of India sent "copies of gazettes and communiqués to editors known for their loyalty to the *raj*" (7); offered financial incentives, in the forms of advertisements and "government notifications" (7); and for a time, even considered publishing its own newspapers (8) to counter the Indian press. Until the 1880s, when advertising emerged as a dependable source of revenue (Natarajan 122–23), local administrations were practically the press's

only source of financial support (Dasgupta 19), with many newspapers being “one-person enterprises,” as Julie Codell is only the latest to note (“Introduction: The Nineteenth-Century,” 112–13). The dependence gave the government an obvious advantage. “The loss of a hundred guaranteed sales to the Department [of Education] could make the difference between success and failure for a struggling broadsheet,” Bayly writes (*Empire* 342).² Equally important, however, was the fact that administrations were the primary sources of political, economic, and other data on the colony in the nineteenth and early twentieth century. Their selective release of reports was a constant irritant, judging by the complaints aired in the periodical press. The *Native Opinion* of 2 August 1874 is representative in its critique, which is not only of the strategic use made by administrations of data, to effect a control of the press, but of government policy as a determinant of the Indian press of which, the article pointedly remarks, the government then sees fit to complain.³ In a front-page article entitled “The Native Press,” its editor (the majority of newspapers in the 1870s and 1880s were editorial) writes:

We have often heard of the wrong information upon which the native papers are said to act. We have seen some of our Mofussil contemporaries writing in a style which we have not thoroughly approved. But we can not say that the fault is all on one side. Our system of departmental secrecy is carried to such an absurd extent, that common statistical and revenue matters can not be obtained in many offices for public information. If correct information can not [*sic*] be obtained, it is not to be wondered at that people should write upon imperfect data, rather than not write at all.

The taint of disinformation, which the article seems anxious to clarify is a feature (only) of the rural press, is, it insists, in part attributable to the conditions in place rather than to an Indian sensibility from which the paper, also anxiously, distances itself.

The same complaint is aired a decade later by the *Indian Spectator* of 20 April 1884,⁴ which writes: “We doubt if a single Native paper in India has been supplied with Hunter’s *Imperial Gazetteer*. And we know it for a fact that the *Bombay Gazetteer* is seldom, if at all, issued to Native writers.” Pointedly remarking that this amounts to an inobservance by the government of a critical function—“The present treatment of Native papers, especially vernacular, ill accords with the principles of enlightened government”—the article, after more discussion of the matter, comments sharply on the political illiteracy produced by a closed government: “If some papers misreport facts, they are not so much to blame as officials following the policy of the dog in the manger.”

Of all the technologies available to the colonial government, law was undeniably the most important. Press historiography has substantially documented the constitutive role played by law in the history of the Indian press of British India (Natarajan; Basu; Codell “Introduction: Imperial Co-Histories”). For the purposes of this study, it is important to bear in mind the gap there was between the law—its apparently unremarkable language, for instance—and the conditions of rule in which law was, as was commonly believed by the Indian public, unusually disabling. A brief discussion of the law by which all forms of print culture were legally bound after 1867 demonstrates the working of interdiction in the colony. The Press and Registration of Books Act (1867) made surveillance of print culture a function of the government, requiring books and newspapers to include details of publication, the names of printers and publishers of periodicals, and to provide a “true and precise account of the premises where the printing or publication is conducted” (sec. 5 [1]; G. K. Roy 3). Innocuous as the act might appear to be, merely extending documentation and classification—functions of modern government—to the world of culture and the text,⁵ it was not. Legal visibility was in itself intimidating. Printers and publishers could be made responsible for “seditious” materials published in premises owned and operated by them, and they were. Further, by allowing for local governments to make rules as and when required, the act participated in what would come to be a common feature of legal history in the colony: legal recognition of exception as a *normal* feature and function of rule in the colony.

In time, registration was supplemented by other precensorship laws, including the Vernacular Press Act (1878) and Section 108 of the Criminal Procedure Code (1898). A 1907 report sent to the secretary of state for India mentions that both acts made provision for the “taking of a bond,” which, it was hoped, would prevent “seditious writings from being published” (Proceedings of the Public and Judicial Department, L/PJ/6/811, file 1546). By the late 1890s, precensorship was considered an inadequate deterrent, judging by the 1897 exchange between the India Office and the governments of France and Italy enquiring about the legal mechanisms available to them for handling the press (Proceedings of the Public and Judicial Department, L/PJ/6/453, file 1520).

The government’s unabated interest in the press, explained by the fact that public opinion was increasingly identified as *the* arena most threatening to British rule in India, places it and the reading public at the center of the drama of nationalism. It was an interest that quickly took a legal turn when, in 1891, the Bengal government leveled a charge of disaffection against a conservative Bengal newspaper, the *Bangavasi*. The press’s

excessive legal visibility in ensuing decades was capitalized on, by the press, giving it, and seditious libel trials, a notoriety that proved to be disastrous for the government. Losing in the colonial courtroom was more than compensated for by the moral capital that accrued to the press each time a newspaper editor, proprietor, printer, and writer was tried under the infamous Section 124A of the Indian Penal Code. If law was a government strategy for controlling the anticipated rhetorical encounter—after all, law stood to produce an unseemly history of confrontation as an “elegant opposition” (Cheyfitz 106)⁶ mediated by the judiciary—it backfired. A press well-schooled in literary and popular cultures (melodrama in particular) turned it back, in its countering of imperial discourse, into a sordid tale of imperial hypocrisy.

In part, then, *the* drama of early nationalism—of struggle between the Indian press and the government of India—is written in the formidable history of censorship laws that effectively criminalized dissent but, predictably, produced effects that were beyond the control of the government. Be that as it may, these laws gave legal recognition to the government’s negative view of Indian political knowledge as sensibility, as much in the 1870s as in 1906–10. Take the brief period between 1906 and 1910 as an example. A popular “extremist” press,⁷ calling for (counter) violence, was useful to a government that was looking to fine tune a legal structure whose loopholes were, everyday, being discovered and employed by Indian newspapers. Over these five years, two new laws for the control of the press were introduced: the Newspapers (Incitement to Offences) Act, in effect from 8 June 1908, and the Indian Press Act, in effect from 9 February 1910. The Newspapers Act claimed laws for the regulating of the colonial public sphere were too liberal. The “Statement of Object and Reasons” accompanying the Bill advised:

The circumstances of the recent outrages by means of explosive substances have disclosed a close connexion between the perpetrators of such outrages and certain newspapers which have from time to time published criminal incitements. Experience has shown that prosecution under the existing law is inadequate to prevent the publication of these incitements. In the case of one newspaper, persons registered as printer and publisher have been within a comparatively short period prosecuted and convicted several times: while the real authors of the incitements have concealed their identity. This newspaper notwithstanding these prosecutions continues [sic] to exist and to pursue its [sic] criminal course. Nor is it a solitary instance of the kind. (G. K. Roy 37)

The act targeted the machinery of dissemination, obviously seeking to counteract the continued activity that the charging and arresting of editors, proprietors, and printers did not interrupt as it was hoped it would. The press appears to have had an endless supply of substitute editors, printers, and even proprietors. A propagandist press and an impressionable readership, which the statement urges is the reality of British India, have a wealth of imperial histories that naturalize their presence in early twentieth century legal text. After all, the only serious attempt at debating the government view that there was a gap between technology and its Indian users was provided by an already discredited Indian press. Within the civil service, there was no effective challenge offered to this opinion.

Following the 1908 Act, nine newspapers were prosecuted in Bengal, seven presses were confiscated, and many newspapers “ceased publication” (Natarajan 171).⁸ But as the Statement of Objects and Reasons indicates, and correspondence between the viceroy and the secretary of state for India, John Morley, dated 12 March 1908 verifies, even before the June 1908 Act the number of prosecutions in British India as a whole was not insignificant. The memorandum notifies the secretary of state that:

Since the commencement of 1907 seventeen newspapers have been prosecuted for sedition. In six cases the editors were sentenced to rigorous imprisonment: two for five years and four for one year. In one of these the printer was also sentenced to four months’ rigorous imprisonment. In one case the editor was sentenced to two years’ simple imprisonment; in another he was required to furnish security. This makes a total of eight editors punished. In three cases apologies were tendered and no punishment awarded. In six cases the printers were sentenced to rigorous imprisonment: four for two years, one for six months and one for three months. In all these no editor was ascertainable. (Proceedings of the Home Department, P/7875, Mar. 1908, prog. no. 20)

The number of prosecutions is itself an incomplete index of the activity of interpreting which took in the civil service at one end—with its standardized reading anchored in the claim that newspaper texts were allegorical—and legal offices at the other—with their attempt to anticipate the legal outcome of a courtroom wrangle over texts clearly produced by a public that had mastered the art of legal ambiguity. The hum of this less public activity is recorded in the government’s Public and Judicial series. Memoranda report on and catalogue the apologies submitted by errant editors, authors, and printers (mostly proclamations of loyalty) thus averting the need for further action on the part of local governments.

Two years later, the government of India introduced the Indian Press Act, claiming the failure of the recently introduced Newspapers Act to effectively control the press and the need for an act that would cover print culture in general, the 1867 Act obviously being too ineffective a law, as reasons. Repeating the reasoning presented in the 1908 Statement of Objects and Reasons, but this time using more strictly legal terms (such as “sedition”) to do so, the Statement of Objects and Reasons again claimed that rhetoric had the power to incite disorderly conduct. It proposed: “The continued recurrence of murderous outrages has shown that the measures which have hitherto been taken to deal with anarchy and sedition require strengthening and the real source of the evil has not as yet been touched” (G. K. Roy 45). The statement identified an emerging pamphlet culture as the reason the law needed strengthening (“This propaganda has been carried on not only by means of newspapers but by leaflets, pamphlets and the like, rendering it necessary to assume control over printing presses as well as newspapers” [45]) and the need to supplement the “ordinary law against sedition” (45). The strengthening of the law, the statement proposed, required giving local governments the power to act swiftly, whether it was to confiscate a press, to require securities, or to authorize a police search of premises (G. K. Roy 46).⁹ In short, the reading of the press that is produced in press law—as a space only too receptive to unreasoned or insufficiently reasoned views—effectively writes (colonial) rule as a state of emergency, allowing for executive decisions to be made in what the law simultaneously recognizes as a subject properly belonging to the law and thus properly settled in a courtroom.¹⁰

There is a less public story that contextualizes this legal story. It is of the surveillance of the Indian press. In its material form, as the Native Newspaper Report (NNR), surveillance has produced one of the most fascinating bodies of literature of the Indian colonial archive. It was possibly one of the most important too since it, the NNR, single-handedly transformed the multilingual, multiregional, and predominantly but not exclusively middle-class Indian press into a static body of knowledge made available to the colonial administrator. Over decades, the NNR built a profile of the producers and consumers of print culture (the periodical press) that was framed by an outmoded imperial myth (of the emotional native) on the one hand *and* an emergent “modern” imperial myth (of the inadequately or incompletely modern native) on the other. As I see it, it is impossible to overestimate the importance of this administrative activity to the production of the first vocabularies by which both patriotism and nationalism were thought. This study does not aim to relate the story of the nationalist press *per se*. Its object is to consider the history

of conflict between the Indian press and the colonial government, and its production of a counterpublic sphere that was framed by (criminal) law. This is a history that begins as surveillance, of which the press takes note repeatedly, and concludes in legal trials for “disaffection,” ruled to be the colonial equivalent of English seditious libel law in the legal court room in 1891. The texts of this history are the NNRs and trial records.

THE NATIVE NEWSPAPER REPORT AND THE STABILIZING OF NATIVE OPINION

With a mandate of reporting on the “tone and influence of the native journals,” as the Anglo-Indian newspaper the *Indian Daily News* put it in an article it published on 15 July 1874, which the Indian-owned *Native Opinion* republished on 2 Aug. 1874,¹¹ the NNRs, especially of Bengal, were voluminous. Weekly reports numbered a hundred pages, or more, when government actions and policies were perceived to be controversial, producing, in turn, the impression of a significant coincidence of opinion in the press and extraordinary levels of discontent with a *feringhi* (foreign) government.

Citing the reports as evidence, the civil service routinely complained about the threat posed by the Indian press. In a report, which appears in the January 1890 Proceedings of the Home Department, “the Committee appointed to consider the question of the enlargement of the functions of the Provincial Councils” (Proceedings of the Home Dept., P/3650, prog. no. 318) claims: “When no questions calculated to arouse angry feelings are discussed, the newspapers exercise an influence on probably two millions of people. But when such questions are discussed—and now-a-days they are discussed with growing frequency and increasing virulence—the influence exerted is of course much greater and more widespread” (Proceedings of the Home Dept., P/3650, prog. no. 319). The report is typical in its identification of emotion as the habitual, and indeed preferred, mode of Indian political culture, and in its inclusion of the entire Indian press in its comment. Moreover, since the NNRs did not report just on newspapers—periodicals were also classified as newspapers—¹²the government could claim that its coverage of the Indian press was comprehensive.

The reports, which were regularized in the 1870s and date back to the 1840s–50s, decades in which there was a critical shift in the information gathering process writes Bayly (*Empire*, 316), were circulated within civil and police departments (*Empire*, 341) and initially were the responsibility of the Department of Public Instruction. In the early twentieth century, the reports were maintained by the office of surveillance and counterintelligence (Bayly, *Empire*, 341); a move that corresponds

with the increasing momentum in the nationalist movement for which the press was routinely blamed. Reports were produced by government appointed translators in the presidencies and territories of British India and compiled by the Home Department annually. Even in the early days, the reports were vital to government surveillance of that very important commodity of print colonialism and nationalism—public discourse. This is, for instance, indicated in James Long's 1859 report on the Indian press in which he advocates a monitoring of the "Native mind," warning that if the "sound part of the Native Press" is not "encouraged" (quoted in Tapti Roy 37) and left in the "hands of ill-designing men," it "will be the source of much evil" (37).¹³ In other words, a considerable anxiety over the impossibility of legislating thought along with the conferring of print technology informs the history of the NNRs at least as much as the oft-proclaimed function of recordation.

The reports were widely circulated. Pages were routinely attached to evaluative reports on the press sent by local governments to the government of India who, in turn, attached them to correspondence sent to the secretary of state for India (see Proceedings of the Public and Judicial Department, L/PJ/6/822, file 2570). The same reports also formed the basis of summaries of the press that were included in the annual *Statement Exhibiting the Moral and Material Progress and Condition of India* (which dates back to 1859) as well as the *Imperial Gazetteer* (which dates back to 1881). As a genre, then, the NNRs describe the extent to which *mise en abyme* was at the very center of British rule in India, dependent as the rule was on the processes of a colonial bureaucracy: an infinitely receding native is mirrored in summative government publications that cite reports that cite the NNR as authority for their own conclusions about native opinion.

When we reflect that the NNR was made to function as the transparent site it was not, the implications are nothing short of astounding. The genre forced stability on the field of engagement, producing, in its pages, a press that was consistently critical of the government (which, in government parlance, was "hostility") and frequently emotional in its "tone"—a word frequently encountered in government reports on the press. That the NNR worked on behalf of imperial interests does not come as a surprise. Whether intended or not by the class of government translators, it worked to consolidate a very particular image of Indian political and social psychology while allowing, even encouraging, its intended audience (levels of government officials) to conclude that the Indian press and reading communities were hotbeds of simmering resentment at one end and volatility at the other. Judging by the fact that a movement,

even, was not a settled notion let alone a reality until the 1905 partition of Bengal, this was, of course, hardly a valid conclusion. In fact, the history of the Indian press is a classic instance of colonialism's production of the very specter it most feared: interdiction transformed "complaint" into "sedition," a shift, the press slyly pointed out, that produced a seditious population where there had been a loyal one.

However, the NNR was not solely an imperial tool. The Indian press seized the opportunity offered by the NNR to develop a tactical relationship with the genre itself. This government archive is thus simultaneously an imprint of an actively tactical culture that was cognizant of the fact that it was under surveillance. The reports brim with articles in which verbal genuflection (in the form of flamboyant expressions of loyalty) surrounds trenchant critique, making articles appear to be fundamentally illogical or simply nonsensical, and critique of colonial rule is rerouted through the safer topics of self-abasement and self-hatred. In the 1870s, when the NNR was still a relatively recent government innovation and the press more anxious about its own audacity in writing the political than it would be in 1910, articles casting serious doubt on the reliability of the report qua report appear routinely in the NNRs. The following are examples of texts that are ingenious exercises in the (attempted) destabilizing of the NNR as a site of *knowledge* of the *native*. They are preceded by the usual perfunctory, introductory remark of the compiler-translator: "In the course of a long article on the Bengal Administration Report for 1874–75 the same paper [*Bharat Sangskaran* of 28 Jan] makes the following remarks on the observations made in the report on native newspapers:— . . . The Government weekly reports are often a mockery of the native papers, and there is very little likelihood of the authorities being correctly informed of their meaning from these reports" (Bengal NNR, week ending 5 Feb. 1876, para. no. 11). And

the Dharwar Writt [of 24 Jan. 1877] . . . reiterates the old and often-repeated complaint of the Vernacular Press, that the vernacular newspapers get no opportunity to see the weekly reports submitted by the Reporter on the Native Press to Government, and thus are kept in the dark as to whether the important matters they contain for the information and notice of the authorities, are properly noticed or not in these summaries. If Government will kindly exchange these summaries with the vernacular newspapers, the latter will be enabled to see whether the Official Reporter performs his work rightly; and, if he errs now and then, to point out and complain of his errors. (Bombay NNR, week ending 3 Feb. 1877, p. 5 of report)

In 1874, the *Bengalee* had offered the exact opposite complaint, of the reduction in size of the report, but it was one that also drew attention to the NNR's mediation (distortion) of Indian views. Expressing annoyance at the fact that the NNR had been reduced to three and a half pages, the paper states, in a disingenuously speculative stab at government, "It may be convenient for officials to ignore the attacks made on them in newspapers. If the meagerness of the Report be due to such a cause, let the Translator declare in a foot-note that all reflections on the Government or its officials are carefully expunged from his report. Is there actually an attempt made to suppress disagreeable facts which would attract notice in higher spheres?" (*Bengalee*, 27 June 1874)¹⁴

Little of government policy escaped the press, which commented even on the decision to make the NNR a confidential document. The *Native Opinion* (2 Aug 1874), for instance, was sharp in its remark that keeping the NNRs in the public realm at least guaranteed a transparency to the process of monitoring, giving the public the only reassurance it could expect to have. It writes, "Over here, we have no means of knowing at all what the official reporter says of ourselves and our purely vernacular brethren. Time was when the reports were available to the public, but the illiberal spirit which induced the Director of Public Instruction more than four years ago, still seems to sway that department." Finally, the press, perceptively, remarked that the NNR was a "text"—the place of a production, rather than capture, of the *native*—attributing the insight to the Anglo-Indian press. An article printed in the Anglo-Indian *Indian Daily News* (15 July 1874), and cited in the *Native Opinion* of 2 August 1874 had this to say:

In every country the officers of Government are sharply criticised in the press, and have some cause to feel irritated at the comments, which are being incessantly made on their conduct and their character. But we believe that it is only in India that officials retaliate in kind. Our system of official reports, regularly published, and forming not the least valuable or permanent literature of the country, is in itself a kind of periodical press. Magistrates and Commissioners are encouraged to deal in these productions with every subject of public interest, and in particular to describe the tone and influence of the native journals.

These representative extracts, drawn from the 1870s' NNRs and the Indian press, confirm that the press was structurally positioned to develop a tactical edge in its relation with the NNR while indicating that at least some newspapers did so.¹⁵ If the text of the extracts informs the government that the NNR is a highly unstable site of "information," the subtext

communicates that (their) political critique is grounded in knowledge of the NNRs and surveillance, not in ignorance of it. Yet others advise the government, as does the *Dharwar Writt*, that the “Official Reporter” is, in actual fact, an *interpreter* of Indian intent. When the *Indian Daily News* (15 July 1874) offers substantially the same opinion, it is quickly reported in the *Native Opinion* (2 August 1874). Clearly, ventriloquism had its uses: the latter takes cover behind the protection offered by the former’s unambiguous naming of the NNR as a site constituted by a less than impartial civil service. The *News* writes, in a continuation of its critique of the NNR (cited previously):

We think that the Government Translator is as much to blame as any one for the hostile feeling, which would seem to exist between officials and the press. He has to select the articles which are to be brought to the notice of Government and indirectly to that of the English public, by being put into something resembling our language, and printed at the cost of the State. He invariably chooses all the most abusive passages, and strings them together, without any of the decent padding with which they are surrounded in the original. This is not the way in which he should pick out the plums.

In short, the article alerts readers, if they were not already alerted, to the contamination and instability of the NNR. Of course, it simultaneously comments on the absence of concern displayed by the government over this very fact. When Indian newspapers fill their pages with disavowals of nationalist design and, at the same time, proleptic literary (figurative) and critical (literal) texts announcing that the transformation of the colonized into a public is underway, frequently in the same article, knowing full well that articles on the government were bound to attract the attention of the government reporter, the genre is turned, by design, into a discursive space of ambiguity and prevarication.

Some in the government did arrive at the very same conclusion. At least one lieutenant-governor (Bengal), George Campbell (1871–74), felt that the NNR had been so successfully instrumentalized by the Indian press that it was practically useless to the government. In *Memoirs of My Indian Career*, he recalls the quandary in which government was placed when confronted by evidence that the report was being manipulated by Indian newspapers. “[W]e were a good deal troubled,” he writes, “by abusive and sometimes seditious attacks on the governing powers,” adding:

It was then the practice to make a précis of the notable sayings of the native press, for the information of Government officers and others; and the

offensive tit-bits were then carefully reproduced, and so given a circulation which they would never otherwise have had. We used to think that such things were not unfrequently [sic] written in the hope that they would be thus circulated; indeed, I have known the writer to call the attention of the compiler of the *précis* in so many words in a naïve kind of way. We found it desirable to discontinue the circulation.¹⁶ (vol. 2, 314)

In Campbell's view, surveillance had not had the expected impact and the NNR had emerged as a "text" fraught with indeterminacy. Of course, Campbell's objection was not to the indeterminacy of the genre so much as it was to the fact, as he saw it, that the NNR did not, at the time, cover the English-language Indian press; the view commonly held at the time being that the vernacular press was derivative of the latter, of which the following comment made by John Edgar in 1891 is representative. He writes, the "present report gives, and cannot but give, a very inadequate picture of the Native Press" because "it [the report] is confined to newspapers published in the vernacular, while most of these derive alike their information and their opinions from the papers that are published in English" (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 261).

The disregard of the view that the NNR was an ambiguous site is best attributed to the fact that the more dominant view was the one expressed by Edgar in a memorandum dated 13 June 1891. Edgar praises the NNR for its "full and impartial" reporting of the "vernacular" press, for its "grouping and summarizing with great clearness opinions on a wide range of subjects," and for its style: the NNR is, the memo notes, "characterized by much literary skill" (prog. no. 261). What Edgar, speaking on behalf of the lieutenant governor, considers good administrative practice—grouping and summarizing—and nothing more is leading as much as his complacent juxtapositioning of "summarizing" with "literary skill" is puzzling. Evidently, literal meaning is not compromised by a literary imagination.

In claiming that the NNR is better regarded as a space not securely within the control of the government, I would not wish to appear to be denying that an asymmetrical power structure was in place. Clearly it was. My aim here is quite simply to make something of the evidence that remains of the press's attempts at destabilizing the genre as an *authentic* record of native opinion. It was more than a futile attempt. Oppositional Indian political opinion, extracted and translated, was at its most acute, concentrated, powerful, and provocative *when* it appeared as the NNR. This Campbell appears to appreciate, describing the NNR as a forum that gives "offensive tit-bits" a circulation they "would otherwise not have had." This was a fact as and when the NNRs were public documents. The point remains, though, that the Indian press was aware of the existence

of the genre and its status as “confidential” government document. To borrow J. L. Austin’s formulation of illocutionary speech,¹⁷ you could say that a self-consciously counterinstitutional opinion gains the force of the illocutionary when it appears in the NNRs. Thus the study is concerned with an Indian political culture that is produced in the NNRs even as it is concerned with government views that are formalized in policy that stabilizes the NNR as an authentic record of Indian opinion.

The considerable implications of the pivotal role played by this government text and, by extension, by the translation and the government translator (both constitutive features) in the history of early nationalism are considered in the conclusion. For the moment, let me say that in employing the NNRs I might appear to be treating the archive as a stable site in which “real” native opinion is legitimately accessed—in spite of all the layers of imperial function, functionaries, editorial methods, and linguistic and cultural translation that make it a highly contaminated site. Whether writers were entirely strategic in their public expressions of views on the government or whether such views were “real” it is impossible to know and not only because a number of the newspapers on which this study draws have left no trace other than the record of the NNRs but because expecting unmediated access to intent (any intent) is to expect the impossible. It is nonetheless true that having access to a newspaper culture that was not constituted by knowledge, and fear, of censorship could have provided a useful counterpoint to the NNRs. While it is certainly possible to read newspaper archives that remain, however fragmentary, whether any in the press can be said to have been unaware of the conditions within which the press was required to function is a moot point. The notion of the panopticon, as an invisible boundary and force, is usefully invoked here. Like Amitav Ghosh, who once commented that public expression in post-1857 India is best regarded as always already tactical,¹⁸ I think it is impossible to dismiss the possibility that Indian public political culture was conducted from within a collective awareness of surveillance. Consequently, although I have consulted available issues of newspapers such as the *Native Opinion*, the *Bengalee*, the *Amrita Bazar Patrika*, and the *Voice of India*, and these do serve to contextualize the NNR extracts (they show that the NNRs were, indeed, picking up on opinion held by a number of newspapers), this fact in itself does not help make the whole arena of Indian opinion any more stable. The certainty that the study does claim and depend on is the fact that the Indian press gains a very particular function and meaning when articles, in bits and pieces, are lifted out of their context, thematized, rearranged, and thus

reconstituted in the pages of the NNRs—especially when we consider that there was a fully knowledgeable press in the background.

I draw mostly on the Bengal NNRs, although I have consulted, and do cite, from other NNRs. Of all the presidencies and territories of British India, Bengal was consistently regarded by the governments of Bengal and of India as the center of antigovernmental activity. For instance, in an 1891 report, in which the Bengal press is described, John Edgar impresses on the government of India that Bengal newspapers have influence well beyond the boundaries of the presidency. He writes:

If Bengali newspapers circulated only in the Lower Provinces, all this would not perhaps matter so much. But Bengalis are now found in large numbers all over upper India. For instance, at Lahore they form a considerable colony where the newspapers conducted and circulated by them exercise the worst possible influence over the simple minds of the Panjabis who think that the statements about the evil doings of the Government, about its weakness and imbecility, and about the cruel oppression of Europeans, must be true because they are in print. Similar results have followed the settlement of Bengalis in other parts of Northern Indian, and, what is perhaps most dangerous, in almost every Native State of importance. (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 260)

While the statement identifies the migration of Bengalis as the reason for the spread of antigovernment attitude, not the already well-established culture of exchange within the Indian press,¹⁹ it serves to point out the thinking that made monitoring the Bengal press an imperative for the government. Not surprisingly, the Bengal NNRs are the most comprehensive and consistent in their activity. What transpired between the NNR-mediated Bengal press and the Bengal government was consequential to say the least. This government's persistent pressuring of the government of India from the 1870s (details appear later in the introduction) for the right to seek legal action against newspapers without first consulting it at once acknowledges and produces an image of the Bengal press as the weak link in the chain of empire. Thus it is not overstating the case to say that the history of relations between the Bengal press and the Bengal government drove the government of India's press policy and, most importantly, the decision to employ criminal law to exert restraint on the press. In other words, it is no coincidence that the very first newspaper to be tried for seditious libel—the *Bangavasi* in 1891—was a Bengal newspaper.

Writing of Bengal, then, when writing of early nationalist public culture, is inevitable. This is quite aside from the fact that the partition of Bengal in 1905, and the solidification of antigovernmental opinion into a

“movement” with which it is credited (it spread outward from Bengal to other parts of British India), make Bengal crucial to the nationalist imaginary (Sumit Sarkar, *Modern India*; Brown). Not surprisingly, the leadership of the early nationalist period also singled out Bengal, describing it as the nerve center of the very privilege of anticolonial nationalism. In his objection to the Bill against Seditious Meetings, Gopal Krishna Gokhale had this to say, in 1907: “The bitterness of Bengal agitation gradually came to communicate itself to the reform movement all over the country by a sort of sympathetic process. Bengal has always been the home of feeling and of ideas more than any other part of India” (Proceedings of the Public and Judicial Department, L/PJ/6/836, file 4060).

SYNOPSIS OF CHAPTERS

This is a study that is concerned, in the first instance, with the structuring of perception that takes place in spaces that came to be legally opposed: the colonial government and a NNR-mediated Indian periodical press. It is usual to consider the 1870s as the earliest decade to which the emergence of nationalist rhetorical activity can be traced. A number of reasons are cited for the nationalist turn including, especially, the emergence of an elite cultural nationalism (Sethi; Sumit Sarkar, *Modern India*; Sudhir Chandra; Tapti Roy). This study, which aims to probe the decade’s “making of a public mind” (Dasgupta 44), approaches the 1870s public political culture with 1857, that enormously significant moment of extraordinary violence, in mind. Hence the study opens with a chapter on 1857 that seeks to connect this moment of extraordinary verbal and physical violence, via its (verbal) effects, with the public culture of the 1870s. There is a virtually total silence, outside of insurrectionary rhetoric, when it comes to Indian views contemporary with the crisis of 1857. As one might reasonably expect, the horizon was not the same for Indians (“native” in government speak) as it was for the Anglo-Indian public or for the Company government. It was shaped significantly by the pressure to prove one’s loyalty under unacknowledged conditions of examination. My research of the complex narratives by which the elite insinuated itself into the category of the provably loyal revealed spaces that speak of prevarication, ambiguity, and tactical verbal behavior. Such spaces testify, profoundly, to the shock experienced by the radically othered. In other words, the overdetermined racial other (made so in the particularly violent rhetoric adopted by the Anglo-Indian and English press in their narrativizing of the revolt, especially between May and September 1857 but lingering well beyond it) beat a tactical retreat into the discourse of loyalty.

In order to explore, and describe, the emergence of loyalty as an over-determined term in 1857, the first chapter considers the absolute divisions that demarcated the political field at the time as the government, the Anglo-Indian public, and the Indian civilian population grappled with the provocation that the revolt represented. Needless to say, the provocation was not the same for the three constituent groups and each laid claim to a different reality bodied in and by the term loyalty. Whereas the views of the Anglo-Indian public and the government are well represented—the first in the periodical press, letters, diaries, and petitions made to the government and the second in its many advertisements as well as laws and later in histories of the revolt—the views of the Indian civilian population are virtually invisible. However, reading the two places in which Indians speak—public advertisements and depositions made to officials of the civil service—critically allows for an engagement at least with the forums in which they did participate. The objective of the chapter, then, is to reconstruct the political scene within which an Indian response, mostly narratives and protestations of loyalty, resides, with the ultimate aim of proving that it is in the competition to give loyalty its definitive meaning that a fugitive Indian response can be discerned. In the 1870s' culture of complaint, 1857 is a subterranean narrative with loyalty, the discourse, being its trace. Thus the instrumentalizing that the discourse of loyalty undergoes in 1857—with each of the three constituent groups using it to their own ends—proves to have had its own effects.

Chapter 2 examines the interrelationship of two key discourses that appear repeatedly in political writings, mostly editorial, gathered in the Bengal NNRs of the mid-1870s. On the one hand, the Bengal NNRs offer pages filled with extracts in which newspapers claim a revolution in thinking is underway. Claiming that the age of people power is at hand, the *Sahachar* of 16 October 1876 proclaims, “India has made considerable progress; and a public opinion has been formed . . . Now all the inhabitants of India have come to understand that they are one nation; and that what does not bring good to the whole country is not beneficial to any of its parts. The impression is daily gaining strength; and while they cherish these opinions, they cannot but endeavour to aim at securing higher political rights” (Bengal NNR, week ending 21 Oct. 1876, para. no. 11). The underbelly of such optimism, however, is the other, more conflicted, history of the 1870s' nationalist movement, where the shock of 1857 is embedded and which spurs the production of an anticolonial consciousness as much as does the notion of “the public.” Its themes are more negative, advising unity exists in shared loss, dishonor, and abjection. This complement of negative affective states finds an easy fit with an

emergent discourse of patriotism in the 1880s and 1890s (which I discuss briefly in the conclusion) and, in the 1870s, itself shapes the emergent discourse of the public.

The chapter offers a case study, since it is impossible to cover a decade that was brimming with the “discovery” of colonialism’s political and administrative decisions as a “crisis,” as Dasgupta’s study has proved. The visit of the Prince of Wales in late 1875 and early 1876 was preceded by the 1869 visit of the Duke of Edinburgh and followed by the lavish Imperial Assemblage of 1877 (*darbar*), which celebrated the 1876 conferring of the title, empress of India, on Queen Victoria. The spate of royal visits was intended to harness the power of spectacle to imperial authority. “Honour and titles” observed and conferred on such visits, Bernard Cohn has written, were tied to “the expressed goals of the new governmental order, ‘progress with stability’” (181). Moreover, they insinuated a royal extension of privilege to the Indian aristocracy (Cohn 188) and trafficked in the “assumed special susceptibility of the Indian to parade and show” (188). The royal tour was not quite the rallying occasion the authorities had in mind.²⁰ In the Indian press, certainly as it is represented in the NNRs, the visit is met with a range of negative reactions—from disappointment and rage to grief over the stark contrast offered by lavish royal visits to the conditions of famine, disease, and starvation faced by Indians.

It was this kind of emotional response that the government claimed as evidence of the danger represented by an unregulated public culture in the colony. Reading against the grain of the government’s reading, the chapter considers other possible explanations for the public display of negative political emotion. The one I find most intriguing, and which the chapter explores, is that the press seeks to make emotional affect a *legitimate* subject of the colonial public sphere. Distress is, several extracts of the NNRs are anxious to point out, a very real effect of the form of rule in place. Weaving in dire expressions of loss, defeat, humiliation, and mourning, articles produce the impression of a distinctive ethos of grievance grounded in and by a devastating experience of loss. Raymond Williams’ structure of feeling appears to be an appropriate concept to invoke here. Negative political emotion languages what is claimed to be an emerging political experience. Structures of feeling are, Williams puts it, best observed in historical moments of emergent formations, when “the tension is at once lived and articulated in radically new semantic figures” (*Marxism and Literature*, 135). In such moments, in his view, “we are concerned with meanings and values as they are actively lived and felt” (132). In fact, one could say that the history of the press, archived in the NNRs, can be read as a history of shifts in the structure of feeling. In

the 1870s, negative political affect is assigned a political cause. It is thus that a crucial attitude for the cultivation of a resistance culture is introduced in public culture. Indeed, what is remarkable about the 1870s' press is its denormalizing of the everyday of life of colonial rule such that political events, such as royal visits, swell the theme of colonialism-as-crisis, so to speak. Moreover, an unmoored, or suppressed, discourse of loss and mourning, which one might reasonably expect mirrored the lot of the Indian in 1857, is a layer of meaning in which political comment in the 1870s appears to be steeped.

Developments in the press, mobilized by the mediation of the NNRs, are I think best contextualized by developments within the post-1857 government, which in hindsight seem remarkably in tune with the former. In 1870, the government of India inserted seditious libel law, belatedly, into the Indian Penal Code. Notoriously vague in its definition of the crime of "disaffection" (which, it was insisted, was the equivalent of "seditious libel" but with which it was critically unequal), Section 124A is where an imagining of the Indian public as seditious was first compassed, to borrow and tweak John Barrell's evocative play on a key phrase of early English treason law, "imagining the king's death."²¹ It seems remarkably attuned, I have suggested, to the very mobilizing of the notion of crisis that, in turn, produced texts of extreme critique and emotional energy. In the history surrounding the insertion of Section 124A into the penal code we witness the peculiarly colonial legal reasoning that would, in subsequent decades, be played out in the courtroom in seditious libel trials. The chapter thus concludes with a discussion of Section 124A, paying particular attention to its history and language. By placing the NNRs alongside Section 124A, the chapter aims to draw a connection between the former—as a site for the discursive production of the Indian as native that, when read against the grain, uncovers a public culture that is profoundly disturbed—and Section 124A, an equivalent site in law that would, in time, authorize a similar misrecognition of the language of refusal.

Chapter 3 examines the inevitable moment of legal confrontation between the press and the government, here of Bengal. In 1891, the latter charged the *Bangavasi*, under sections 124A and 500 of the Indian Penal Code. The shift that the decision, to prosecute, represents in government opinion is indicated by the fact that 30 years earlier James Long had been tried for his translation of Dinabandhu Mitra's *Nil Durpan* but not Mitra himself (Noorani, *Indian Political Trials*, 121).²² However, it was not the first time that the Bengal government had urged prosecution of the press on the government of India. In 1873, and again in 1875, the lieutenant-governor of the Bengal presidency approached and failed to convince

the viceroy that prosecution was in its best interest (Dasgupta 271–72). Even in 1891, the Bengal government was more than a little reluctant to employ a statute that could not guarantee prosecution. Clearly, as much as the Indian press was nervous about the ambiguous language of Section 124A, so too was the government.²³

The trial, which did not secure the Bengal government the prosecution it sought, and did not intimidate the press into silence, did serve a critical purpose: it pinned down the notoriously vague key term in the statute (“disaffection”) in ways that would make it possible for the government to gain legal confirmation of its stated opinion—that such irresponsible writing was a threat to law and order in the colony—and provided the colonial judicial system with a precedent. In 1897, at the spectacular trial of Bal Gangadhar Tilak, and his newspaper, the *Kesari*, the advocate general (Lang) predictably claimed the *Bangavasi* case was the only proper precedent. “[R]ulings of English judges” were irrelevant, he argued, since “[w]e have in India this Section 124A, and we have the meaning of the section, as given by the Chief Justice of Bengal, which . . . is the clear and proper meaning of the section” (Proceedings of the Public and Judicial Department, L/PJ/6/462, file 2291). Not surprisingly his view was upheld by the presiding judge.

Noted in historiography only in passing, when noted at all,²⁴ the 1891 trial was as important for the Indian public as it was for the government of India. The “story of the trial,” as Bernard S. Jackson has described the trial-as-text in “Thematization and the Narrative Typifications of the Law” (177),²⁵ is the story of the making of an Indian public. The symbolism of the moment of legal encounter—that the Indian press was quick to point out was precisely that, symbolic—was astutely understood to be one of the right to name Indian public, political culture. What stood to be outlawed was, of course, critique itself but also Indian idioms of the political. Unfortunately for us, little remains of the trial record. The Bengal NNRs and Proceedings of the Home Department, however, are records where the process leading up to the trial is made into a narrative. It is to these records that I turn in order to reconstruct the legal moment, seeking to draw out the politics that were at play within the Bengal government, within the Indian press, as well as between them. This was a key moment for reasons other than the ones already mentioned. Intergovernmental correspondence describes the process by which a debate between liberal and conservative readings of public culture in colonial governmentality is conducted. For a brief moment, candid comments about the realities of colonial rule—especially the fiction of empire loyalism—had legitimacy. Little of this slim debate (for that is what it is) is present in the courtroom

battle that is, it should be noted, conducted entirely by the English, judging by the reports that remain. In a post-1857 world, where race produces rigid boundaries, this fact is not in itself insignificant. Not surprisingly, it was the conservative reading that emerged as the dominant one, even if the trial ended without the hoped-for conviction. If in 1870 the process for making seditious libel law the ground of press-government relations was initiated, in 1891 the conservative reading of the law, by prevailing, determined the future of press-government relations as much as it gave the Indian press a powerful tool: Section 124A, in its legal meanings, would be a subject in the periodical press for decades. The same contest, with practically the same arguments, would be repeatedly staged in subsequent decades in courtrooms that were turned into “a hermeneutical battlefield . . . as a contest for symbolic dominance through textual exegesis” took place, as Robert Darnton states about the 1910 trial of the *Pallichitra* (156). By 1910, the year with which this study concludes, government had perfected its legal argument that the Indian press was the dangerous place of disinformation, untruths, and rabble-rousing. In sum, Indian political aspirations were played out *in law*, starting in 1891, as a matter of ungoverned emotions.

The study concludes with the moment to which the emergence of a movement is usually traced. In two chapters, I hope to indicate the contribution made by the press-government engagement to this moment. The partition of Bengal in 1905 is usually regarded as the act that provoked a countrywide agitation,²⁶ as well as the first systematic use of the term “movement” to describe the practice of resistance.²⁷ Judith Brown writes, “The anti-partition agitation was led by such men [babu agitators]; but it took far more popularist and direct forms of protest than the decorous style of petition and public meeting which had hitherto characterized the *babus*’ provincial politics. Meetings and petitions were now backed by a campaign to boycott English cloth and develop indigenous industries—the swadeshi movement . . . The campaign was taken out of Calcutta into the districts by lawyers, students, and schoolboys, *zamindars* and their agents. Even Hindu learned men, pundits, were roped in to give religious backing to *swadeshi*” (181). The *swadeshi* movement in Bengal; terrorist activities in Bengal, Maharashtra, and Punjab in particular (Sumit Sarkar, *Modern India*, 123–33); and labor unrest (118), as well as the communal riots that broke between Hindus and Muslims over the partition of Bengal (122), were as much a preoccupation in the press as they were in the community at large. The legal prosecution of text was quite a newsworthy topic, especially since the government routinely blamed extremism and communalism for its own heavy-handed approach to the

press. Unlike the 1890s, with its two trials, which were temporary rallying episodes, the latter half of the first decade of the twentieth century was replete with trials. You could say that in this period, what had been a sporadic and irregular engagement turned regular. Newspapers, editors, proprietors, and printers were routinely charged with seditious libel, and printing presses, as well as printing materials, were, as routinely, confiscated. Trials and the reporting of trials faced competition from a number of other activities for impact, including the violent activities of the extremists and communal rioting. Crisis was claimed as a condition of the colony in a multiplicity of ways, with the legal engagement between the press and the government being one.

It is in what is themed in the press and reported in the NNRs that it is possible to discern *other* concerns, especially of the realities of a resistance movement. The press writes of prison and corporal punishment, of the spaces requiring transformation (home and schoolroom for instance), and of sacrifice and imagines, in the process, a new subjectivity for the Indian. Such themes indicate precisely how difficult the very process of imagining coordinated action, in the absence of any real hope, was. As for the government, surveillance took on much greater significance and not because, as Darnton has suggested, “[w]hat had appeared as the harmless beginnings of a modern literature before 1905 stood condemned as revolutionary agitation by 1910” (158).²⁸ For the spread of popular nationalism was neither quite so linear or uncomplicated, even in the government’s view. As histories of nationalist Bengal have pointed out, popular nationalism and patriotism had origins in nonelite culture. The more likely reason for the government’s concern was the emergence of the extremist presses of Bengal and Bombay as potential spheres of influence.

For the most part, the attention the subject—of a bold popular nationalism—has received in the last decade or so has not been focused on the government as much as it has on addressing the complications produced by competing nationalisms. Indeed, the post-Bengal partition press culture appears to have formed the first sustained and fully expressed moment of “banal” patriotism as well as nationalism,²⁹ and much has been written to prove that the representation of the ideal patriotic and nationalist subject, in literary and popular discourses, was grounded in Hindu themes, rhetoric, and, hence, modes of thought. Recently, Manu Goswami has described the mapping of Hindu onto (nationalist) Indian as reflective of the fundamentally “contradictory character of Indian nationalism” (*Producing India*, 5), where a “universalistic conception of national development” and a “particularistic” one, which he claims was a “specifically Hindu understanding of nationhood” are co-concepts (5).

This valuable, and necessary, critique of the structure of the norm, here of nationalist rhetoric, directs attention to the composition, rhetoric, and workings of an (assumed) secular nationalism.³⁰ It serves to make a point that needs to be made—that an amorphous, fuzzy nationalism (Sumit Sarkar’s “an Indian nationalism distinguished by its anti-colonial stance” [*Writing Social History*, 361]) assigned to Hindu cultural pasts and texts the status of the norm (*Writing Social History*, 363).

Chapter 4 explores the NNRs’ staging of the same politics as the developing Indian public sphere showed signs of—the politics of territorialism. Interestingly, the NNRs give prominence to the extremist press, no doubt because the government was concerned about international circuits of exchange of which self-styled revolutionaries were a part. Since this press showed the greatest exuberance, spectacularized iconic, popular Hinduism, and was overrepresented in the NNRs, certainly of Bengal and the Punjab, this is the press that the chapter draws on most but by no means exclusively. In sum, the objective of the chapter is to explore the complicated character of an Indian nationalism that emerges in the NNRs as a conflict of rhetorics. Law, as an arena of particular interest to the press, made more so by the NNRs focus on the press’s writing of law, serves to make the point well: in writing of law, the press wrote of an ethical dilemma, that it claimed to be the dilemma of the Indian public. At the same time, the rhetorical and thematic choices made in the act of writing the dilemma indicate the theme, of law, was where some of the major struggles for a control of nationalist rhetoric and over the representation of the (ideal) nationalist/patriotic subject took place.

Chapter 5 reconstructs the scene of legal engagement between the government and the public at this more self-consciously nationalist moment in history. The 1910 trial of the *Pallichitra* has been described by Darn-ton as a sophisticated legal drama. He writes, “The trial had everything that one would expect to encounter in a modern class on poetry: philology, semantic fields, metaphorical patterns, ideological contexts, reader response, and interpretive communities” (158). My reading of the trial draws attention to the politics that were at play in 1910 Bengal as a rapidly mobilizing Indian public, aided in no small part by a radicalized press, deftly turned legal trials into theatre. With each case, the Indian press acquired more moral capital. The government correspondingly lost moral legitimacy even as it fully exercised juridical force. Briefs of these trials appeared in the English press and these, in turn, were read out (sometimes even flaunted) in the British parliament by an opposition that formulated parliamentary questions based on criticisms of the government of India in the Indian press. All this proves is that the trials for

“disaffection,” many of which did not make it even to the high court, were spectacle as much in English political culture as they were in Indian.³¹

What I hope to establish is that the *Pallichitra* case, as with prosecutions for seditious libel in general, was more than a futile challenge to authority, or outside of the *real* business of the nationalist endeavor. In uniting the readership in spectatorship, as well as educating them into the knowledge that an emergent Indian anticolonial political subjectivity was countered by censorship, trials at this later moment were a key place in which the public discovered the as-yet-only-contemplated act of coordinated collective disobedience to be an ethical one. The colonial courtroom remains the best evidence there is of the periodical press's capacity to turn an illocutionary moment—which I suggest in Chapter 4 the 1907–10 press produces—into a perlocutionary one, a performance of the freedom of thought, on display in polemical texts, into action in the courtroom. Once again, the government was faced with awkward questions, posed by the defense, that it deflected through its claim that policing the colonial public sphere was in the public's best interest. Since the trial is more fully documented in the Home Department Proceedings than is the trial of the *Bangavasi*, it provides me with the opportunity to parse the trial-as-text. The discussion will hopefully convey how little government legal strategy had changed since the *Bangavasi* trial and, conversely, how much the strategies of the defense had, as had the composition of the legal defense team.

The chapter concludes with a reading of the poetic text itself, pried loose from its legal context and considered as an example of the kind of political conversation texts of the time engendered and reproduced. Looking at “Come O Mother,” the poem for which the *Pallichitra* was charged and prosecuted, as a “propaganda” text with a life outside the courtroom, the reading does a little more than it does with the same literature in Chapter 4, establishing just how the typical periodical literature of the time was illocutionary—how it was, that is, much more than is or can be captured in the term “propaganda.”

The value of historicizing the increasingly dramatic, and public, encounter between the press and the government lies in the fact that it identifies the arena in which the very notion of a contestatory public takes hold of the public imagination and, eventually, becomes a reality. It should, of course, not come as a surprise that the history this study seeks to relate is a history of move and countermove. For every legal maneuver government sought to make there was the identification and use made by the press of some wrinkle in the law. As intergovernmental communications and statements reveal, the Indian public's legal literacy was formidable.

Ironically, it is from administrative records that we learn of the practices used by print cultures to evade as well as force law. The press was practiced in the use of apology, as the 12 March 1908 correspondence between the viceroy and the secretary of state for India establishes (“In three cases apologies were tendered and no punishment awarded” [Proceedings of the Home Department, P/7875, March 1908, prog. no. 20]). Dramatic texts seized for being seditious reappeared under a different title.³² Texts were published anonymously (the legal definition of author was the subject of much contestation and often successfully employed by the defense in seditious libel trials). The legal definition of “text” was routinely challenged, with the Indian public using cloth and even aural media (such as the gramophone) for its purposes, forcing government to seek ways of expanding the legal definition of “document.” At one point, the government had to consider how it could, legally, bring gramophone records of speeches made at Congress assemblies under the term “document,”³³ while at another it had to consider if cloth, *dhotis* to be precise, could also be termed “document.” Not surprisingly, the Indian press remarked sarcastically, and playfully, on the turning of articles of clothing into “text.” The NNRs of 1910, for instance, are replete with extracts of articles describing the “politicized *dhoti*” as we could call it (See Bengal NNR, weeks ending 26 March and 16 July 1910).³⁴ Material entering India from abroad was not exempt from scrutiny either, and after 1908, resistance groups sent material disguised, “wrapped in magazines, stuffed in self-improvement manuals, and even sewn into innocuous books such as *Oliver Twist*” writes Barrier (39). As Barrier has remarked about the process in general, “New situations or propaganda techniques forced continued discussion on the meaning of legal terms” (157).

As for the theme of political texts, here too the writers of newspaper articles show a legal deftness, writing at the very boundary separating legal from illegal speech by being prevaricatory, producing opaque surfaces and bafflingly metaphoric texts (see Chapter 5) and peppering critique with formulaic observances of loyalty (this last is especially true for the 1870s–90s period of this study). Such writings were clearly understood by government to be just what they were, prevaricatory and genuflectional, but they proved to be legally adept, even given the expansive definition allowed by the language of Section 124A. In 1891, a government memorandum complains in typical fashion of precisely this fact: “It is hardly an exaggeration to say that at the present time the tone of the Native Press as a whole is one of uncompromising disaffection and dis-content, qualified only here and there by expressions calculated to open a door of escape

from the danger of a prosecution under the Penal Code” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 260).

The most powerful of strategies that develops in the press owes everything to the seditious libel trial. If the government hoped to have legal trials serve as “dramas of deterrence,” as Sudipta Kaviraj notes in “Gandhi’s Trial” (301), the press turned trials into dramas of moral triumph for the Indian public. Prosecution was, that is, grist to the patriotic mill and the trials themselves promised drama, complete with protagonists (the victimized press), antagonists (the government), a plot (the trial itself), and a highly charged institutional space (the courtroom). The impossible position in which the press’s commandeering of the seditious libel trial placed the government is best described by Daniel Ibbetson, the lieutenant-governor of the Punjab in 1907–8.³⁵ “If unsuccessful,” he observed, “it [prosecution] is a disastrous blunder” (quoted in Ganda Singh 28) and, if successful,

It advertises far and wide the matter to which objection is taken and brings it to the ears of thousands who otherwise would never have heard of it; it attracts public attention to the speeches of men who pose as martyrs for the good of their country and people; the speeches of counsel are often almost as harmful as the original matter; when sentence is pronounced there are pathetic scenes in court . . . Meanwhile if it is a newspaper that is being prosecuted its fortune is made, for its circulation increases enormously; the proceedings in court are reported in minute detail; sympathetic articles are sedulously collected and reprinted from the whole of the Indian press; the proceedings are spun out to an intolerable length, while the evil is not suspended even temporarily. (28)

Clearly, Ibbetson was acutely aware of the press’s turning of prohibition to spectacular, melodramatic advantage and of the impossibility of winning in the battle for public opinion in the colony. Further, Ibbetson’s observation identifies the (political) criminal courtroom as the space that reinforced, through repetition, a conceptual divide—of juridical from ethical—with the accused emerging as the embodiment of the ethical and government as the embodiment of the (merely) juridical. And indeed the simple polarity that the courtroom visually impressed each time a newspaper was subjected to legal process reinforced injudiciousness and victimization at the hands of the government as the experience that united the colony in themes of affliction, distress, and dishonor. Thus the pervasive impression the press creates, with each report, is of a government on trial, not the other way around.³⁶

An actively tactical culture notwithstanding, proscription was extensive. Between 1907 and 1947, approximately two thousand newspapers

were restrained (some were restrained repeatedly), and between eight thousand and ten thousand individual titles were seized (Barrier 160). At least some of these appeared first in newspapers.³⁷ These numbers by no means encompass the entire corpus of material considered seditious by one or another official or government. From Graham Shaw and Mary Lloyd we learn that even their own definitive catalogue is far from exhaustive.³⁸ When we add the many oral recitations, speeches, and lectures that are described in the Proceedings of the Home Office as seditious but do not appear in catalogues, proscription appears to have been a veritable industry: it drew in government translators, court translators, and district-level civil and police services in addition to the office of the advocate general and that of the intelligence services, district magistrates, the lieutenant-governor, the government of India, and the secretary of state for India. Correspondence was as restricted (confidential) as it was for intelligence on political movements of the public political figures of 1890–1910. Colonial archives, which are nothing if not impressive for their revelation of an extensive administrative apparatus, and communication devoted to Indian public political culture, complicate government behavior (if one can call policy “behavior”) considerably. They indicate, for instance, that along with the larger preoccupation—of squaring the use of law force with the claim of liberal colonialism—another was the much more pragmatic need to be accountable to the British Parliament, especially in the 1907–10 period of this study, when the parliamentary opposition posed awkward questions about the government’s handling of the press.

All in all, what the press accomplished was considerable. Not only was it instrumental in producing a politically active public, the first nationalist vocabularies and themes that would prove to be the bedrock of political memory, it worked to effect a transformation in collective attitude. The Indian National Congress early identified legislative reform as its concern. Not surprisingly, other narratives, especially those of colonialism-as-experience, had little place in such a forum. The effect of such a direction was an expelling, if not exactly an erasure, of the very devastating psychology of colonialism from the realm of “legitimate” anticolonial nationalism. It was not quite as subterranean a narrative as it might otherwise have been in large measure because of the periodical press. In the press, you could say, is written the story the Congress would not write.

THE INDIAN PERIODICAL PUBLIC SPHERE

A question that remains to be considered concerns the theoretical framework that the study employs. Whether the political culture of nationalist

India is well served by being assimilated to the concept of the public sphere is a moot point. It has, of course, already been done. One view, most closely associated with Partha Chatterjee, holds that the concept is usefully employed to speak of an urban, Western-educated elite associational culture that developed in nineteenth-century India on the grounds that the instantiation of civil society in colonial India was restricted to the Indian elite.³⁹ An opposing view, most closely associated with Bayly, holds that the privilege reserved in Jürgen Habermas's *Structural Transformation* for the (European) public sphere is challenged by findings such as his (Bayly's) own—that north Indian society had forums in place for a deliberative, democratic process of determining the public good to take place. They were not innovations of colonial rule nor were they restricted to the Western-educated urban elite. In *Empire and Communication*, Bayly argues convincingly for a culture familiar with concepts such as “political theory,” “individuality,” “rationality,” and “social communication” (181). “Public opinion” (or “the weight of reasoned debate”), he concludes, “was not the preserve of modern or western politics” (181). Nor, he insists, was it communicated by the social elite to the “rest” (182).

In *Postmodern Gandhi and Other Essays*, Lloyd and Susanne Rudolph carve out a less absolute approach to the issue. Like Bayly, they appear interested in identifying distinct forums that indicate sociality was at least partially similarly structured, and, like Chatterjee, they make more of colonialism's shaping influence. They write: “so much of the liberal tradition was transplanted in the course of 19th century nationalist discourse and practice . . . that the concept of civil society can claim a comfortable home in India” (146). However, the Rudolphs emphasize, the concept “expresses itself through different cultural forms” and “takes on different meanings” (146), as it must once it is transported to “new cultural locations outside the West” (146). The Rudolphs's view acknowledges the origin of the concept of the public sphere in a specific social and political history, without turning the history of its instantiation in the colony into a (failed) history of imitation. Thus their claim is that Gandhi domesticated the forms of sociality proposed by the public sphere brilliantly (“Indeed, it was one of Gandhi's unique talents to give new shape to institutional forms and meanings associated with liberal and democratic spheres” [146]). Focusing in particular on the coming together of political and civil societies in Gandhian nationalism, they make a case for considering Gandhi's practice of *satyagraha* as a form of public deliberation, the kind that Habermas claims of the eighteenth-century bourgeois public sphere in *Structural Transformation* (160). Other places and activities in which they find the same are Gandhi's grassroots mobilization in

India, as well as the activities of other “plebian populist reformers” (151). The political sphere produced via such spaces was, they argue, its own kind—it did not distinguish, significantly anyway, between reason and intellectual debate on the one hand and other meaning making systems on the other. As they state it, colonial India produced a political public sphere that was “infiltrated by the symbolism, relationships, and practices of a society that was rural, religious, corporately organized and largely non-literate” (151).⁴⁰ In short, it had many qualities inadmissible by the terms of a Habermasian public sphere, which were nonetheless the very ground of the (Indian) nationalist public sphere.

Preceding the Gandhian public sphere, I suggest, there was a periodical public sphere with a limited porousness, and it developed a rhetorical culture between 1870 and 1910 that was politically clever—challenging and genuflectional at the same time. In this, my thesis finds support in Sumit Sarkar’s reflection on the subject. He writes, “The forms and channels of sociability which developed around the new educational-professional and print-cultural networks could provide a fruitful theme of research. They contributed to the emergence—under specific conditions of a colonial society not as yet characterized by much in the way of autonomous bourgeois growth—of something akin to a public sphere where standards would be defined and reasoned critiques of authority considered legitimate and proper” (*Writing* 175). I would modify Sarkar’s conclusions somewhat since the periodical public sphere, increasingly rationalized by desires, expressed variously as patriotic, nationalist, and anticolonialist, made space for other hybridized forms of utterance claiming the force of “reasoning.” Further, it would be more correct to say that this public sphere developed as a counterpublic sphere, recasting identities in much the way Nancy Fraser claims the “contemporary US feminist subaltern counterpublic” did (271). Terms such as *swaraj*, *swadeshi*, and *swatantrata* were widely circulated and, initially, given a thin definition, judging by the NNRs. But some time before terms such as *swaraj* became the basis of a common language for imagining political independence,⁴¹ the term “public” emerged as a preoccupation in the press. This Sarkar notes, even as he acknowledges, that many uses of the term were likely purely mimesis in action. He writes, “Certainly terms like ‘public’ or ‘public opinion’ had come to be commonly used by the late nineteenth century, no doubt partly in simple mimesis of the language of British political life, but also reflecting institutional changes in Indian society” (*Writing* 175).

Over the decades in which the concept of the public is developed in the periodical public sphere, it is rhetorically and conceptually forced open, challenging restrictions placed on public reason by government and the

Anglo-Indian press. This provided the government, with its strictly European definition of political reason, all the excuse it needed to claim that the periodical press culture was not the site of rational deliberation but the site of a perpetuation of prejudicial thinking, emotional outbursts, and the like.

The essential point to be made here, however, might be that an Indian public political culture, anchored by the press, develops by engaging with government's (European) views of public political culture. What Habermas's *Structural Transformation* claims for eighteenth-century England, France and Germany—that it witnesses the clarification of a public political culture anchored in and by a use of public reason—is engaged by the Indian periodical press in the nineteenth century and found wanting. The most important reason for invoking Habermas, then, might be the fact that the late nineteenth-century Indian-owned press feels itself surrounded and constrained both by the concept *and* by the specific (unusual) uses to which the government puts the very notion of the public sphere in the colony. In "English Press in India," the *Indian Spectator* of 20 April 1884 writes,

We hold that if journalism is to be true to itself, it must strive, above all, to be the vehicle of genuine public opinion. Difference of views there is and always will be. And there is nothing wrong so far as divergent views on a grave matter affecting public interests are honestly expressed. But the question is whether the opinion expressed by the English Press in India is at all public opinion when the subject of its criticism involves some European official or non-official? Is it not a fact that in such a case class feeling plays an important part? That such feeling should enter into an estimate of the matter involved is but natural. But at the same time it is fatal to a just and impartial appreciation of the question. How this feeling was abnormally active in the discussion of the question that agitated the country last year, it is superfluous to state.⁴²

Adopting the normative criteria for distinguishing "legitimate" public speech from illegitimate—eradicating "feeling" from the realm of public political interest—the article critiques the Anglo-Indian press for its inobservance of the much vaunted "moderation" to which it lays claim. But what emerges also is a questioning of the very (normative) definition of public opinion: if "genuine public opinion" hinges, as the article agrees it does, on "a just and impartial appreciation" of "matter[s]" affecting "public interests," and such interests are entrained in group identity, partiality and bias are impossible to rule out. The article thus argues that "genuine public opinion" is more an ideal than a reality of English history. In a

similar vein, but choosing a different, and prominent, moment from colonial history, the *Bengalee* points also to the participation of the respectable English press in a culture of irrationality, commenting sardonically that “if anyone wishes to ascertain what Englishmen at home think of the natives of this country, he will not turn to the *Times* of 1857, when Englishmen maddened with the account of the Cawnpore massacre breathed nothing but vengeance against a people whom they believed to be composed of every thing vile and depraved under the sun” (30 Jan. 1875).

In spite of the prevalence of articles intent on identifying the distance between the theory and practice of English public reason, let alone its imposition on another culture altogether, government reports on the Indian press ignore all evidence of the persistent attempts made by the latter to engage the authorities in a debate on the contradictions and ambiguities of colonial discourse, method, and policy. Instead, the reports look to the notion of propaganda, which resolves the paradox of colonial rule—the coexistence of a “free” press and absolute rule—and provides a semblance of legitimacy to mass censorship. The 1890 document of the committee appointed to consider changes to the provincial councils offers a comprehensive sense of the meanings with which the term propaganda, and cognates, was invested at a moment in which Indian political culture was developing, rapidly.⁴³ Propaganda is contextualized by at least three different uses. The word is legally harnessed in the term “seditious propagandism”; cognates are provided, which vary the meaning by reducing the distinction between criminal and civil in the definition of the term: the report explains that seditious propagandism is “a species of propagandism,” that has, it claims, “sprung into existence”; it is a “propagandism of disorder” (or “doctrines dangerous to law and order” [Proceedings of the Home Department, P/3650, Jan. 1890, prog. no. 319]); and propaganda is described in a different place in the document via the language of Section 124A. The press, the document claims, shows evidence of “attempts to bring it [government] into contempt and to excite feelings of hatred against it amongst the masses of the people of India” (prog. no. 319).⁴⁴

As we might expect, the language of the law writes the definition of propaganda. As in the courtroom interpretation of Section 124A, where the claim of unusual public culture (of sensibility) is the claim rationalizing the Crown’s case, readership, and audience, are identified as equal sites for the proper and comprehensive definition of propaganda. “There can be no doubt,” the report stresses, “that the substance of what newspapers say is propagated among an ignorant and credulous population containing elements of superstition, lawlessness and fanaticism which make it very susceptible to any evil influences that may be brought to

bear on it” (prog. no. 319). And through a sheer repetition of phrases, and conflation of key terms—propaganda and “disaffected” writing—the report magnifies the impression of threat, to the government, in its concluding comment: “we therefore look forward with apprehension to the effect which such seditious writings are certain, if left unchecked, to produce in the near future on the ignorant, superstitious or fanatical masses” (prog. no. 319).

We might be tempted to think that the report, by singling out the “ignorant” and “incredulous” as the object of its critique, is actually engaging in specifics,⁴⁵ but all such attempts are contextualized by statements intended to impress the vastness and strength of the Indian press industry in general, undercutting the potential there is in the report for providing a responsibly specific analysis. The same report informs, “The Press of India is rapidly increasing in strength and influence. Ten years ago it numbered about 180 journals all told, while now it numbers about 450, besides 100 periodicals of a political character of which the older records made no mention. The circulation is about 250,000 copies; but it is not to be supposed that they exercise an influence on their subscribers only. These newspapers are widely circulated from hand to hand; they are read aloud to circles of listeners” (prog. no. 319). Another clearly wishes to impress on the governor general’s council the *differential* history of the press in India, which makes control of the press an imperative and not an extraordinary use of force:

In enlightened Western countries misrepresentation, written or oral, of the acts or intentions of Government or its servants may be safely left to exposure in the columns of newspapers which support the Government or in the speeches of public men. No such safeguard or resource is available in India, where the Government is daily exposed to slanders and misrepresentations of the grossest character; and where the attempts to bring it into contempt and to excite feelings of hatred against it among the masses of the people of India, which are so persistently made by a small and seditious class, are we believe fraught with the gravest danger if a speedy remedy be not applied. (prog. no. 319)

Noticeable, precisely because it is absent, is any acknowledgement of the critical nonequivalence of the two histories invoked here, brokered by the well-worn notion of civilizational difference. The number of times that the indefinite reach of the press—alarmingly beyond the mechanisms in place for its monitoring⁴⁶—is mentioned in the report speaks only of the anxiety of those most involved in doing the on-the-ground work of empire.

As for the many definitions of propaganda to be found in government texts, there is little more to say than to observe that they share much with contemporary definitions. Stanley Cunningham situates propaganda, typically, in the rhetoric of manipulation. Propaganda's logic "comprises everything dear to the unscrupulous persuader's heart, from emotional language, slogans, and jingles, to the use of myths, legends, and an array of catchy images and sound bytes" (100–101). Not surprisingly, writing that was clearly incendiary but not necessarily manipulative of colonial facts was brought to the attention of government and often prosecuted but so too was the kind of text manifesting what the *Bengalee* of 30 January 1875 describes as "opinion deliberately formed and calmly expressed." A third category of writing that was so opaque, undoubtedly more so in translation (and in his 1897 trial, Tilak would claim the fault lay in the translation), as to be practically impervious to interpretation, even allegorical, was not exempt either from the category of propaganda. A particularly good example is the poem, "Shivaji's Utterances," for which the *Kesari* was prosecuted in 1897. The opening lines of the translation produced in court read: "By annihilating the wicked I lightened the great weight on the terraqueous globe. I delivered the country by establishing 'Swarajya' (a) (and) by saving religion. I betook myself to heaven (b) to shake off the great exhaustion which had come upon me. I was asleep; why then did you, my darlings, awaken me?" (the letters in parentheses refer to explanatory notes appended to the text; Proceedings of the Public and Judicial Department, L/PJ/6/462, file 2291).

Government strategies for producing a convincing transclass and transregional constituency in reports such as the 1890 report are recognizable from the internal history of Britain in the nineteenth century. They are reminiscent in part of the methods by which the English "vulgar" classes were identified and delegitimized—through "the alliance between notions of linguistic and of political communities" (Majeed, *Ungoverned Imaginings*, 152). If the concept of the vulgar was put to use in eighteenth-century England to delegitimize the claims of the disenfranchised, as Javed Majeed claims it was,⁴⁷ terms such as "ignorant and credulous population," which we encounter repeatedly in government reports on the Indian press, were put to good use in late nineteenth-century India to delegitimize the kinds of critique that a culture of citation, magnified by the NNRs, had made so present to the government.

The insurrectionary theme of periodical literature—calls for political self-determination—slides under the concern government claims is its only, and proper, concern: policing the Indian public sphere for its own good. David Scott's work, describing the public sphere as a technology of

the colonial regime, is usefully invoked here. Distinguishing between old and new forms of colonial government, he identifies reasons the public sphere was key to the new. In “Colonial Governmentality,” he writes, “The old form of the colonial state had no need of ‘public opinion’ because then colonial power did not depend upon the productivity and consumption of an improving public” (209). In the case of British India, power in the old system depended considerably on the persuasive force of the discourse of loyalty. It was underwritten, of course, by police and law force, as was made abundantly clear in 1857 and in the history of legal entanglement between the government and the press, respectively. Power in the new form of government, Scott remarks, was exercised “not *in spite of* but *through* the construction of the space of free social exchange” (201) such that “only certain kinds of knowledges and not others could circulate with any efficacy” (209).⁴⁸

Scott’s observation about the very political meanings the English discourse of “an improving public” gained in the colony explains the emphasis there is in government deliberations on Indian political consciousness: controlling the burgeoning discursive communities of the Indian public sphere would be to ensure a strong hegemonic base. Indeed, modern political rationality, and the education for developing it in the colony, was, as we know, made available to the urban elite and “discovered” to be in place in less than a handful of Indian-owned newspapers (also a shifting few). Given the number of extracts in the NNRs that convey critique in affective writing, and recourse to “traditional” texts to do so, the concern, government could *legitimately* claim, was with preventing dodgy forms of “discussion” from entering the public realm. Put simply, this was not public reason.

Already writing with the burden of knowledge that political aspirations were incommensurate with the conditions of rule, the press writes also with the burden of this knowledge—of the impossibility of emerging from under imperial rhetoric, of the irrational native, a rhetoric that was in the process of acquiring a legal imprimatur. The claim that Indian *modes* of experience and thought properly belonged in the public sphere was not simply claimed but argued for. The need to claim the public sphere is, surely, one reason for the dominance in the press of Indian texts, metaphors, aspirational histories, and vocabularies. At the same time, there are other reasons, some more calculating and, indeed, cleverly shaped to the language of the law. A perfect example of the kind of ambivalence that surrounds the use of cultural texts, such as the Hindu epics, is to be found in the tongue-in-cheek comment made by the *Nayak* (1 Feb 1908) on the prosecution of the *Sandhya* and *Navasakti*. In its

NNR form, the comment reads: “as every note of protest against anything which the Government may say or do is now-a-days to be considered seditious, it would henceforward be best for the conductors of newspapers to fill them with reprints of the *Ramayana* and the *Mahabharata*” (Bengal NNR, week ending 8 Feb 1908, para. no. 120). Needless to say, it was not “reprints” of the epics that dominated public culture but thinly veiled allegories, palimpsests, and analogies. It is difficult not to imagine that there is a playful element here since the epics, especially the *Mahabharata*, was already a mainstay of covert cultural nationalism, leading administrations to claim that allegory was the method by which the nationalist Indian press resolved the bind in which it found itself—to be nationalist (“seditious”) on the one hand and evade the law on disaffection on the other. The story, in short, is the story Richard Terdiman discerns to be in place in nineteenth-century France. It is the story of colonialism’s increasingly militant protection of its discourse for framing popular political culture in India (which functions as dominant languages do, according to Terdiman, who writes: “Dominant languages . . . are constrained to project a world defined by the equilibrium and homogeneity of language itself” [14]) and the periodical press’s development of a counterdiscourse. The latter does what Terdiman claims of counterdiscourse when he writes: “Situating as other, counter-discourses have the capacity to *situate*: to relativize the authority and stability of a dominant system of utterances which cannot even countenance their existence. They read that which cannot read them at all” (15–16). In this, perhaps, lay the Indian press’s strength: it understood the workings of colonial culture profoundly whereas the colonial administration came to depend on frame narratives, such as propaganda; on literary genres, such as allegory; and on elliptical administrative texts, such as the NNRs, to “read” Indian public culture as simultaneously premodern and propagandist (modernity’s threatening underbelly), as everything, that is, that it was not.

CHAPTER 1

THE VERBAL CULTURE OF 1857 AND THE POLITICS OF FEAR

To find parallels to the sepoy atrocities, we need not, as some London papers pretend, fall back on the middle ages, nor even wander beyond the history of contemporary England. All we want is to study the first Chinese war, an event, so to say, of yesterday. The English soldiery then committed abominations for the mere fun of it; their passions being neither sanctified by religious fanaticism nor exacerbated by hatred against an overbearing and conquering race, nor provoked by the stern resistance of a heroic enemy. The violations of women, the spittings of children, the roastings of whole villages, were then mere wanton sports, not recorded by mandarins, but by British officers themselves.

—Karl Marx, *New York Daily Tribune*, 16 Sept. 1857

THE FACT THAT 1857 WAS A CRISIS of conscience for the English is indicated in the long history there is, dating back at least to Edward Thompson's *The Other Side of the Medal*, of investigations into the working of 1857 in the English imaginary. In addition to the much-cited work of Jenny Sharpe, and its addressing of the racialized, gender politics that made the (claim of) rape of the Englishwoman the very ground on which the English reading of 1857 was so hysterically conducted (4), there have been many studies that have looked at the culture industry's making of 1857 the ground of a virulent patriotism.¹ The public outcry in Britain, with "its xenophobia and shrill call for revenge" (Chakravarty 32), as Gautam Chakravarty puts it, was, however, not the first nor last of its kind.²

The views of an Indian society composed largely of an ambiguously positioned majority—not confessedly insurrectionist nor provably "really loyal," to borrow an overused term of government reports—has proved much more difficult to ascertain. If there was a public expression of critical

opinion, little of it remains.³ But we have also come to expect of 1857 the kind of silence that is associated with crushing defeat. Of the few attempts that have been made to interpret the silence, a useful one remains a wide-ranging conversation between Amitav Ghosh and Dipesh Chakravarty in which they weigh in on the subject of 1857. In a statement that politicizes defeat, Ghosh writes: “In the aftermath of this event the great mass of Indians did indeed acknowledge that they were a ‘defeated people’” (161). Speculating about the silence following the revolt, he asks: “how else is it possible to assimilate subordination except by refusing to represent it to oneself?” (161). Clearly Ghosh believes silence has reasons other than the obvious one of the erasure of the defeated in history. For him, it is as much a sign of retreat into disavowal and speaks of buried knowledge of the humiliation that is usually associated with a brutal subordination.

Whether the need to “assimilate subordination” is the reason or whether it is a tactical retreat, as Bayly has claimed,⁴ in extracts of the Bengal Native Newspaper Reports (NNRs) of the 1870s in which 1857 is the subject, critique of the Anglo-Indian and English savaging of the Indian is absent or mild to the point of being meaningless. An article extracted from the *Sahachar*, for example, cautiously couches its refusal to assent to the view (held by the Anglo-Indian press) that violence perpetrated by Indians is qualitatively distinct by distributing blame evenly between Indian and European communities. The Bengal NNR of 21 October 1876 observes, “In its opening editorial, headed, Obstacles placed in the way of the natives obtaining superior offices in the State, the *Sahachar*, of the 16th October writes:—The enmity, which was engendered by the mutiny of 1857, between Europeans and natives, has gradually disappeared. About twenty years have elapsed since that terrible event; and the enormous oppressions and outrages committed by both parties have been nearly forgotten” (para. no. 11). A smattering of Indian narratives published by Anglo-Indian bureaucrats in subsequent decades impresses upon readers, English and Anglo-Indian, that native recognition of the benevolent and beneficial rule of the British government in India was widespread.⁵ The same function is observed in public statements made “by prominent Indians upon the occasion of Queen Victoria’s November 1858 proclamation.”⁶

While the image of the savage Indian (male) continued to circulate in Victorian England well into the 1890s, giving rise to an image of the civil servant in the colonies as “imperial ideal-types” (Goswami, “‘Englishness’ on the Imperial Circuit” 58), there is little evidence of a public counter-historicizing in the Indian cultural sphere until the late 1890s when the monumentalizing of the rebellion and the celebration of the Rani of Jhansi,

Nana Sahib, and the *sipahis* (especially Mangal Pandey) are publicly conducted in periodicals and pamphlets produced by extremists concentrated in the Bengal and Bombay presidencies.⁷ These recuperated the savage Indian of imperial historiography as the patriot sacrificing the privileged space of civility for the horrific space of counterviolence. Of this literature, V. D. Savarkar's *First Indian War of Independence—1857*, written originally in Marathi in 1908 and published in London in 1909, is probably the best known. It was banned practically the moment it was published (Noorani, *Savarkar*, 16), which, predictably, as immediately established it as a key resistance text in the eyes of a mobilizing Indian public.

The objective of this chapter is to attempt to locate the missing history—of Indian attempts to assign meanings to 1857 contemporary with the experience itself. What did 1857 mean to a population that moved, in the matter of a few months, from being another imperial memory in the making to the Other of imperial historiography? Was 1857 a rupture that seeded countermemory as the inevitable forum for the production of political knowledge in the public? Where might we find traces of a countering of the imperial propaganda machine that 1857 set in motion with astounding rapidity? These questions inform the approach the chapter takes to 1857. We know that a little more than a decade later, Indian counteropinion was not quite as fugitive as Bayly and Ghosh have suggested it was. It appears in the NNRs undoubtedly because any divergent opinion on 1857 was of particular interest to the government. Take the following extract from the *Amrita Bazar Patrika* of 25 March 1875. The paper comments on the government's release of budget figures (which showed a substantial profit) by noting that the country was, at the same time, burdened with taxes and devastated by famine. The paper advises the government: "it [Foreign Government] should . . . seriously consider the propriety of hoarding up such large sums of money, when the very knowledge of its existence may, as it did during the mutiny of 1857, lead to a rebellion" (Bengal NNR, week ending 3 April 1875, para. no. 9). That it is a warning is within the realm of intended meanings.

While it is true, then, that there is nothing that speaks more of the burden of defeat than a retreat, into private realms, of an already intimidated public, it is just possible that Indian response to the moment—which was for the Indian population as much about the depths of horror mirrored in the English and Anglo-Indian publics as it was about the revolt itself—takes refuge, in figurative language. I judge this to be the case from the very fact that an impossibly symbolic defeat is thematized, in the periodical press of the 1870s' NNRs, in writing that obsessively expresses its effects—shock, anguish, lament, self-flagellation, all of which can be

categorized as affective states of experience—in the enigmatic terms that figurative language enables. Such a strategy or, indeed, politicization of language in colonial societies is not unusual. As Eric Cheyfitz has pointed out about nineteenth-century America, in his discussion of Frederick Douglass's *Narrative*, the exclusive claim to the literal by the slave-owning American leaves the slaves “in possession of the figurative, which . . . is used to dispossess them” (39). At the same time, he adds, “what is a sign of their dispossession, figurative language, also invests them with an ironic, or potential, power” (39). It is, after all, “the language that escapes the overseer's translations, the language, that is, of their songs, structured by the tropes of irony and aenigma” (39). The same gravitation of a newspaper community toward the figurative in British India, from the 1870s on, is not only observable but is cited by the government as evidence of the political irrationality of the native, which, in turn, rationalizes an increasingly aggressive policy of intervention.

While the 1857 revolt was far from total,⁸ in the making of public memory, there was a pervasive sense of the implication of the race in themes of fear, loss, defeat, dishonor, and silencing. Thus even in the Madras presidency, reverberations of 1857, which no doubt reminded the public of their own experience of revolt earlier in the century (Vellore in 1806), were felt. While negative affective states were indeed made public, they were not unanchored but attached to a history that is, usually, figuratively bodied. A theme repeatedly encountered in the 1870s NNRs, by which the Indian counternarrative of 1857 is bodied, I will suggest, is loyalty. The latter emerges as an important term—it is stretched; interrogated, the history assumed to be concentrated in the term; declared lost, lamented, and oppressive; and indeed, protested as the political emotion of the colony's loyal subjects. Of the many casualties of 1857, then, the discourse of loyalty was one. As an example, consider the *Amrita Bazar Patrika* (15 April 1875), which chooses European revolutionary history to contextualize colonial India only to promptly disavow the very claim it makes via the intertext: India is a “weak nation,” incapable of being a threat to government, the article laments while slyly sliding in the following loaded historical intertext: “Either, like Fenians, we are thought to have become extremely disloyal; or public opinion has grown so strong that, to enable Government to maintain its despotic sway, the exertion of greater strength is supposed to have become necessary” (Bengal NNR, week ending 24 April 1875, para. no. 4). The claim that inheres in this extract, that the newspaper is merely speculating about the government's “mind,” was, even in the 1870s, a popular strategy for deflecting the expected accusation of hostility. As for the playfulness with which the

extracted portion of the article surrounds the political term it identifies as its subject—loyalty—it hides and reveals the recent and devastating history in which (native) disloyalty was the very ground of Anglo-Indian narrativizing of the revolt and the very ground of the experience forced on the Indian population by the revolt.

In effect, the NNRs of the 1870s encourage the conclusion that by then the Indian public had discovered loyalty to be a discourse—politicized by the government, available for counterpoliticizing, a language or instrument of repression, and a sign of the “native,” a stigma that was being discovered to be just that, a stigma. The process, which we could call a process of disenchantment, starts in 1857 with a government that chooses the discourse of loyalty to reestablish control over an ambiguously positioned civilian population. In the approach that this study takes to the revolt of 1857, the methods adopted by the government, which produced the “loyal” population that was in reality entirely in doubt (as the chapter proves), merit study. To understand the particular, one might even say peculiar, turn the discourse of loyalty takes in 1857, it is necessary to consider the rapidly shifting scene of political relations between the government, the Anglo-Indian public, and the Indian civilian population over the period of the revolt. Thus I deal with the stated opinions of the Anglo-Indian press, the government, and the testifying Indian public. Reading against the grain of government reports, where Indian testimonies are archived, surrounded oppressively by administrative interests produces results that are more convincing when we situate the same within the political conditions in which Indians protested, proclaimed, asserted, and, in general, sought ways to prove their loyalty—with full knowledge that language, and its successful deployment, was the only avenue available to them. Thus this chapter explores the competing image of the Indian as native that emerges in government and Anglo-Indian civilian cultures before reading Indian narratives embedded in narratives of the revolt.

READING NATIVE INTENT: GOVERNMENT AND ANGLO-INDIAN WRITING OF THE REVOLT OF 1857

While the crisis of 1857 is much too complex to be reduced to any one thing, it was in large part concentrated, notionally, in a shifting political landscape as the government, the Anglo-Indian public, and the Indian civilian population were forced to rethink and improvise political relations somewhat rapidly: the government announced policies and put laws in place that, on the face of it, appeared to reduce the difference between the Anglo-Indian press and public on the one hand and the

Indian-owned press and population on the other. This, predictably, was something of a threat to the self-definition of an Anglo-Indian public used to thinking of itself as the (only) public. To this threat, it responded with indignation. Meanwhile, the Indian civilian population was forced to rethink its relations with the Company government in part because of the strident Anglo-Indian call for a government with a “policy” of retribution *and* because it found itself on the suddenly unstable ground of the rhetoric by which its collective identity was managed, the rhetoric of empire loyalism. The Indian elite was encouraged, by the language of government announcements and circulars (in which the traditional elite, the landowner, was singled out for mention), to employ the rhetoric of loyalty to its advantage in its communications with the government. This “arrangement,” as we might call it, between the government and the colony was, by the typical Anglo-Indian account, an unaccountable extension to the Indian of the privileges of a public at a time when the latter’s civility was most in question.

In the overrepresented view, of the Anglo-Indian press and public, Indians are an undifferentiated *mob*. The collective, including the elite, is imagined, that is, as the negation of the modern subject of law, especially in the crucial initial period of the revolt. The Anglo-Indian press began publishing sensational reports in mid-May 1857 and news of the revolt was telegraphed to England on 26 June, according to Gautum Chakravarty (35). If before the revolt a commonplace view reflected the complacency of banal imperialism (see “On the Limited Capacity of the Hindoos as a Nation for Civilization,” *Bombay Times*, 26 Nov. 1856), during and after the revolt a typical view described the use of brute force in the colony as the *only* fitting exercise of power. It was replaced, that is, by imperial patriotism.⁹ Graphic descriptions of Indian violence recorded in many (claimed) eyewitness accounts were published in the Anglo-Indian press starting in mid-May 1857. These describe a radical turn in opinion as the Anglo-Indian public takes on a garrison mentality. The *Bombay Times* of 30 June 1857 republished a typical account, borrowing it from the *Lahore Chronicle Extra* of 17 June 1857. Appearing after the infamous “gagging act” of 13 June,¹⁰ it impressed upon readers that language was incommensurate with the reality it was required to capture—native brutality. “Give full stretch to your imagination,” the writer, identified only as “a reliable authority at Bhawalpoor,” announces, adding, “think of every thing that is cruel, inhuman, infernal, and you cannot conceive anything so diabolical as what these demons in human form have perpetrated.” The account proceeds, nonetheless, to dwell on atrocities in graphic detail:

One of these wretches had part of a lady's dress for his kummerbund—he had seized a lady from Delhi, stripped her, violated, and then murdered her in the most cruel manner, first cutting off her breasts—he said he was sorry he had not an opportunity of doing more than he had done. Another lady who had hid herself under a bridge was treated in the same manner, then hacked to pieces and her mangled remains thrown out on the plain. We found a pair of boots, evidently those of a girl six or seven years of age, *with the feet in them*—they had been cut off just above the ankle.

Tucked away in the entry is a fleeting reference to “English” violence. “We hung many other villains, and burnt the villages as we came along,” the writer confesses.

Acknowledgments of “English violence,” as much on the part of the *Bombay Times* as on the part of the purported eyewitness, indicates the extent to which the Anglo-Indian community was confident that its own atrocities would be received by the English public as something qualitatively different from Indian violence. Of course, the overrepresentation of the latter served also to shield the Anglo-Indian public from the knowledge of its own violence. Thus astonishingly, the *Bombay Times* could claim in November 1857: “We are not a cruel people. We point with confidence to our annals and to our legislation in proof of the fact” (26 November 1857). Predictably, at a moment that throws into question the English claim to civility (a view Karl Marx and Friedrich Engels would repeatedly express in articles they wrote on the revolt), the Anglo-Indian press laid claim to it.

The Anglo-Indian press's racializing of violence was successful in the extreme, producing a closed-circuit exchange of opinion between Anglo-Indian and English publics. The exchange amplified the distinction reflected in the *Bombay Times* comment so that articles such as the following, which is full of a virulent patriotism, became a regular feature. Titled “English Opinion” (by October 1857 a regular column in the *Bombay Times*), and borrowed, again, this time from the *Friend of India* (15 Oct. 1857), the article opens with the following digest on English opinion:

Quiet citizens living in cities where a murder is a matter for a week's conversation, read the *Indian Mail* with comments such as even in this country are not heard. “Blood for blood” writes a clergyman in the *Times*, “that is the law of God.” The *Times* itself menaces all who stand between the mutineers and the vengeance of England. We ourselves shall not forget the rattling cheer which followed the account of the Peshawur executions, read out to a breathless audience at a railway station. It is needless however to multiply proofs. We wish simply to record the fact that there are no measures which the Government of India can adopt, provided they be of the

extremest severity, which will not be cordially supported at home. (*Bombay Times*, 27 Oct. 1857)

The Anglo-Indian press, displaying an unprecedented level of rhetorical violence directed at the Indian population, could not but have been a place of devastating mirroring for an Indian population that was, the government believed, knowledgeable about the Anglo-Indian press.¹¹

At this critical juncture, and to the dismay of the Anglo-Indian public, a counternarrative of the native was generated in and by government documents and public advertisements. The very first advertisement, placed in the *Mofussilite* on 15 May 1857, projected a simplified map of native intent. Framing it was the familiar claim of a rule based on the demonstrable existence of affective bonds between ruler and ruled. The advertisement read,

Whereas it has been ascertained that in the Districts of Meerut and in, and immediately around Delhi, some short sighted Rebels have dared to raise resistance to the British Government, it is hereby declared that every Talookdar, Zemindar, or other owner of land, who may join in such resistance, will forfeit all rights of property, which will be confiscated and transferred in perpetuity to the faithful Talookdars and Zemindars of the same quarters, who may shew by their acts of obedience to the Government, and exertions for the maintenance of tranquillity that they deserve reward and favour from the State. The powerful British Government will in a marked manner recompense its friends, and punish its enemies. (Taylor 274)

A later proclamation (10 July 1857) once again employed positive mechanisms of power (rewards in the form of money and land) as much as negative (forfeit of pension and land). It appeared in the *Calcutta Gazette* and officials were directed to circulate it widely in Indian languages. This time, it was not direct participation, of the civilian population, in the revolt that was the object but indirect. The advertisement warned “Every Pensioner of the Government” that “conceal[ing]” and “harbor[ing],” persons who he “ha[d] reason to believe have been guilty of mutiny or desertion,” of “seducing or attempting to seduce any Officer or Soldier from his allegiance or duty” was a punishable offence as was failure to “do his utmost to secure the apprehension and conviction of such offender” and failure to “give immediate notice to the Civil or Military Authorities of any mutinous or rebellious designs of which he may become cognizant” (Consultations of the Home Department, P/188/46, 10 July 1857, prog. no. 93).

In both, the Indian is simply categorized—his action speaks his intent: informing on rebel activity in his region is proof of loyalty to the

government as is (provable) refusal to give shelter to rebels and deserters. Of course, what the advertisement really does is to mark the everyday life of the civilian as a potentially seditious site while at the same time identifying, for the benefit of the suspect race, the arguments by which innocence and loyalty could be claimed. If we can consider this to be a use of the metaphoric mode (the announcements draw suggestively on the discourse of familial politics and struggle), it was balanced by law, a literal mode, in which the Indian was similarly imagined but without the rhetorical nicety of the advertisements—which hold out the lure of a bond of sentiment. The conditions for finding (civilian) guilt are indicated in a key phrase, Clause II of Act XIV (enacted on 6 June 1857), an act whose stated aim was to make provision “for the trial and punishment of certain offences relating to the Army, and of offences against the State” (Harlow and Carter 459). The clause reads: “Whoever shall knowingly harbour or conceal any person who shall have been guilty of any offence mentioned in the preceding section, shall be liable to imprisonment, with or without hard labour, for any term not exceeding seven years, and shall also be liable to fine” (459).¹² While appearing to describe a discriminating, and responsible, government, the clause too marks the everyday life of the civilian population as a potentially seditious site. As do the advertisements, the clause describes a moderate government, plainly balanced in its approach to the revolt. It could not but have contrasted starkly with the immoderation of the Anglo-Indian press and public for an apprehensive Indian population.

As much as the government advertisement and Act XIV sought to stabilize loyalty as a category, clearly it was not stable. In 1859, officials requesting direction on the adjudication of awards for loyalty, for instance, express consternation and appear perplexed over the matching of reward to “level” of loyalty. This, at least, is suggested by a memorandum sent by the Foreign Department to the secretary of state for India, in which the former asks “Whether the same title should be granted for social position, for long good conduct, and for special service, or whether they should be different?” (Bengal Political Consultations, P/127/58, 7 July 1859, prog. no. 28). And in 1857 itself, officials engaged in the impossible task of nailing down the domain of (native) behavior and action (including verbal protestations of loyalty and oaths of allegiance) so that loyalty and disloyalty could be stabilized as categories.

The gap between the reality of the situation and its mapping in administrative records produces uneasy texts as the language of certainty (the habitual mode of the civil service) is subtly undermined by the language of hesitation. A typical example is a memorandum sent by R. Strachey,

secretary to the government of the central provinces, to C. Beadon, secretary to the government of India, on 9 November 1857, in which he represents the lieutenant-governor's views on the question already being considered of the postmutiny presence of Indians in the services. "[N]o native official, high or low, who has disappeared during the crisis, should be reinstated in his vacated office, unless he can show to the *complete satisfaction* of his European superior, that he *exerted himself to the utmost* of his power to support his Government, *and to protect European lives*" (emphasis added; Consultations of the Home Department, P/188/48, 27 Nov. 1857, prog. no. 87).

Earlier, he offers what should serve as the ground of truth: "In short, *without imminent risk of their lives*, [native officers] should have acted as the European officers have done" (emphasis added; prog. no. 87). Doubt registers in the overemphasis placed on proof ("complete satisfaction"; "utmost power"). Moreover, the uneasy knowledge that informs Strachey's memorandum is of the dependence of the entire process of determining guilt and innocence, already a shaky enterprise, on Indian claims of evidence. Not surprisingly, the claims were, interchangeably, of innocence and loyalty.

The clearest acknowledgement there is of the instability of the very discourse by which government sought to reestablish control, however, lies in a key resolution, in which Lord Canning provides a thin, rather than thick, definition of native loyalty. Intended to interpret Act XIV for the benefit of civil authorities charged with handling the revolt in their respective jurisdictions,¹³ it is a document that is critical to an understanding of the politics at play in 1857–59. On 31 July 1857, Canning circulated a document directing the civil service "as to the mode of dealing with mutineers and deserters who are brought before them" (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 35, note 28). The occasion for the resolution, which was meant for internal circulation only but was leaked to the press,¹⁴ was, Saul David claims, "the indiscriminate spirit of revenge" (237) that was in evidence in the early months of the insurrection. The resolution imagines a much more proactive government, claiming the directive is merely precautionary. It states, "lest measures of extreme severity should be too hastily resorted to, or carried too far, His Lordship in Council thinks it right to issue detailed instructions on this subject, by which all Civil Officers will be guided in the exercise of their powers in the cases of Mutineers, Deserters, and Rebels" (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 35, appendix D). The category of the Indian who might have rebelled but was not a mutineer is mentioned later and is separately

noticed. This type of rebel too, he instructs, should not be treated unduly harshly.¹⁵ This was, of course, an open-ended category that was, further, not marked by activity that could clearly establish guilt.

There is much about Canning's resolution that is of interest. It blurs the boundaries between types of offenders; it is awkward in its acknowledgement of English retaliatory violence;¹⁶ and the policy developed in the resolution, for handling the revolt, would be announced as government policy in Queen Victoria's 1 November 1858 proclamation.¹⁷ However, the circular's mandating of a liberal reading of "loyalty" is most relevant here: it was cited in Anglo-Indian petitions to the Queen requesting a recall of the Company government and countercited by Indian elites, in petitions intended to insinuate the latter into the position of the *real* public. While loyalty itself is not a term actually used in the resolution, loyalty is described in the many statements in which Canning loosens the crime of rebellion, qualifying it and interpreting it very differently than the Anglo-Indian public.

Redescribing Indian violence as a civic problem—of mob behavior—in contradistinction to the Anglo-Indian civilian description of it as a civilizational problem,¹⁸ the document visualizes a (native) population *usually* observing of civic conditions and propriety. Thus it states, the native of indeterminate status—without the means of definitively establishing his loyalty—could be someone who "had no heart in the revolt" even if he "failed" in his duty as a soldier. It could also be someone who had "evinced" his "peaceable disposition" or his "want of sympathy with those who are now armed in open rebellion against the Government" by "dispersing" to his village and "mixing quietly with the rural population" (prog. no. 35, appendix D). Or, indeed, it could be someone without even these admittedly dubious means of clearing himself of the presumed charge of disloyalty. "[T]here may be others," the resolution adds, "equally deserving of clemency who are without any such ready means of clearing themselves from the *presumptive evidence of their deep guilt*" (emphasis added; prog. no. 35, appendix D). The Resolution makes indeterminacy as much a feature of the revolt as the Anglo-Indian press and public strive to make determinacy its central feature: it maps out scenarios for finding innocence (loyalty) in the absence of *conclusive* proof of loyalty and stabilizes action as the ground of truth. That is, the resolution practically instructs officials to interpret ambiguous speech and action as loyalty.

Canning was, by his own admission, driven by necessity in this generous mapping of Indian ambiguity. Its effect, however, was to open up a gap, which the Indian civilian population could use to its advantage. The resolution orders civil servants to "encourage all persons to return

to their usual occupations,” to restrict punitive measures to “principal offenders,” and to “postpone as far as possible all minute enquiry into political offences until such time as the Government are in a position to deal with them in strength after thorough investigation” (prog. no. 35; appendix D). Another directive, that is even more open in its admission that government policy is driven by sheer necessity, instructs the civil service to restrict the legal meaning of disloyalty to provable action, noticeably exempting intent from the definition. “Where the number of men guilty of *what it is impossible to pardon* is so great,” it states, “the Government will gladly seize every opportunity of reducing the work of retribution before it, by giving a free pardon to all who can show that they have a claim to mercy on this ground, provided they have not been guilty of any heinous crime against person or property, or aided or abetted others in the commission of any such crime” (emphasis added; prog. no. 35, appendix D). Loyalty, and its profession—for the resolution also assumes the verbal nature of the whole enterprise of adjudicating guilt—is about as instrumentalized here as it is in Indian depositions and “narratives” of exoneration produced in the wake of this circular.¹⁹

Given that a virulent, imperial patriotism marked the condition under which the English and Anglo-Indian publics mostly wrote and thought in 1857, whereas an instrumentalized discourse of loyalty marked the field of government policy, clash was inevitable. A petition dated 3 August 1857 was submitted by the “Christian inhabitants of Calcutta, and the Presidency of Fort William, to the Queen’s Most Excellent Majesty,” requesting “the recall of Lord Canning, Governor General of India” (Consultations of the Home Department, P/188/48, 13 Nov. 1857, table of contents). The petition complained that Canning’s resolution “amount[ed] in fact to the declaration of an amnesty to all mutineers, except those who should have taken an actual and active part in the murder of their Officers, and others” (Consultations of the Home Department, P/188/68, 13 Nov. 1857, prog. no. 35). It was not just Calcutta that responded in this way. “Similar petitions,” Charles Ball claims, “were also forwarded from Bombay, Madras, Singapore, Moulmein, Rangoon, and other ports in the territories of the Company” (*The History of the Indian Mutiny*, vol. 1, 599).

So what exactly is it that Canning’s resolution draws on in its imagining of a potentially loyal populace recoverable from a widespread revolt? Confession of guilt, on the part of the Indian population, and rigorous punishment are the actions that the Anglo-Indian press most vehemently called for. Confession would serve functions here that Peter Brooks, drawing on Foucault, describes as functions it (confession) has accrued to it in Western psychological, social, and legal histories. In *Confessions*, Brooks

writes: “the confessional rehearsal or repetition of guilt is its own kind of performance, producing at the same time the excuse or justification of guilt (by the fact of confessing it) and the accumulation of more guilt (by the act of confessing it), in a dynamic that is potentially infinite” (22). The obsession of the Anglo-Indian public with a native declaration of guilt is established in the extensive and graphic engagement of its press with thinking of retribution and describing macabre scenes in which confession is spectacularized. In its regularly featured column titled “The Disturbed Provinces,” the *Bombay Times* (31 Aug. 1857) republished an article on the revolt in Cawnpore that appeared in the *Friend of India* on 6 August 1857. It speaks for itself:

At Cawnpore all is going on well, and fresh atrocities of Nana Saheb are being continually brought to light. A new and appropriate punishment has been found for the rebels. Each one, provided he be of a high grade and deeply implicated, so soon as he is apprehended and sentenced to death, is then led to the room in which so many of our countrywomen were murdered. Still are the walls stained with blood, and the hair of the murdered is strewn upon the floors. When the captive wretch has feasted his eyes upon this sight, and it has been told him that as in that place he committed, his grossest crimes, so there he shall receive the heaviest part of his punishment. He is compelled to clean, but only a small portion is given to him as a task, and when it is concluded, he is then led out to the gallows. Thus the men who slaughtered helpless women and children are compelled to wipe out the blood they shed, and it is to be hoped that the short reprieve granted to them, the time thus afforded them for quiet reflection, is not wholly thrown away. The natives will pause before they again kill women and children, and the story of the room at Cawnpore will be noised all over India.

Cultural assumptions about the role of confession—to act as a “moral cleansing” as Brooks puts it (*Troubling Confessions*, 2) precisely because it is assumed to be the speech act in which “the individual authenticates his inner truth” (4)—are almost a surprise to encounter in such a demonstration of the *other* reasons for this grotesque form of punishment inflicted on the Indian. Confession, it would appear, has quite another function in the circumstances—it is a blood sport that the Anglo-Indian public seeks in its moment of rage.

If anything, Canning’s resolution discourages the requiring of confession since it discourages the finding of guilt. Government strategy in general, and Canning’s directive in particular, made the discourse of loyalty available to the Indian establishment, and, indeed, the verbal arena itself for what was a mutual *discovery* of native loyalty involving government and

native. The extent to which a tactical verbal culture developed around the term loyalty can be judged by the number of anxious protestations of loyalty that appeared, starting in May 1857, even before Canning's circular. This was, that is, primarily a history of subterfuge, camouflage, and turning informant for the Indian. The spectacular verbal displays of loyalty submitted by groups for publication in the Anglo-Indian press remain the best proof and example. In the aftermath of its September announcement of its determination to turn away from "invective" to more balanced reporting,²⁰ the *Bombay Times* published "The Native Press of Bombay," an advertisement placed in the paper by the editors of prominent Indian newspapers of the Bombay presidency. In it, the editors protest the charge of disloyalty leveled earlier by the *Bombay Times* at the Indian press.

the Native Press has not expressed any sympathy with the mutineers and murderers; but that on the contrary, we have, one and all, condemned and execrated in the strongest terms all the rebels, and especially those monsters who have been guilty of the most disgraceful barbarities and atrocities committed on defenceless men, women and children of British extraction, with whose sufferings we have sympathized as much as our European brethren; that we have manifested unmistakable symptoms of loyalty and attachment to the British Government, and that we have not "stigmatized and reviled" the Europeans.²¹ (10 Dec. 1857)

There is little evidence of composure in this extract and much evidence of fear. The deliberate adoption, or mimicking, of phrases circulating via Anglo-Indian reportage—"monster," "disgraceful barbarism"—to distance themselves from the rebel other speaks to the desperation of a press culture forcibly required to recognize itself as uncivil in the extreme.

When the press was not distancing itself, it was doing the same kind of recuperative work that the government was—protesting the loyalty of the civilian population. In "Loyal Demonstrations" (28 May 1857), the *Hindoo Patriot* writes: "The demonstrations of attachment to the existing rule which have so abundantly been made by every class of this vast and varied population since the mutinies have taken place, will have proved to Lord Viscount Canning that, whatever be his other difficulties, universal disaffection to his government is not one of them . . . Addresses have poured upon him from every side testifying to the readiness of every section of the community to support him in his endeavours to maintain the tranquility of the country" (Benoy Ghose, *Selections from English Periodicals of 19th Century Bengal*, vol. 4, 71). These addresses, the paper claims, although manifesting "ebullitions of feeling" are nonetheless full of "an unmistakable spirit of genuine patriotism and devotion" (71).

The same strategy is encountered in addresses published across Bengal and the northwest provinces by Indian associations. Tapti Roy writes that the British Indian Association, composed of “the Bengali landed gentry and the urban middle class of Calcutta” (Taylor 65), passed a resolution on 22 of May 1857 expressing their horror at the violence of the revolt. She quotes from the resolution: “The Committee view with disgust and horror the disgraceful and mutinous conduct of the native soldiery at those stations, and the excesses committed by them, and confidently trust to find that they have met with no sympathy, countenance, or support, from the bulk of the civil population of that part of the country, or from any reputable or influential classes among them” (65).

Such spectacular and extended expressions of loyalty acknowledge the failure of language in a moment of unprecedented threat. Language, acting here in the way oath does, is required to be performative. That it cannot is acknowledged in the complexity the act, of protesting loyalty, acquires—stretching from taking on meanings associated with civility (as in the British India Association’s resolution) to the more usual meaning of a relationship of feeling between the ruler and the ruled to the unusual linking of this bond of feeling with patriotism (as in the *Hindoo Patriot’s* declaration). Loyalty, in Indian uses of it, appears to be an expansive term, one by which all the core terms of the dominant Anglo-Indian narrative of the revolt are refused. In addition to fear, to which such desperate advertisements attest, there was the shock of the pervasive mirroring of the Indian as savage, which the only discourse made available to the Indian—of loyalty—was stretched to include, with loyalty doubling as a reclaiming of civility.

READING THE INDIAN RESPONSE: THE EMERGENCE OF AN INSTRUMENTALIZED DISCOURSE OF LOYALTY IN 1857

Engaging in the act of reading individual statements provided by Indians to civil servants is made that much more difficult because they are the embedded text of administrative narratives. That is, in addition to the fact that they are translations of various types of testimony provided under unacknowledged conditions of examination, they are surrounded by multiple layers of bureaucratic intent and habit. In 1857, the district officer, the functionary most directly involved in the process of taking depositions, was confronted not just by the task of interpreting and operationalizing government directives (which were ambiguous enough to require the governor general himself to clarify), but also with an optics that identified a failure in the information gathering process, which began with him. This is all the more important when we consider that it was on this

class of officer, and the reports filed by them, that the government had come to depend.²² Reading against the grain of bureaucratic text reveals just such politics to be at play: as much as such reports seem to exonerate the depositions of Indian landowners, they seek to establish the authority of the report's narrator. For example, in a report he sent to the Bengal government on 29 February 1859, the Commissioner of Patna, E. A. Samuels, writes of a local landowner: "This Zemindar did undoubtedly display a marked degree of loyalty. He took our side very openly from the commencement, placed his fortune, as he says, at the disposal of the Government, offered rewards for the capture of rebels—conduct which would have ensured the destruction of his family and himself had the rebels entered the District, gave up his own private Elephants without solicitation for the Government service, and furnished cattle, hackeries, and supplies in profusion to the Army." (Bengal Political Consultations, P/127/58, March 31, 1859, prog. no. 18)

In his remembering of the scene of deposition for official record, Samuels appears confident in his judgment—that the landowner is loyal. It is a confidence that is based on an assumption—that a voluntary economic contribution to the Company's army ("without solicitation" and "supplies in profusion") equates loyalty and is not a calculated act—and, surprisingly, on arguments offered by the landowner himself as proof of his loyalty, or so the report encourages us to believe ("placed his fortune, as he says, at the disposal of the Government"). Based on his assessment, Samuels recommends that the landowner be given "some signal mark of the approval of the Government" (prog. no. 18).

Indeterminacy, however, is not absent from the text of the report. Phrases unwittingly acknowledge the slipperiness associated with a sliding scale of loyalty. The emphasis provided by words such as "undoubtedly," "very openly," and "marked degree" registers anxiety about the reading, which, in turn, sheds a different light on the story Samuels relates, a story that recuperates the landowner from the generalized charge hanging over natives, of disloyalty. It is the virtual absence of that which one might expect to find, given the context—an acknowledgement of the impossibility of ruling out tactical behavior—that gives one pause. Indeed, reading against the grain of the report suggests the landowner's action is susceptible of quite another reading. Rebels did not, after all, enter the district, by Samuels's own admission, indicating that the landowner's expression of loyalty was done in the absence of an immediate threat to his person and property; and securing his argument is the hypothetical threat of bodily harm and proof of a financial burden willingly undertaken.

The gap between the reading Samuels provides and the situation his narrative describes is a feature of reports filed in 1857–59 placing the claims of landowners, one individual at a time, before the authorities. In another report, in which the commissioner of Nuddea, A. Grotke, confidently pronounces that the story related to him by a landowner, of an anonymous communication received by him from rebels in the area (for which he provides proof in the form of a letter written by the latter), does not represent a threat to the authorities, the landowner is similarly trusted—considered a loyal and a stable informant.²³ Yet the landowner's actions speak directly to Act XIV's declaring the harboring of rebels a crime of sedition whereas his claiming of a fear of bodily harm, which I gather from the comment by Grotke that the letter was "brought in by him [Turrucknauth Roy] in much alarm" (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 121), rehearses an argument commonly encountered in depositions. It is an argument encouraged, after all, by the government. At the very least, the landowner's action is susceptible of quite another reading. The reading provided by Grotke on the other hand, by not acknowledging any indeterminacy, maintains the fiction of his own competence in reading native intent and discovers a loyal subject all at the same time.

An argument could be made that what we see working here is the familiar, and unexceptional, pattern of paternalism being put to use. Samuels's and Grotke's interpretation of the actions of landowners refuses the possibility of calculated action, settling instead on the political "feeling" most in question in 1857—the loyalty of the native—to stabilize their reading. Of course, the refusal to entertain the possibility of calculation on the part of a testifying or informing civilian could equally be attributed to the tacit agreement I presume to be in place, especially following Canning's interpretation of Act XIV for the civil service, which encouraged the finding, and recording, of a loyal population.

As with the NNRs, here too my interest is in the government report as text—one that testifies to the political relations within which a particular Indian opinion takes shape. Reading against the grain of the text remains a necessary strategy, even if one is not working in the early subaltern tradition of "unearthing" the "sovereign" consciousness of the subaltern.²⁴ However, to discern the power relations that the official narrative of the revolt built in the Public Consultations of the Home Department erases requires reading *with* as much as the more familiar *against* the grain. It requires remembering the "granularity" of the archive and its "texture," as Ann Stoler has evocatively put it (271), which is, Stoler writes, reading "*along* the archival grain."²⁵ This I have attempted to do in the preceding

discussion by drawing out the modes of administrative activity, which invisibly determine the “storying” of the loyal civilian population that is painstakingly conducted by the district officer.

As for the landowners, whose speech is reported, it is difficult to observe much more except to say that the interaction with authorities—which is the context and setting that is least described in the reports—best rationalizes their narrative choices, to inform on rebel activity in one case and to prepare a narrative of exoneration in the other and, in both cases, to claim the real threat posed to them of bodily harm (from rebels). We can say, however, that collectively, such reported statements secure, for the government, the claim of hegemonic rule: they describe a civilian population eager to contribute to the government activity of information gathering and reinforce the government’s reading of rebel culture as the culture of the outlaw, not of the political insurgent. Whether their reported statements do or do not establish them to be loyal, it is not my concern here to establish, assuming it could be established in the first place. The view that the traditional elite was “genuinely” loyal, given its economic interests, remains a popular view among historians. In Eric Stokes’s classically Marxist terms, the traditional elite was the comprador class, the “collaborating elite” (123). It was the most likely of all classes to hedge its bets in a calculated bid for economic stability (123–24). In the opinion of other historians, there were others than the traditional elite whose advantage lay with the Company government. Sashi Bhusan Chaudhuri writes: “The commercial and industrial classes, the bankers and mahajans, were on the side of order and government and were the targets of attack in almost every place” (*Civil Rebellion*, 279). The point both Stokes and Chaudhuri serve to make is that the social and economic elite, on whom the government most focused its attention, were likely to be the most uncertain, caught, as they were, between a government that assumed guilt—Canning’s “presumptive evidence of their deep guilt”—and the insurrectionists. They were, that is, most likely to be tactical in their narrativizing of the revolt for the benefit of the government rather than being “really loyal.”

Here, I turn my attention to two informant accounts that are cited, producing the double-voiced text, which V. N. Volosinov has described as a text in which the intent of the cited other destabilizes the intent of the self (here the government). In *Marxism and the Philosophy of Language*, he warns against ignoring the interrelationship of the “speech being reported” (the “other person’s speech”) and “the speech doing the reporting” (the “author’s speech”; 119), claiming that to do so when studying reported speech is to misrecognize the nature and function of

such speech.²⁶ His is an approach that usefully modifies Ranajit Guha's claim of transparency of the government text (see note 24) while retaining the intention of attributing to government text incomplete control over the native other that it is reporting. The two narratives are provided by socially prominent individuals who appear to fall into the category with which Canning's resolution is most concerned—the ambiguously positioned Indian. Neither volunteers, or, more likely, is able, to provide definitive proof of loyalty.

The first, an account of the rebellion in Kanpur recorded by Nunna Nawab, is minimally described in the table of contents of the Public Consultations of 6 November 1857 as the “diary” of a “native gentleman” of Cawnpore (Kanpur) that provides “an account of the occurrences there” between 5 June and 2 July 1857 (Consultations of the Home Department, P/188/48, 6 Nov. 1857, prog. no. 9). The diary forms one of three reports forwarded by the commissioner of Allahabad to the government of India, all of them report on the revolt in districts under his control. In the administrative structure by which the civil revolt is thematized, then, there is no indication whatsoever of the Nawab's compromised status. Except, of course, possibly for the fact that it is included at all. At least one other source of information, however, places the Nawab in the rebel camp. David identifies “Nunne Nawab” as the brother of Nizamud-Daula, who was a prominent Muslim resident of Kanpur and battery commander and notes that the Nawab was arrested by Nana Sahib, which the diary archived in the government report corroborates. However, unlike the diary, in which the Nawab describes himself as a loyal subject, David claims that “the nawab had embraced the rebellion enthusiastically and was in command of over a thousand Muslim soldiers and the rebel battery situated near to St. John's Church” (197).

There is sufficient evidence, that is, of the compromised position the Nawab occupied to make the rather bland description of the Consultations appear misleading or, at the very least, odd. On the surface, the diary serves the function of informing on rebel activity at a time when the rebels were in control of Kanpur and surrounding areas. It reports on rebel speech, as much as movement, and, in general, is the counterpoint of rumor; it is rumor stabilized. That the period of time covered in the diary is of the weeks immediately following the outbreak of revolt in Kanpur may be meaningful. In the extensive forensic examination to which the revolt was subjected by administrators and imperial historians, mapping the origins of the revolt was a major preoccupation. From the diary itself, we know that the Nawab was present in the rebel camp for a time, which he is careful to point out was as a prisoner. The diary entries

bear all the marks of an apprehensive chronicler expecting, anticipating, and imagining a readership constituted of official interlocutors. When, and under what conditions, the diary entries were made, it is impossible to know. Nor is it possible to know under what conditions the diary was submitted to government officials. What we can conclude from its inclusion in government records and from the fact that the writer, Nunna Nawab, is at the very least of uncertain loyalty in 1857, is that the government drew on the highly compromised space of native informancy for reconstructing the early months of the revolt.

The revolt broke in Kanpur on 4 June 1857 when the First Native Infantry revolted. It was a prominent site of the rebellion, headed by Nana Saheb, the adopted heir of Bajji Rao II, of the Maratha Confederacy. Under his leadership, the rebels set up a government in Kanpur for a period of a few weeks. Kanpur was the site of struggle between rebel and government troops until 16 July 1857, when government forces regained control. But it was the massacre of Europeans after their imprisonment on 6 June 1857 that made Kanpur a prominent site in the English imaginary. The one that was claimed as an example of native perfidy was the incident that took place at the Satichaura Ghat where Europeans were assembled, assured of safe passage by Nana Saheb. Whether the firing on the former was deliberate or not is still the subject of debate (Nayar 13). As Pramod Nayar relates it, “Women and children were shot, burnt or bludgeoned to death . . . One boat with twenty people got away, four men survived. Back at the ghat, about sixty men and 125 women were dragged ashore. The men were killed and the women taken away to Bibighar” (13). On 12 July about two hundred and fifty prisoners held there were also massacred (14). The reports of these massacres, particularly the last, produced much of the fury in the Anglo-Indian and English publics that has already been discussed. The mythologizing of Kanpur via imperial historiography—as the place that most speaks of the treacherous native—is clear in Ball’s evocative and emotional account of this moment of 1857 history. He writes,

Such proposition—such terms were offered; and, in the generous confidence of their own honourable hearts, as yet unconscious of the depths to which Hindoo treachery and revenge could descend, they were accepted. It would be well for the character of the race in the scale of God’s creation, if the history of the mutiny at Cawnpore could here terminate—that the pages which through all time shall describe the incidents of the Indian rebellion of 1857, might be spared the pollution of recording crimes that can only be fitly written in letters of blood and with a pen of fire. (*The History of the Indian Mutiny*, vol. 1, 335)

I say this only to emphasize the fact that if there was any political geography that could, automatically, have made all natives suspect, it would have to be Kanpur.

The second narrative, described as the deposition of Keramut Ally, “Native Doctor of Golaghat” taken “on solemn affirmation by Capt. Holroyd, Principal Assistant Commissioner of Jorehaut” on 7 November 1857, originates in Assam. Unlike the first, it is surrounded with much official comment, which seeks to impress on readers that Ally is a reliable witness to rebel activity and conversation. The comments that accrue as the deposition makes its way through the various levels of government—from the office of the principal assistant commissioner of Jorehaut (Holroyd) to the office of the commander of the First Assam Light Infantry Battalion (S. F. Hannay) to the office of the deputy adjutant general of the army in Calcutta and, simultaneously, to the agent of the governor general and commanding troops in Assam (Colonel Fras Jenkins) and from the last to the secretary to the Bengal government (A. R. Young)—make much of the doctor’s loyalty, which appears to hinge on his offering of “voluntary evidence” (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57).

Some of the details regarding rebel activity in Assam, between September and November 1857, are mentioned in the reports sent by Hannay to the deputy adjutant general of the army in Calcutta (not named) and to Jenkins on 16 November 1857.²⁷ In his communication with the latter, Hannay offers the following intelligence: “a mass of evidence is now being elicited, showing a widely disseminated plot under the instigation of Muniram Dewan and the young Rajah of Assam, for the overthrow of the British Government in Assam, in which many natives of the country, Civil Omlah and others are concerned, together with three Native Officers of the Battalion under my Command, and I should say the whole of the non-commissioned Officers of the Golaghat Detachment, as also a good many of the men” (prog. no. 57). In his communication with the deputy adjutant general (Calcutta), Hannay dwells on the instability of the region, with the object, apparently, of drawing attention to voluntary evidence as incontrovertible proof of loyalty. The communication reads:

One object I have in view in bringing the Native Doctor’s statement to the notice of His Excellency the Commander-in-Chief and Government, is to submit that this statement as well as another of the 30th September last, and the *voluntary evidence* of those men who have been forward in bringing seditious acts to light, entail danger from all who may have had a fellow feeling with those who have acted disloyally, and from the number

of Arrah men in the Regiment, revenge might be carried out when least expected. (emphasis added; prog. no. 57)²⁸

Hannay's communiqués are important for their indicating of the reasoning by which an indeterminate situation, which is after all what he reports, is turned determinate, while recording lingering traces of an unconfessed anxiety. To belabor a point, Hannay's position is one that, again, ignores or refuses the possibility that communication with government *sought* by individuals could be calculated. As Brooks's Foucauldian comment on the centrality of "voluntary" confessions in the law reminds us whether "voluntary evidence," given under generalized conditions of threat, can ever be the stable ground it is formally "recognized" to be. In Brooks's thinking, confession, a "speech-act that begins with the words 'I confess,'" produces anxiety about its "trustworthiness," which law attempts to regulate by establishing "conditions of the confessional act that guarantee that it has been 'voluntarily' made, all the while authorizing kinds of pressure to confess that run counter to voluntariness" (*Troubling Confessions*, 3–4). This, surely, describes the generalized scene of apparently voluntary deposition in 1857–59 India: Canning's legalistic phrase, "presumptive evidence of guilt," explains the overwhelming presence of "voluntary evidence" in government records of the revolt. The contamination represented in the very fact that Ally, as much as Nunna Nawab, was within the sphere of rebel activity—enough to make each an important source of information—is the gap of Hannay's memo. And indeed there is much in the two depositions that describes a tactical culture. The depositions assiduously write, or strain to write, an account given form (only) by chronology. In this, they appear to mimic the genre of the chronicle as Hayden White has described it in *Content of the Form*. The account of what happened, which is the ostensible focus of the depositions, strains to avoid giving the impression of an organizing principle other than time itself. Chronology itself is, as he claims of the chronicle, the "organizing principle of the discourse" (16).

In this context, though, the pervasive presence of the chronicle in depositions, or "narratives" as they are sometimes labeled in the Consultations, is less reflective of a people's collective conceiving of "historical reality" (Hayden White 5) in the particular forum provided by the chronicle than it is an attempt to impress *facticity* and thus establish the credibility of the testifier in uncertain times. Further, as with the chronicle, attaching significance to events is assiduously avoided as the depositions inform on the conversations and actions of rebels, whom they also name.²⁹ The method adopted is to fade into the reporting, rendering themselves invisible while the reporting itself is so detailed as

to allow readers to “eavesdrop” on rebel conversation. Ally’s deposition opens with a lengthy and detailed account of rebel activities, from which I cite, “The Sepoys at Golaghat used to hear the news of the Mutineers from the Amlah at Golaghat; the Amlah received the *Samachar Chundrica*, and these used to be read and matters talked over. Narayon Nazir and Gunuck Ram, Sudder Ameen’s Mohurir, used to come to the lines to Ramtohul Havildar’s house, where the Sepoys assembled and heard the news; the *golmal* in this way commenced, daily the news was disseminated of the King being on the throne of Delhi” (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57). Nunna Nawab’s diary opens similarly, “On the morning of the 5th June last, say about 3 a.m., the 2nd Light Cavalry and the 1st Regiment of Native Infantry broke out into open rebellion, and proceeded towards Nawabgunge, burning every bungalow that fell in their way; just at about 6 o’clock they liberated the jail prisoners, plundered the treasury, and afterwards set fire to the bungalows occupied by Messrs. Hillersdon and Mackillop, and the Dewanny and Foujdary Courts” (Consultations of the Home Department, P/188/48, 6 Nov. 1857, prog. no. 9). The emphasis placed on chronology is not unique to the depositions under discussion. Arguably, the chronicle is a genre whose formal characteristics are shared by the administrative record, since the aim of the latter is to occupy the literal (outlawing the metaphoric) mode and employ an invariant vocabulary. This feature of the civil service, and bureaucracy in general, has been noted by Eric Hobsbawm, along with the fact that the cultivation of invariance produces a culture ill equipped to handle emergencies. In “Introduction: Inventing Traditions,” he writes, “Insofar as they [social practices] function best when turned into habit, automatic procedure or even reflex action, they require invariance, which may get in the way of the other necessary requirement of practice, the capacity to deal with unforeseen or inhabitual contingencies. This is a well-known weakness of routinization or bureaucratization, particularly at the subaltern levels where invariant performance is generally considered the most efficient” (3). The marks the narratives volunteered by Nunna Nawab and Keramat Ally bear of the chronicle, that is, could as easily be attributed to the chronicle’s domestication in bureaucratic discourse—where it serves another function altogether—and with which both Ally and Nunna Nawab appear familiar. But in this unusual moment of unprecedented crisis—in which the burden of proof lies with a successful verbal profession of loyalty—the chronicle, in the hands of the testifying Indian, is a speech act: it draws attention away from the testifier and

stabilizes his deposition as a truthful record of rebel culture (which, in turn, is an automatic claim to unquestionable loyalty).

The careful structure imposed by Ally and Nunna Nawab on their own speech does break down, however—the strongest proof that remains that their depositions are better read as tactical speech. There is a pivotal moment in each deposition, when the two are constrained to emerge as a subject in their “story”—constrained by the genre of the chronicle. At this moment, taking over from the chronicle, as a mode of narration, is the narrative itself. If the one affects to show little interest in the form in which the “story” is related, the other is entirely self-conscious that it is *narrating* “what happened.”³⁰ The latter, that is, reflects the uncomfortable knowledge that there are other possible narratives or constructions of the actions and speech of the testifying self. These other possible narratives are, I would suggest, the narratives that the Indian civilian population found recorded in the Anglo-Indian press and government announcements, respectively; narratives in which Canning’s “presumptive evidence of guilt” is written, intimidatingly.

Writing the self into their carefully constructed chronicle proves to be the proverbial rub, that is: it requires rationalizing in a way that writing the rebel other, with which each begins, does not. Great care is taken, for instance, by Ally and the Nawab to reproduce the stereotype of the “rebel,” which in turn, rationalizes an inaction that could be interpreted as evidence of “disloyalty” to the government. Mind you, this is not to insinuate that the fear expressed by both is not, or could not be, genuine but to distinguish between fear as an experience and its recollection for the purposes of deposition. Nunna Nawab, for example, claims threatening rebel proclamations were “tomtomed through the bazars, inviting all the Mahomedans to join in the insurrection, disobedience to be met with death” (Consultations of the Home Department, P/188/48, 6 Nov. 1857, prog. no. 9). And Ally’s lengthy account of a rebel assembly—fascinating for its revelation of local strategizing and innovation—is also peppered with the language of a (generalized) threat to individuals who would not be persuaded of the cause. Phrases of this reported conversation are, “if we can make him join us, well, if not, then we can kill him”; “set fire to Holroyd Sahib’s house, and the rest of the houses, and kill all Europeans there” (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57).

Fear emerges as the narrative that requires telling when each is confronted with the requirement to document the most compromising part of the experience they claim to be theirs—their presence in the rebel camp. Nunna Nawab is careful to communicate that his knowledge of rebel deliberations is a matter of an overheard conversation (“as the

report goes”) and to describe himself as a captive of the rebels, saying, “When they reached near Mirza Hajee’s bungalow, some six or eight troopers were despatched to take me to the Nana, but I not answering their first call, again a party of about 100 troopers was sent, and, effecting their entrance by forcing open the backdoor, made me their prisoner. I of course mounted my horse with a few of my followers, and went to the Nana, surrounded by mutineer troopers who threatened to take my life if I should decline compliance with their wishes” (Consultations of the Home Department, P/188/48, 6 Nov. 1857, prog. no. 9). As if this was insufficient evidence, Nunna Nawab describes himself as a near victim of rebel violence, forcibly returned to the camp on 8 July after having been released (5 July) and claiming that he was placed in the line of fire, deliberately, by them: “He caused me to be seated just close to their guns, placed near the St. John’s chapel purposely to have me killed, as shots from the entrenchment were unceasingly fired at it, and I had very narrow escapes, shots passing over my head, sides, ears, &c” (prog. no. 9). Ironically enough, fear of the rebel other is available—for thematizing—while fear of the government, as interlocutor, shapes every nook and cranny of the deposition.

In exactly the same manner, Ally impresses on his audience the dangers attendant on (an expression of) disagreement while in rebel company. Establishing his reason for being in attendance, at the assembly, in no way implicates him,³¹ Ally relates “what happened” in a manner that situates him as the outsider in the crowd. As the rebels discuss and call for the killing of “all Europeans . . . I then said,” he testifies, “when a thing is to be done it is well not to do it hurriedly but with circumspection” (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57). To this, as Ally reports it, the *subadar* (at whose house the assembly is held) reacts adversely (near as I can gather), leading Ally to minimize his difference from the majority rebel opinion even further. “I merely said,” Ally reports as his response to the *subadar*’s reaction, “it was better to act with circumspection, if you go in the morning what is the use of taking out the Ghuttas now.” To this comeback, he reports, the *subadar* reacted with silence. Diplomatic speech and behavior, the deposition impresses, were dictated by the circumstance of being outnumbered in a crowd already violently disposed. A little later in the deposition, however, Ally records a confrontation with the *subadar* in which he, Ally, boldly asserts the immorality of the revolt.

It is difficult not to notice the break this moment in the deposition initiates in the equal treatment of time that is typical of the chronicle. By comparison with the microsequences of the opening, this remembering of

a moment, which, subtly, insinuates his loyalty to the Company, invests the conversation with an out-of-time dimension. In Ally's words, "The next morning I saw Bheekun Subadar walking up and down the road and spoke to him of the last night's proceedings, saying they had just received pay and were eating Company's salt, and it was very bad to behave in this way" (prog. no. 57). "Eating the company's salt," of course, was the very idiom of empire loyalism in India. The canvas reduces to two individuals, from a crowded canvas of a mass of rebels, and the subject shifts, in the act of memory, from strategy to ethics.

It is hardly surprising, then, that in each deposition there is the revelation—reading against the grain of the text, of course—that each was in a position to extend aid to Europeans. After describing a period in which he was, once again, taken to the rebel camp (13 July) by guards and was returned home, on the same day, with troopers who "stood guard over me," Nunna Nawab says,

I had heard previously to this, from a sepoy who came to the guard which was over me at about mid-day, and appeared to me by his manner and language to be disaffected with Nana, that they intended to beguile the Europeans out of their entrenchment, and then take them by surprise and kill them. I satisfied myself about the truth of the information and tried to apprise the same to the Major General of impending danger, but I am sorry I could not do so on any account. I imagine I would have succeeded in sending a man to the entrenchment with the news of the intended treachery, but the sepoys besieged it on all sides to the extent of a mile, and would not allow any body to pass through them. Besides, the two troopers who stood guard over me watched my movements. (Consultations of the Home Department, P/188/48, 6 Nov. 1857, prog no. 9)

While Ally states: "I should have reported these matters before, but Mr. Mahoney was sick, and I was afraid to write in Nagree, for they had all sworn to kill any one who said any thing about it. At first I could not tell Rughoonath's (Subadar) mind, but when I found he was loyal, I then told him what I knew; I have been in great dread of what the Sepoys would do to me, for they said, even if they were dismissed the Service, still they would have their revenge" (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57).

The fact that both depositions circle anxiously around the theme of bodily harm sets fear up as the condition that exonerates their behavior and rationalizes their inability to provide positive proof of loyalty. Moreover, the careful employment of administrative reportage allows Ally and Nunna Nawab's ambiguous political status to be absorbed into the

structure and speech of the “informant.” In reality, of course, it (their ambiguous status) structures the structure and speech. Comparing these depositions and others reproduced in Ball’s *The History of the Indian Mutiny*, for instance, is useful in proving that there is more going on in these narratives than a straight-forward rehearsal of events. The “*Diary Account of Nerput, Opium Gomashta, of Cawnpore*” (translated from Persian and given to Lieutenant-Colonel Neill when he arrived in Kanpur), for instance, offers a similarly detailed account of rebel activity between 2 June and 12 June 1857 but does not insinuate the diarist into the narrative at all, at least judging by the account included in Ball (*The History of the Indian Mutiny*, vol. 1, 323–25).³²

The uneasy story of the two depositions is a mirror of the times. Space had, structurally, been made available for ambiguous and prevaricatory speech. Bayly has remarked that Indians appear to have “adapted to censorship” over 1857–59 (*Empire*, 322). In their writings, informants, who were “aware of what their masters wanted to hear” repeatedly employed the phrase “the citizens pray anxiously for the return of British power,” he writes (328). Indians were skilled, that is, in retreating from a threatening official gaze, employing the power of formulaic observance to do so.³³

Apparently, a large number of the landowning class took advantage of the formulaic, judging by the large number of reports that are filed between 1857 and 1859 by district officials reporting on depositions made to them. The chief commissioner of Oude (Oudh) writes in a memorandum to Canning dated 22 April 1858: “Every hour appearances improve, and a very large proportion of the landholders has tendered their allegiance by letter; and many personally” (India Office Records, Home Miscellaneous Series, Ms. 725, 265–66). Another report, filed by Captain L. Barrow of the First Oudh Irregulars, who was at the time of writing the deputy commissioner of Oudh, indicates, additionally, just how tenuous but necessary the discourse of loyalty was even if it was more fiction than real. Barrow writes, “After such a rebellion as the present, to know that every Talookdar is wavering, that must have tendered their allegiance by letter or Vakeel [lawyer], and that many have personally attended, is fair progress to have made in Oudh” (273).

Of the many meanings we can, and should, make of the revolt of 1857, then, one is of the verbal space produced by a politics in which the Indian public was given little choice but to instrumentalize fear and loyalty, engaging in public protestations of both. Disavowal was, that is, the very mode that the civilian population inhabited. Lurking uneasily is the disavowal of violence (and violence, as we have seen, was ascribed to the “Indian” character by the Anglo-Indian press) made visible every

time distancing from the rebel other is sought in depositions and published advertisements of loyalty. The moment also marks the emergence of law as a structuring principle, apparent in the very emergence of narrative moments in the story of the revolt in depositions that give the appearance of sharing with their Anglo-Indian equivalents the simple function of historicizing the revolt. Describing the narrative as a cultural function of society, Hayden White includes a range of genres in his definition. In the many forms there are of storytelling—including the folktale as much as the novel—we take note, he writes, of the shaping force of authority. He explains: “we cannot but be struck by the frequency with which narrativity, whether of the fictional or the factual sort, presupposes the existence of a legal system against which or on behalf of which the typical agents of a narrative account militate” (13). This “raises the suspicion,” he adds, “that narrative in general, from the folktale to the novel, from the annals to the fully realized ‘history,’ has to do with the topics of law, legality, legitimacy, or, more generally, authority” (13).³⁴ In a way, White is describing narrative as evidence of the monologic nature of authority and as a genre constituted by this knowledge. The fact that so many of the Indian elite came forward to make their loyalty a matter of public record, apparently voluntarily as many officials see fit to emphasize, is itself proof that colonial law was the stuff of practical consciousness. It is public advertisement of the law that makes the socially prominent (and possibly others who may have offered similar protestations orally) record their activities in the first place. It is no coincidence that a lament in 1857, which is even more fully a part of the 1870s, is of the imposition of law. In fact, the famous Mughal poet, Ghalib, described 1857 as an originary moment for the shift in technology, as he saw it, to law. In a couplet he composed after the fall of Delhi, Ghalib lamented: “Everyday in this city a new law is proclaimed/ One just cannot understand what happens here” (quoted in Jalal 32). The year 1857 made the Indian population more than unusually aware of law, as force. After all, it was the occasion that threatened legal retribution (for that is what it was) on the basis of race, encouraging Indians to see themselves mirrored in the language of this same law.

Empire loyalism, then, underwent something of a transformation as a result of its instrumentalizing in 1857 and the entry of a competing discourse—for imagining political subjectivity—law. The crisis forced on the Indian public because of the disembedding of loyalty as a practice,³⁵ and its emergence as a verbal act in 1857, is, I would suggest, noted in the fact that loyalty is a subject in the periodical press for decades after. Of course, the insertion, in 1870, of Section 124A in the Indian Penal Code, which made political speech the potential space of “disloyalty,” is

in large part responsible for the emergence of loyalty as a complex theme in the press. You could argue, also, that it is in moments such as 1857, in which the testifying public was forced into occupying the space of discredited speech, that the notions of counterhistory and counternarrativity are inevitably intuited and made urgent. The connection is established, that is, between history (the collective existence of a people in time) and narrative (the meaning with which it is, or can be, invested) as imperial meanings are not only revealed to be in place but resisted. In this too, Hayden White's identification of historical consciousness with a collective consciousness of history as narrative is instructive. White writes: "In order to qualify as historical, an event must be susceptible to at least two narrations of its occurrence. Unless at least two versions of the same set of events can be imagined, there is no reason for the historian to take upon himself the authority of giving the true account of what really happened" (20).

There was much about 1857 that deliberately encouraged the colony to turn away from this difficult history: the Company government was replaced by the British state and a promise of equal citizenship. The "equal and impartial protection of the Law" (Mukherji 433), was announced by Queen Victoria in her 1 November 1858 proclamation.³⁶ Part of the managing of the revolt was the deliberate encouraging of the belief, in subsequent decades, that the "new" government spoke the language of the culture it governed. Lady Betty Balfour, in *Lord Lytton's Indian Administration*, indicates just how calculated the policy was. She writes, "The title of Empress," added to Queen Victoria's titles in 1876, was central to the attempt to impress upon "her Indian subjects and feudatories" that "the impersonal power of an administrative abstraction had been replaced by the direct personal authority of a human being" (Mukherji xxviii). The assumption that the policy was effective appears to have been unquestioned. Balfour adds, "This was a change thoroughly congenial to all their traditional sentiments" (xxviii).³⁷

However, as the next chapter undertakes to establish, the effects of a violent shattering of a system, loosely feudal in its dependence on signs and observances for effective rule—at the very center of which was the well-developed discourse of loyalty—could not be halted by a reconstituted discourse of loyalty, with its dependence on the formal paraphernalia of rule for proving bonds of empire remaining inviolate. Of the fundamental difference in meanings, even as the government adopted the outward forms of an honor culture, Cohn writes, "Mughal ritual might seem to have been retained but the meanings had been changed. What had been, under Indian rulers, a ritual of incorporation now became a ritual marking subordination, with no mystical bonding between royal

figure and the chosen friend and servant who was becoming part of the ruler. By converting what was a form of present-giving and prestation into a kind of 'economic exchange', the relationship between British official and Indian subject or ruler became contractual" (172). This, as I suggest in the next chapter, the Indian public knew, writing article after article on a "disloyal" government and a "loyal" people in a classic reversal of the Anglo-Indian opinion of 1857.

CHAPTER 2

LAW AND THE PERIODICAL PRESS IN THE 1870S: A CULTURE OF COMPLAINT

In an article, with reference to the visit and departure of His Royal Highness the Prince of Wales, and under the curious heading “The Elephant comes, the Elephant comes, and has all at once gone off,” the editor of this paper [*Behar Bandhu*, 22 March 1876] thus remarks:—
“The moon which rose from the west has also set in the same direction; this moon verily arose, but did not cool our heated breasts with its light: neither has it served to dispel the darkness which envelopes this land. India is so unfortunate that *that* moon which enlightens the whole world failed to do so here, and left the country as it was. We have been ever anxious about the Prince leaving behind him some traces of his visit, but no such exists; his visit was like that of an arrow.”

—Bengal NNR, week ending 25 March 1876, para. no. 21

In 1875 there were no less than 478 newspapers in India, the majority of which were conducted in vernacular languages. In Bengal a number of news-sheets in Bengali language breathing the spirit of the time sprang up and congregations of listeners to a single reader of these sheets at a stationary stall or a grocers shop in the leisurely evening became a common sight. Thus from the petty shopkeeper to the princely merchant and from the simple village folk to the landed aristocracy—all were permeated with the spirit of this Press.

—Basu, *Romance of Indian Journalism*

To COMMENCE MY DISCUSSION OF THE 1870S, I draw attention to the first of the two epigraphs in this chapter. In each, the *Behar Bandhu* laments the condition of the country and ascribes a negative emotional life to it. Of course, there was much more, and more positive, activity taking place

in the press of the 1870s. It was, after all, a decade in which the innovation of *the public* was claimed, and there were signs of political optimism. However, the extract, and the many more like it in the Bengal Native Newspaper Reports (NNRs), describes a press culture caught in the very contradictions created by the desire to be a public in a colonial regime. You might say that loss and its affective spaces, mourning and melancholia, are as constitutive of early nationalism as is the euphoria that came with the optimistic, even proleptic imagining of the colonized as a public.

The *Behar Bandhu* tackles the November 1875 to March 1876 visit of the Prince of Wales, suggestively spinning a counterreading of the royal visit. In this reading, the monarch has betrayed the bond cementing his relations with the people by not taking measures to alleviate the (intolerable) conditions in which they are required to live. Allusion, which contributes the “curious heading” as well as the evocative analogy that takes up the whole of the extract, makes the effect of this betrayal—the emotional devastation of his subjects—an equal consideration and turns lament inward: India is powerless, strung between “darkness” and a monarchy that behaves in a manner that defies comprehension. The means by which the point is made seems fanciful: the article plays with the opposed notions of avowal and disavowal, simultaneously claiming the legitimacy of metaphor, for its capacity to capture what literal expression cannot do, and disavowing it at the same time. The “cool[ing] moon,” which the Indian people hoped would provide relief (the association of colonial regime with the harsh light of the sun is the absent half of the analogy), both arose and set in the west, leaving out the east entirely in its natural movement around the Earth. Because of the unusual analogy—in which historical conditions are aligned with a natural phenomenon that has gone awry—aberration acquires meanings extending from unusual to catastrophic while the monarch is flattered by an analogy that identifies him with positive natural forces.

Whether figurative speech is chosen as often as it is in the 1870s because it enabled a guarded critique or because it was apposite, presenting negative public emotional life as an effect of colonial rule, it is difficult to know for certain. Darnton, for example, finds tactic behind the proliferating literary culture of self-abasement. In the aftermath of 1857, he writes, “Discontent showed through nonetheless, not usually in the form of open opposition to British rule but rather in the themes of humiliation and oppression, which the cataloguers found everywhere by the end of the nineteenth century, even in plays and poems that sang the praises of the Raj” (145). On the other hand, Ghosh speculates that 1857 could not but have had a devastating psychological impact on the colonized as the latter was forced into confronting a brutal repression and

racial ignominy—in which all, whether participant, bystander, or, indeed, ambiguously positioned between loyalty and disloyalty, were implicated. Pointing out that 1857 is, among other things, proof of an actively insurrectionary people, who were not substantially psychologically colonized (“it is hard to imagine that an insurrection on the scale of 1857 could have been undertaken by a people, or peoples, who had become ‘servile’” [161]), he adds, “I suspect that it was only in the aftermath of 1857 that most north and central Indians acknowledged that the British regime was not in India on their sufferance as they had once assumed; that there was really, truly nothing they could do about it and that resistance, as they had once thought of it, was futile” (161).

Ghosh’s view is a useful counterpoint to Darnton’s—it lends itself to the conclusion that reading post-1857 Indian public opinion, in which political relations emerge as a site of distress and negativity, as entirely tactical is to do it injustice. This chapter, in fact, argues that the Indian experience of physical and verbal violence in 1857, which, crucially, included a rupturing of the cherished discourse of loyalty, has its response in the culture of lamentation, abjection, and despair that is prominently displayed in the 1870s’ Bengal NNRs. And to be fair, Darnton does not dismiss the possibility that public expressions of self-abasement were not entirely instrumental. In his view, read collectively, they describe the very language-space that is produced by colonial rule. If “Indian literature in the nineteenth century combined self-hatred with hatred of the foreigner and self-assertion with deference to the sahib,” it is, he observes, because such “contradictions” were “built into the core of imperialist culture” (145).

Julia Kristeva’s theorizing of abjection is usefully invoked here to understand the inclination of newspapers in the mid-1870s to make the negative psychological life of the country a prominent theme. In *Powers of Horror*, Kristeva describes the abject as a relational space, constitutive of the subject and precursor to the object. The symbiotic relation between the subject and the abject is described in the capacity of the abject to disturb the subject—its “identity, system, order” (4). Particularly relevant here is Kristeva’s location of the object as abjection transformed, a process that occurs when abjection is recognized for what it is. She states, “There is nothing like the abjection of self to show that all objection is in fact recognition of the *want* on which any being, meaning, language, or desire is founded” (5). Of course, as a (its own) lack or want is not quite how the social, as distinct from psychological, subject “recognizes” the abject: in the language employed by the colonizing subject, the (abject) native is the unclean, the polluted, the defiled, the nauseating, the loathed, the disgusting, and so on.

If we entertain the possibility that the abject is a category with some explanatory value when considering the effects of colonial rule, we might conclude that the abject (native) is one who lives as the detritus that he or she is in imperial discourse. However, when the politically mobilizing public begins to describe itself, the group, as detritus and names imperial history as the discourse in which such negation is concretized, abjection can be deemed to have become an object of study. Such knowledge is most starkly posited in texts that are an expression of the effects of such a painful knowledge—texts lament, express anguish, and engage in self-loathing when they discuss the political reality of the colony. It would, for a time, be an insurrectionary knowledge,¹ encouraging the first extensive and consistent writing of counterpolitical discourse

Texts ascribing negative affect to colonial rule in articles are reported extensively. And if some in the press discovered the usefulness of (a knowledge of) humiliation, as Darnton's comment suggests was the case, it does not take away from the fact that the unbearable knowledge of humiliation and oppression posited as a collective rather than individual experience in pronouns such as "we" and "us," was an experience brought into the public realm, sometimes coupled strategically, as Darnton correctly estimates, with "praises of the Raj" and protestations of loyalty. In this very fact lies proof of an extension of the politics of fear that was more than usually in place in 1857, to which the unbearable, dawning knowledge of abjection was uneasily tethered in the 1870s. But this is only one half of the story of the Indian press in the 1870s. In the NNRs, the resolve to discover a political collectivity, and through it political force, is traced in the many flexible uses to which the term "public" is put. It is especially moving to encounter extracts in the NNRs in which the term by itself appears intended to overcome the debilitating knowledge of the structure of colonial rule in which Indian verbal protest, the press frequently complains, counts for little. The attempt, one might conclude, was to communicate to the authorities that profound changes in public culture were under way. The chapter focuses in particular on the Bengal NNRs, which were routinely cited by the Bengal government as evidence that a culture of sensibility was everyday being reinforced through the periodical press, spreading political illiteracy (read "opposition"). While the NNRs certainly covered other concerns raised in the press—over municipal affairs, international politics, and so on—it was affective political critique that exercised the government the most. The fact that subjective political responses were overly visible in a myriad of other government documents (but objective critiques were by no means excluded) is something we can surmise from the fact that these are the texts that dominate administrative

reports on the press. It is for this reason that this chapter too focuses on the NNRs' affective texts.

EMERGENT DISCOURSES AND STRUCTURES OF FEELING IN THE 1870S

Extracts placed in the Bengal NNRs describe a public culture of despair, the depths of which are indicated in the few examples I offer here, from the Bengal NNRs, with the exception of one, which is from the *Native Opinion*:

No more our land is *now*, the "golden land"!
Her wealth is gone, her jems no longer shine!
Oppressed by care, she needs a helping hand
Her griefs are deep! Her "thousand charms" decline!!
("A Native's Appeal to His Royal Highness The Prince of Wales," *Native Opinion*, 31 Oct. 1875, stanza 14)

We are powerless, disarmed, and held in utter subjection by the rigors of the Penal and Criminal Procedure Codes. Our rulers forget that men, whose loyalty to the British rule remained unshaken during the days of the Mutiny, when any disaffection on their part might have caused not a little trouble to Government, are not likely to entertain any disloyal feelings now, when they have been enfeebled by the rigors of law. (*Sadharani*, 15 Aug. 1875, Bengal NNR, week ending 21 Aug. 1875, para. no. 19)

If the English really desire to hold us in eternal subjection, let their rule be yet more severe; and the sooner the Hindu race disappears from the face of the earth, the better it will be for them. Let plagues infest the country, and the earth thus be freed from the yoke of slavery. (*Amrita Bazar Patrika*, 28 Jan. 1875, Bengal NNR, week ending 6 Feb. 1875, para. no. 8)

Even a dangerously sick man speaks out his mind in a delirium, and in broken and indistinct language, if not in an intelligible and methodical way. But India has no life, no capacity of feeling. For if she had, we would not have become, for all time, the sport of others, an instrument of their will, to pander to their pleasure; nor would the Secretary of State have been able to sell India in the Manchester market. The people of India are wanting in courage; they are weak, cowardly, ignorant and timid. Hence it is that our British masters treat us in a most arbitrary manner, and are about to suck even our life-blood in order to nourish Manchester thereby. (*Bharat Mihir*, 8 Mar. 1876, Bengal NNR, week ending 18 Mar. 1876, para. no. 5)

The shock these extracts register, and seek to convey, is the shock of discovery—that the Indian people are not a concern of the government (“are about to suck our life-blood”). It could be argued that the emotional condition of the collective, variously described as “we,” “us,” “land,” and “India,” wavers between mourning and melancholia, sometimes manifesting the “disturbance of self-regard” that Sigmund Freud has identified as the key distinguishing feature between the two, making one a pathology and the other not. “Self-reproaches and self-revilings,” Freud has suggested, are symptomatic of melancholia and are absent in mourning (in which, therefore, the all-important “self-regarding feelings” are not destroyed [252]).² As Frantz Fanon has established in his work on colonialism’s psychological effects, developed most fully in *Black Skin, White Masks*, melancholia captures the devastation typical of modern colonialism. This the extracts previously cited also indicate. Despair is expressed in the most extreme forms of negation possible—from self-hatred and disgust to the savaging of the very notion of existence (“the sooner the Hindu race disappears”) or, more properly speaking, the right to exist. However, there isn’t a quite *total* surrender to despair: critiques of colonialism—as a brutal exploitation of which economic degradation and the *need* of the interdiction of law are offered as proof—are not *fully* cathected in the reproach to the “we” and “us” for their abjection but exist alongside it (“rigour of the Penal and Criminal Procedure Codes” in the *Sadharani*; “sell India in the Manchester market” in the *Bharat Mihir* article).

If we take these expressions at face value, thinking the political appears to have been at the very least at a crossroads of sorts, which, because of its magnification and translation in the NNRs, emerges as an undecided public caught between identifying colonial rule on the one hand and the Indian collective psyche on the other as *the problem*, the historical present having been “discovered” *as a problem*. In other words, affect, which is itself a theme, is frequently given a political context and explanation. Nor was such a public display of extreme emotion always done without consideration of public decorum. Take, for instance, the *Dnyan Prakash* (2 October 1876) that, in an article reporting on a meeting called of Bombay Muslims to petition the Queen to support Turkey in the latter’s war against Serbia, claims a key distinguishing feature of Indian culture is its strict observance of propriety, which makes emotion part of the private. In fact, the article makes the point by claiming that there is an absence of such distinction in English culture. The paper states:

It is extremely difficult, for even the most sagacious and clever English statesmen and administrators to be thoroughly acquainted with the real sentiments and feelings of the people of India. Though the Natives of this

country do not adopt the European modes of giving a public expression to their sentiments and feelings on a given subject, such as holding large public meetings, or delivering stirring speeches in great assemblies, or writing strong articles in the newspapers, yet they cannot be said, with truth, to entertain no strong feelings and opinions on any question. They often feel very strongly, but silently. (Bombay NNR, week ending 7 Oct. 1876, page 3 of report)

It is difficult to build a case on an isolated example and, in fact, the *Bengalee* offers a different opinion when it complains of English intolerance of a public expression of what the paper calls “oriental flourish” in “The Native Press and the Government.” It writes, “We are ruled by people who find it extremely difficult to sympathise with us even if they would, so strong is the barrier of race, nationality, language and religion. No allowance is made for our proneness to occasionally indulge in the commonplaces of oriental rhetoric, nor is any distinction made between an opinion deliberately formed and calmly expressed and an ebullition of feeling shown in one of those ephemeral phases of excitement to which the national mind is subject” (30 Jan. 1875). The point I wish to make is that emotionally expressive texts, which “The Native Press and the Government” describes, were a considered, and possibly difficult, rather than an impulsive public statement.

The concentration of extracts in which newspapers struggle to articulate the damaging psychological and emotional effects of colonial rule makes affect, as a preoccupation of the press, acquire a magnitude that it lacks when it is placed in its proper context—individual newspapers and articles. Turned into themes by the NNRs, negative affects say something about the way in which the message, of the need to recognize oneself as the *missing*, or *aporia*, of empire, was conveyed. If other articles write of law in the colony, police, jails, economic policy, famine, starvation, and in 1876, the Dramatic Performances Act, to convey the extreme disentanglement of the Indian in the colonial regime,³ articles expressing despair and, indeed, self-hatred lay bare the effects of a painful confrontation of the real relations between the colonized and the colonizers. In other words, affect was important to the production, in the 1870s, of an individual and collective interiority, one figured in lack—of quite a different sort than the lack by which the Indian, as native, was recognized in colonial narrative. To it, the Company era is fondly (mis)remembered as an original scene of plenitude. Thus for instance, in an article in which the *Amrita Bazar Patrika* (9 Dec. 1875) blames the current conditions in the colony on the government, tucked away is a nostalgic remembrance of a better past: “How happy both the ruler and the subjects were at one time under the British

rule!” it writes, adding “A mighty convulsion is raging in the heart of the country” (Bengal NNR, week ending 18 Dec. 1875, para. no. 4).

Despair is also attached to economic analysis, once again suggesting that it is the effect of colonial policy—negative emotional and psychological states—that is an emergent concern of the press and absorbs more of public energy than does critique of colonial rule. The *Bharat Mibir* (27 April 1876) writes, for instance: “Times are again hard with the tenantry of Behar. They have no means of escape. They have hardly recovered from the distress of the last famine, when the oppressions of the Indigo planters press heavily on them . . . The planters have made Ratnapore, Susulla, Sivapore, Berahi, and the neighbouring villages, a scene of desolation. The inhabitants have left their ancestral homes and fled to the province of the Goorkhas” (Bengal NNR, week ending 6 May 1876, para. no. 4). The desperate expression of a dire, if all too familiar, violence (“they have hardly recovered”) describes hopelessness, about the end of exploitation, within which lurks the unspoken, devastating knowledge of an indifferent government. As much as government’s economic policy is the focus of the extract, so too is the attempt to frame a response commensurate with the proven fact of government indifference. In some newspapers, shock, which is claimed to be the effect of a dawning knowledge, is such that the moment requires marking as an originary one. The *Dacca Prakash* writes,

Not long ago, it was the practice of many English officials to make the statement, which was believed by many of the natives, that the Queen governs India only for the good of her Indian subjects; and that England does not appropriate to herself a single penny of the Indian revenues. At the present day, however, any such assertion would neither be made nor credited. Not only does England maintain, at the expense of the Indian treasury, an army which is India’s only in name; not only does it lighten its own burdens by sending out a large number of its children to fill all the high paid appointments in India; not only does it drain the country of all its most valuable productions in various ways; but it inflicts numberless injuries on this country by making her pay for movements with which she has not the least concern. The cost of the reception of the Turkish Sultan in England was thrown on India. In the same way she was made liable for the expenses of the Abyssinian war, which was undertaken to effect the release of a few Englishmen. Thus the revenues of India are squandered, while her wants know no limits. (27 Aug 1876, Bengal NNR, week ending 2 Sept. 1876, para. no. 23)

More than its rewriting of imperial history, the extract is interesting for the outrage it expresses at the bad faith of the government.

It is this history, in which the government emerges in the periodical press as a subject by which *other* conversations could, and did, take place, which interests me. You could say that counterreading the characteristics of colonial rule is rivaled even at this early stage by struggles to pinpoint, conceptualize, and find the means to handle the distress that comes with knowledge. It would be decades before a public indictment of colonial rule, as an unethical rule, would be an acceptable and settled knowledge, without any sort of compensatory logic framing it, that is. In the intervening decades, the press struggled to reconcile conflicting imperatives and knowledges.

Despair, which is an acknowledgement of the impossibility of emerging from an unacceptable situation and an acceptance of suffering as a condition of subjugation, is a difficult experience that the press claims on behalf of the public. It is matched by a dilemma also widely reported in the NNRs. It says something about the time that the kinds of refusal the post-1905 press would be forthright in advocating are a remote thought in the 1870s. Standing in the way of clarity was not only the impossibility of imagining successful resistance but something touching deep on the Indian social belief structure. The absolute value placed on the “obligations of loyalty and obedience” (Sumit Sarkar, *Writing*, 7)⁴ is most challenged by the consciousness that is, repeatedly claimed as an emergent one in the press: a dawning knowledge that makes colonial rule intolerable. The dilemma, which is a recurrent theme in 1905–10, is effaced in, and by, a culture of complaint that fills the pages of the NNRs. Thus remediation manages, for the time being, the dilemma conflicting imperatives produce—the barely acknowledged determination to withdraw consent on the one hand and the deeply cherished fiction of an Indian ethos grounded in the related concepts of honor and observance of structures of authority. After all, complaint, as a forum for containing conflicting imperatives, both threatens and reinforces the limits of a hierarchical relationship. Complaint frames critique as injury, not as absolute refusal or as irresolvable difference of opinion. At the same time, the culture of complaint has the important function of evading or disavowing that which some other of the extracts cited earlier do undertake to language—abjection as the state of the colony: it bespeaks an “us” that has the wherewithal to recognize the perpetuation of an injustice in the very structures of (colonial) rule. It is in complaint, then, that there is a *hint* of the emergence of the Indian from the abject to object at the same time as there is an *overstatement* of an affective bond with the rulers.

Judging by the Bengal NNRs, loyalty is the subject where the dilemma finds its most profound articulation. Take, for instance, an extract drawn

from the *Amrita Bazar Patrika* of 18 November 1875 in which the paper turns its comment on the enthusiastic reception given to the Prince of Wales in Bombay into an occasion for lamenting the absence of political affection it claims is the reality of 1870s India. The extract reads, “The natives of India are an ardently loyal people. In spite of the fact that the Prince of Wales is not a native sovereign, does not profess the same creed . . . the people are filled with ecstasy at finding him among them. Where else will you find such tender-hearted and disinterested nation as this? How can the English nation find heart to oppress such a people, and exercise such a rigorous rule over them?” (Bengal NNR, week ending 27 Nov. 1875, para. no. 7). To this expression of distress the article adds, in what amounts to a suggestion for the alleviation of this very distress, “If the loyal devotion of the people of India has really touched the heart of the Prince, we would beseech him to see what their real condition is, for then alone will he be able to gauge the intensity of their devotion. They are burdened with taxation, while the grim visage of the Criminal Procedure Code is continually frowning on them” (Bengal NNR, week ending 27 Nov. 1875, para. no. 7). Practically identical comments appear in the Madras NNRs of September 1876. One entry, for instance, reads,

The *Vetty-Codiyam* of the 16th, in an editorial observes: There is a general feeling of disappointment that the visits paid to India by no less than two princes of the Royal blood have been productive of so little good to the people. If Her Majesty could personally witness the condition of the inhabitants, good will follow. She would see how men who come out for the sole purpose of amassing wealth strive by all means to advance themselves and keep down the natives of the country, and would devise some means of removing the disadvantages under which natives labor. (Madras NNR, week ending 23 Sept. 1876, page 2)⁵

Judging by the NNRs, the framing of the contemporary moment that is provided in the *Patrika* is far from anomalous. Articles appear to be addressing themselves to an invisible history, in which the loyalty of the native is in question. As in the *Patrika*, Indian loyalty is insistently confirmed as a profoundly emotional bond, whose depth is proved in the tolerance of intolerable conditions. Also as in the *Patrika*, the government is reproached with “disloyalty”—evidence of which lies in the latter’s lack of care for the well-being of the people. And like the *Patrika*, articles seek to separate out an unfeeling government from monarchy—a typically feudal act, according to Pierre Bourdieu,⁶ but which, in this

instance, could very well be a result of the pervasive belief that law in the colony was ideological.⁷

Here, I explore the possibility that loyalty, a popular subject in the 1870s' press and the NNRs, is where a parallel narrative to the narrative of overt critique, which one also finds in the press, is developed and where the dilemma of a public claiming to be disenchanted with colonial rule is articulated. The convoluted reasoning of such a narrative is best witnessed in the choice, frequently encountered in the NNRs, to juxtapose the themes of loyalty and law. The following are texts in which such a juxtapositioning appears to be key to the meaning that is intended:

It is remarked by the *Pall Mall Gazette* that the Prince's visit to India has filled the hearts of the natives with loyal feeling. The inhabitants of Manchester also said the same thing to Lord Lytton. Would to God the British believed this in all sincerity; but they do not. If they had such a conviction in their minds, the stringent Bill relating to dramatic performances would never have been proposed, nor would such measures as the Indian Legislation Bill and the Presidency Magistrates' Bill have been sought to be passed into law. So that, if the visit has called forth our loyalty, we derive really no benefit from it. Government has not become more generous towards us in consideration of this virtue, nor has the distrust with which we have been regarded been lessened by it. Far from relaxing the rigor of their administration, it has been made more stringent than ever. (*Amrita Bazar Patrika*, 4 May 1876, Bengal NNR, week ending 13 May 1876, para. no. 6)

Taking, moreover, into consideration the signal loyalty manifested to the British Crown on the occasion of the visit of the Prince of Wales, it certainly seems strange that Government should have considered it desirable to enact a stringent law against sedition [Dramatic Performances Bill] to coerce this intensely loyal people. In the face of the fact, that even the females of a Hindu Zenana were allowed to see the Prince, an act which two hundred years ago no Hindu would consent to, there is no need for the enactment of a new law, which is the more needless as the sections in the Indian Penal Code, bearing on the subject of sedition and libel, are quite sufficient for the purpose. (*Subrid*, 9 May 1876, Bengal NNR, week ending 20 May 1876, para. no. 4)

The "Reign of Law" thus seems a "Rain of Laws!"

Since laws like tides and waves incessant rise!

The good old time of former rule now draws

Our minds to Mintos, Bentinck, Lawrence wise!

("A Native's Appeal," *Native Opinion*, 14 Nov. 1875, stanza 46)⁸

All three texts resist the shift they claim has taken place from the discourse of loyalty to that of law. And all three suggest law is properly read as an insult and proof of the mistranslation that is at the heart of empire. Empire loyalism, anchored in a relationship of feeling, is thus imagined as an impossibility under the new regime of law. And finally, law is implicitly claimed as the negative space of a mirroring of the Indian as, first and foremost, disloyal.

The concern is aired repeatedly in articles that, astutely, discern that law in the colony is *other* and turn this knowledge to their own advantage. The *Pratikal* (30 June 1876) observes,

Our rulers do not venture to place any confidence in us in anything, not even in the simple affairs of a municipality; and owing to this all their efforts prove abortive. We sometimes wish to know what may be the secret policy of our rulers in not confiding in us. No sooner was the liberty of the press granted, than the Sedition Act was published; and as soon as the privilege was given to the natives to be admitted into the Civil Service, something hostile to it followed immediately after. (Bengal NNR, week ending 8 July 1876, para. no. 11)⁹

Details of the workings of the legal system are not exempt from this scrutiny. They are interpreted for the readership to make the same point such that, over time, a very specific counternarrative (in which a few select subjects, such as law, education, and governance, are themed) emerges. For example, in an article on the Criminal Procedures Code Amendment Act, the *Native Opinion* of 17 May 1874 complains that the power given to the appellate court “to enhance a sentence passed on the accused by a criminal court of first instance” is not repealed and of the power given by the proposed Section 64A to the governor-general-in-council to transfer criminal cases from one high court to another. These, the paper advises, are checks that counter the (forced) liberalizing of the judiciary. The paper suggestively takes on the inferences of such procedural changes: “This looks like a slur on the highest tribunals in the land. Their dignity is compromised by this section. It would seem as if Government has no confidence in their discharging their functions with justice and impartiality.”

In such texts, law is described as the “innovation,” which in the colony specifies the impossible conditions for the realization of “right relations”; whereas colonial feudalism is described as the “optimum” and now unavailable condition for its realization. The term “right relations,” which I have borrowed from James Boyd White (230), is useful in capturing the quality of the discomfort, which makes so many in the press use the Prince of Wales’s visit to separate, quite desperately at times, English

monarchy from the taint of colonialism itself. The term “loyalty” emerges in the press as a metonymy of this ideal state of political relations. As much as loyalty, in articles protesting the loyalty of the people, looks back to the moment of its greatest rupture, then, it anticipates a future of regulation, which the press sometimes affects not to comprehend, all the while demonstrating its comprehensive grasp of colonial legal structure and of the function of law in a colonial bureaucratic government. An example is provided by an article in which the stated subject, the proliferation of laws, serves to establish just how much law, in the colony, was read for its difference from (English) law (assumed to be normative, that is) and provocatively claimed to be the sign of the imposition of a new structure—in which the colony would be required to suffer the confinement and indignity of being, first, a (colonial) legal subject, which is to say not a legal subject at all. The Bengal NNR for the week ending 3 June 1876 reports,

In the course of a lengthy editorial on the government of this country, the *Sabachar*, of the 29th May, dwells on the evil of over-legislation, which is largely indulged in by the rulers in this country. Representations have been repeatedly made against this growing evil. The more the laws are multiplied, the greater will be the confusion in the work of administration. Our rulers do not remain idle, even for a moment, in making laws, which have thus attained an incredibly high number. On whatever side you turn, there is some law; *for every whim which may arise in the minds of the rulers*, there is a law enacted. Their power is supreme, and without any control. The opinion of the subjects is not consulted. *The latter are thought to be no better than dogs or jackals, and who shall hear them?* . . . By legislation our rulers hope to accomplish the promotion of virtue, the suppression of crime, and to induce order and method in the work of administration, similar to what obtain in the domain of nature. Laws will make roads and ghâts, laws will bring offenders to justice, and laws *will evoke loyalty from the hearts of the subjects* and make them happy and prosperous. Our rulers seem to forget that all social phenomena are, in their working, guided by invariable laws; and that any change in their course, to be beneficial and lasting, must be a work of time, and the result of the united and spontaneous *efforts of the people themselves*. It is needless to say that much of the legislation of the day is marked by signs of undue haste and want of consideration. (emphasis added; Bengal NNR, week ending 3 June 1876, para. no. 23)

Whatever the rationale may have been for the codification of the law and rationalizing of the legal structure that took place in the last half of the nineteenth century, law, from the first moments of its regularizing and standardizing, was read in the press as an instrument of a hostile government. The *Sabachar* article, in the summary of the reporter, identifies the

strange twist that makes law, and its function, so suspect in the colony: law is arbitrary (“for every whim which may arise in the minds of the rulers”), it is imposed (“The opinion of the subjects is not consulted”), and so on. But it is the repetition of the opposition by which law is most discredited—law versus loyalty—that is remarkable for what it says about the public comprehension of the function of law in the colony: law attempts the impossible in its attempt to legislate loyalty. As a matter of fact, the article is an indirect warning to the government as much as it is an attempt to communicate, also to the government, the “reading” of legislative reform that was popular with the Indian public.

It was a one-sided conversation, if conversation was, at this point in time, a genuine desire of the periodical press and if articles were not purely disingenuous. The examples I provide here, of the attempts made in the press to find a language commensurate with a reality that was fundamentally grounded in paradox (they are not, that is, fanciful in their juxtapositioning of the two discourses, of loyalty and law), are few indeed. They are representative, however, in their thematizing of both. The concepts are made to be mutually constitutive, loyalty being the language by which irregularity of law in the colony is made visible and law being the language by which the virtues of the honor system are rendered belatedly visible. The instrumentalizing of the conceptual apparatus of loyalty in 1857, by the government, thus proves to have had its own history, giving rise to a public culture in which it, loyalty, is a subject triggering much emotion and a term that is retrospectively defined as the *voluntary* submission of will to “foreign” rule. A final example, from the *Amrita Bazar Patrika* (9 Dec. 1875), indicates just how much one law in particular, the key Section 124A, was judged by the terms of a mythologized past in which there was no “rigorous system of administration,” understood to be the institution that produces boundaries by which crime is crime (a Foucauldian statement if ever there was one), and considered to be the statute that threatened the bond of loyalty (by imagining disloyalty) while describing colonial administrative rule as the cause of dissent and dissatisfaction in the colony:

The loyalty of the people would not be shaken if Mr. Stephen had not enacted his law of sedition. Were it not for the rigors of the Penal Code, the increase in the number of such crimes as perjury, fraud, forgery, murder, and suicide could not otherwise be easily accounted for; while Government itself would never have found its way so thickly strewn with thorns, if it had not sought to humble the natives of India by a rigorous system of administration. How happy both the ruler and the subjects were at one time under the British rule! (Bengal NNR, week ending 18 Dec. 1875, para. no. 4)

I would like to suggest that an unmoored discourse of loyalty, and the interpretation law acquires through its positioning vis-à-vis the former, is also the means by which an ethical dilemma is articulated. From the very first moments in which law begins to take on a life of its own as a theme in the periodical press, the “obligation to obey the law,” as John Rawls stated it in “Legal Obligation and the Duty of Fair Play” (4),¹⁰ emerges as *the* site of conflict: the Indian public experiences both the need to *obey* the law (frequently attributed not to law’s superiority but to the capacity of colonial rule to enforce its law) and to *refuse* it on the grounds that in the colony it is noted more by its inobservance than observance *and* on the grounds that it is an insult to an honor-based society. In other words, the form of political subjectivity promised by the rule of law (“citizenship”) is correctly understood to be unavailable at the same time as it (colonial law) is rejected as a principle for the structuring of Indian society.

In case we are tempted to think, along with the government, that the framing devices the press chooses in its thinking of politics at home—especially in its juxtaposing of law and loyalty—are proof of an ignorance of the structures of representative government, it is worth drawing attention to the wide display there is of public knowledge not only of European history and its revolutions but of popular sovereignty. On occasion, the French Revolution stands in to prove it is precisely what a loyal colony is not. That such comparative comments are something of a warning is within the realm of intended meanings, of course. The *Bengalee*, of 10 July 1875, for instance writes:

We maintain that the people of this country are more loyal than the majority of Irishmen. We deny that any portion of the Native Press is disloyal. There is no doubt a good deal of tall talk in the press; but it is for the most part “sound and fury, signifying nothing;” and we make bold to say that even the wildest effusions of those *jujus* or *betes noires* of certain Englishmen—the *Amrita Bazar Patrika* and the *Indu Prakash*—are tame when compared with the tamest effusions of Mitchell’s *United Irishmen*.

To say that the native press in this country is able to play a part similar to that played by the *National* and *Temps* in France in 1839 and 1848 is to pay it a compliment for ability altogether undeserved and to assume that the people of India are as well educated and as easily excitable as the Parisians.

Such sly references to Europe’s own revolutionary struggles, which pointedly claim to serve the purpose *only* of proving Indian loyalty and establishing the nonequivalence of European and Indian political histories, serve, in reality, to establish that thinking about colonial history and politics was not done in the absence of a knowledge of other histories

in which egalitarianism or political freedom is the professed aim behind violent struggle, for instance.

There is also much evidence that the public was encouraged to employ a comparative approach such that the colonial government could be revealed to be a distinct, indeed peculiar, form of government. Articles typically employ the vocabulary associated with democratic government (such as “rights” and “security of person and property”) and, on occasion, rather sharply comment on the philosophical rationale offered by the government for European rule in India by insinuating that *even* the rationale, such as it was, was proved, by the contemporary moment, to be a fiction. I offer an example from the Bombay NNR from the week ending 9 June 1877. The reporter says,

The *Indu Prakāsh* of the 4th June has a long leader, headed “A Secret Increase of Ill-Feeling between the Government and its Subjects, in Consequence of the Natives having no Voice in the Administration of the Country; its Future Effects; and a Suggestion to the English Government.” The English rulers taught the Natives what are the rights of the subjects; what is properly meant by security of the person and property; what is consulting the subjects in the administration of a Government and such other principles of an enlightened and liberal Government. They also promised the Natives that they would scrupulously protect their rights; they would preserve their old privileges, and consult them from time to time in the conduct of the administration of their country. These magnanimous promises greatly contributed to extend and consolidate the great and extensive empire which they have established in this old and vast country . . . The people fondly believed that, as they would qualify themselves by acquiring the necessary knowledge and by showing public courage, proper loyalty and such other requisite qualifications, they would gradually obtain a voice in the administration of their own country, and that the liberal promises the English rulers have given them from time to time would be fulfilled. But the English rulers seem to have forgotten those promises. They still remain a deadletter and on paper only. (p. 3 of the report)

The framing of law, as subject, with loyalty, as subject, is then a deliberate and informed one, through which the press articulates a sense of unease, even dread, of an absolute government that, on the face of it, appears (and describes itself as) *liberal*. But it speaks also of a culture that converses about the relative merits (if any) of a system of rule that is, clearly, subject to abuse, proof of which is its instantiation in the colony.

Newspaper extracts in which despair and dilemma are the subject best contextualize other extracts claiming the innovation of the public. Writing on topics that fundamentally questioned the ethical base, or lack

thereof, of colonial government was not likely to gain credibility for the press from the government as a *real* public (as the many seditious libel trials there were to be and the banned literature collection attest), but it was certainly an attempt on the part of the press to populate the term “public” with its own meanings. This is established by the many articles the NNRs present in which a comparison of the position of the English public (which seems to be in an enviable position from the Indian perspective) with that of the Indian is the topic. Conditions in the colony are blamed for this difference as much as cultural difference is acknowledged to require a different kind of public sphere. The *Bharat Mibir* (30 Nov. 1876), for example, both affirms the existence of a public in the colony and the conditions that force it (public) to occupy the position of a counterpublic. It writes, “The gradual growth of a public opinion in this country, gaining strength year by year, is a hopeful sign. The educated classes are not now, as before, indifferent to public matters; and politics, the acts of public men, and the merits and demerits of the administration, are all discussed in the columns of the newspapers” (Bengal NNR, week ending 9 Dec. 1876, para. no.7). But, the government, it claims, is hostile to its development. “It is, however, a matter of regret,” the *Mibir* adds, “that Government has not, in the slightest degree, given heed to, or assisted in, the formation of this public opinion; nay, acting upon improper counsel, it is manifesting an attitude of bitter hostility to the press.” The proof the *Mibir* offers not only indicates the paper is well aware of the requirement of reasoned opinion but, like many others, attributes the absence of a real public sphere to the conditions of colonial rule. It complains: “Except the favored *Pioneer*, no other newspaper is supplied with official intelligence; and in most cases, they have consequently to write upon important public questions on the strength of rumours and conjectures.” Along with the complaint, the *Mibir* proposes a solution, ending with a plea to government to aid “in the formation of a healthy and powerful public opinion,” adding that if it did so, the government could “safely rely on the grateful sentiments of the public” (para. no. 7). As far as the *Mibir* is concerned, liberal colonialism *would* be acceptable if not exactly a good idea.

Needless to say, the *Mibir*'s was not a view shared by all. In other considerations of the very possibility of instantiating a public in colonial conditions, despair, and, conversely, political freedom are constitutive of the definition that is in the making. The *Soma Prakash*, in an editorial titled “How long shall we depend upon others?” writes: “Within the last ten years, the desire for liberty in the minds of the people has continued to gain strength” (16 Oct. 1876, Bengal NNR, week ending 21 Oct. 1876, para. no. 10). The same point is made also in more despairing

and possibly disingenuous statements—in which critique of colonialism is contorted by grim humor in statements claiming, for instance, that “rights” in the colony are, fittingly, submission to the “conqueror.” In “The English and the Natives,” the *Grambarta Prakshika* of 14 October 1876 writes: “as India is a Crown colony, it should be arbitrarily ruled by its own Sovereign. What hopes have we for obtaining the rights which we say are our own? It is an error on our part to seek to stand on the same footing with our conquerors. They have conquered by means of arms, and have their rights to maintain. Who are we? Rights we have none. It is for us to serve our rulers most submissively; and this is what we may call our duty or right” (Bengal NNR, week ending 21 Oct. 1876, para. no. 8). While the *Sabachar* of 7 August 1876 writes: “though we have lost almost all our political rights under the British rule, yet we enjoy perfect security of life and property; everybody is at liberty to express his own views and opinions; and whenever any oppression is committed on us, the governing body and the judicial officers immediately come forward to check it with a firm hand” (Bengal NNR, week ending 12 Aug. 1876, para. no. 27). The *Prakshika* perfectly languages the *real* of the term “public” in colonial conditions, even as it anticipates the transformation of the term: “*obtaining* rights which we say *are* our own” (emphasis added) describes a people’s (forced) inhabiting of a verbal and situational paradox. In the NNR translation, the paradox is deliberately noted, suggestively textualizing a press that consistently employed paradox to describe the Indian experience of colonialism—as if the Indian press had concluded that the only language commensurate with colonial rule was the language of paradox, producing a kind of nonmeaning, or so the government could claim about the press.

Admittedly, all such expression, conceptually mixed as it is, is not always tactical. From a perspective informed by empire loyalism, the very desire for “rights” appears *disloyal*. This is to say, the very contemplation of itself as a public is experienced as disloyalty in action by a culture deeply structured, by its own account, by notions of personal and collective honor. At the very least it produced a dilemma, as I have already indicated. It is not surprising, then, to encounter articles in which critical distance from the colonizers, when it is claimed, requires rationalizing. The *Amrita Bazar Patrika* of 3 August 1876 for example, writes,

The English know full well that they have not gained possession of this country by mere force of arms; nor was it by this that they have succeeded in keeping under subjection so numerous a people. It is their decided superiority to us in various respects, and our veneration for them, that have served them materially. But with the increasing period of their administration

of this country, our regard for them is becoming gradually lessened . . . They always endeavour to inspire us with a sense of their superiority; but now, notwithstanding their strenuous efforts, that sentiment of veneration is gradually dying away, because of the various mean, unwise, unjust, and oppressive acts of men of the lowest class in England, who come to India with no other purpose than that of draining its resources and retuning home enriched. (Bengal NNR, week ending 12 Aug. 1876, para. no. 8)

The *Patrika's* narrative, which draws heavily on the notion of rupture—a notion legitimized in the government's narrativizing of 1857 and subject to counterlegitimizing—participates in a reproduction of colonial logic but turns it inside out. Here, it is the shift in English culture that is blamed for the shift in Indian attitude. This was a popular reading, and it informed texts in which refusal of colonial rule is broached as the sign of the “new” Indian. In an article remarking on the death of John Stuart Mill, titled “British Rule in India,” the *Bengalee* (6 Sept. 1873) also makes much of ruptured time to situate the contemporary moment. It writes, “The gulf between the rulers and the ruled has been widened. The governing classes no longer feel with the people as they did before; and the governed have not had the old confidence in their masters. Taxes have become burdensome; and their proceeds are so wastefully expended as sometimes to bring the state to the verge of bankruptcy. A feeling of disquiet has been excited throughout the country by laws ever new, passed without due consideration, and repealed or altered as easily.”

The imposition of a devolutionary trajectory on British rule in India was not restricted to the Indian press. The *Indian Observer* of 4 February 1885 attributes the deteriorating relationship between the government and the colony to the change in style of government. It writes, “We have now, on the one hand, a government, constantly becoming more bureaucratic—existing only *in* the country, but in no sense *a part* of it” and “on the other hand, a people, under a process of education, at the hands of Government itself, in the broadest principles of liberalism, and becoming more and more impatient of the social and political disabilities under which they live.” The same narrative in the hands of an Indian newspaper, conceivably, serves another function altogether: it describes a government unworthy of (Indian) consent. It also rereads the past as a hegemonic past with consent volunteered by a people balanced enough to “recognize” a superior culture (superiority is specifically defined as “good religious principles, learning, sincerity, integrity” and so on). A change in leadership, which the *Patrika* describes in terms, which, presumably, it was most accustomed to using to describe moral degeneration, “the lowest class,” legitimizes a withdrawal of consent. This is stated also in the

Bishwa Dutt of 16 December 1874. “In an article of considerable length,” the NNR notes, “the same journal regrets that the heroism and courage which characterized the English when the victories of Nelson were won, when Napoleon was defeated and taken captive, and warriors like Tippoo Sultan and Ranjit Singh were vanquished in India, are no longer found in them. The English now oppress the weak, and timidity has taken the place of courage and high-mindedness. India is filled with the woes of her sons oppressed by Englishmen. Signs of discontent are visible on all sides” (Bengal NNR, week ending 26 Dec. 1874, para. no. 11). Somewhat ironically, the imperial narrative of native degeneracy in modern times, which, of course, justifies European rule, is reversed: the trope of degeneracy is visited on the British in India and logically concludes in a call for withdrawal of consent, which is guardedly stated only as the comment: “that sentiment of veneration is gradually dying away.”

If we situate articles in which the beginnings of a positive counternarrative can be glimpsed in the context of other articles—articles in which there is despair generated by the painful knowledge of *native* abjection (“obtaining the rights which we say are our own”)—for instance and yet other articles that insist on the loyalty of the colony; the extent to which “rights” was a difficult concept to embrace in the 1870s, and “public” was an impossible concept to translate into reality becomes clear.

The ethical dilemma over being perceived to be disloyal in their pursuit of political rights and the ethical dilemma posed by the reality of colonial rule were circulated, via the periodical press, as the *real* crisis of colonial rule *but* over which the Indian public had a measure of control (while it did not, the press emphasizes, have control over government policy, for instance). Thus the *Sabachar* identifies withdrawal of consent as an act within the control of the colonized. It asks, “If we have no rights, then what are we? Are we slaves of the English? Now, if it be once impressed on the minds of the people that they are held by the English Government as slaves, they will have no longer any feeling of loyalty or love towards it” (*Sabachar*, 24 July 1876, Bengal NNR, week ending 29 July 1876, para. no. 24).

The difficulties, then, that accompany the process of thinking a disavowal of loyalty are more an indication of the difficult terrain within which the notion of the public takes root than is indicated, for instance, in the many joyful statements there are claiming an Indian public sphere—a necessary fiction indeed. And if we factor into the messiness of this moment of an emergent nationalist political culture the desperation that is so palpable in the outpouring of a litany of grievances, with the appearance of a royal in their midst, articles in which monarchical and

bureaucratic rule are intermixed, each speaking the other, do not appear so “ignorant” after all. Thus the *Amrita Bazar Patrika* describes as expectations, and hopes, of a beleaguered people everything from a glimpse of royalty to a reconsideration of the Code of Criminal Procedure in one of many articles it wrote on the occasion of the visit of the Prince of Wales. In an article of 6 January 1876, included in the Bengal NNR for the week ending 8 January 1876, the paper writes,

[it] regrets to observe that the large number of people who come from the mofussil to see the Prince at Calcutta, have returned disappointed. They have not been able to obtain even so much as a glimpse of royalty. They have been disappointed at not finding even a single act worthy of a sovereign performed by the Prince of Wales. No prisoners have been set at liberty by him, nor has he relaxed the cruel treatment to which they remain exposed in the jails. The rigours of the Criminal Procedure Code remain as they were. The Prince has not spoken to any leading native, nor has he asked any native subject about his wants and grievances. (para. no. 9)

The other side of the coin of such conversations, so to speak, is political opinion that is congratulatory of government. Whether such opinion was purely tactical is difficult to determine. In a study of Urdu periodicals of the 1870s, for instance, Javed Majeed attempts to sift through the many articles he finds in which “the trope of progress” features prominently, a trope that echoes government’s own narrative of the benefits of British government in India. He writes, “All editors must have been aware of the yearly reports compiled by the government on the Indian-language press, and this might be in part responsible for the invocation of the trope of progress in a wide variety of periodicals of different standing . . . Such invocations were often there to help win government subscriptions, as well as perhaps lessen the likelihood of falling foul of Act 25 of 1867 for the Regulation of Printing Presses and Newspapers, and Act 27 of 1870 [Section 124A, Indian Penal Code]” (“Narratives of Progress,” 140). Majeed only reinforces the pervasive sense there is, for instance, in Ghosh’s speculation that Indian public expression under colonial rule was “shaped to a greater or lesser degree by the ever-present fear of intervention” (149).

SECTION 124A OF THE INDIAN PENAL CODE: IMAGINING “DISAFFECTION”

State crimes, and especially the most heinous and formidable state crimes, have this peculiarity, that if they are successfully committed, the criminal is almost always secure from punishment. The murderer is in greater danger after his victim is dispatched than before. The thief is in greater danger after

the purse is taken than before. But the rebel is out of danger as soon as he has subverted the government. As the penal law is impotent against a successful rebel, it is consequently necessary that it should be made strong and sharp against the first beginnings of rebellion, against treasonable designs which have been carried no further than plots and preparations. We have therefore not thought it expedient to leave such plots and preparations to the ordinary law of abetment. (Macaulay 617)

In 1870, following discussion within the governor-general's council, Section 124A was added to the Indian Penal Code. Included in the draft penal code of 1837, as Section 113, the rationale for treating "hostilities against the government" as a separate offence was spelled out at the time by Thomas Babington Macaulay (617). Distinguishing theft and murder from rebellion, Macaulay justified a legal process that sought to punish *before* a crime had been committed (see epigraph to this section). The section was, however, dropped and did not form part of the Indian Penal Code, when it was enacted in 1860. John D. Mayne offers the standard rationale for the omission in *The Criminal Law of India* (1896). He writes, "Section 124A reproduces s. 113 of the Code as originally drafted by Mr. Macaulay. By some curious omission it seems to have dropped out of the Code, as finally passed in 1860" (473). This rather trivializing explanation (especially so when we consider that in 1857 the government had considered the Indian press to be seditious)¹¹ is offered also by James Fitzjames Stephen, the law member on the governor-general's council in 1870. Claiming that it was an unaccountable omission, and describing it as an adaptation of the 1848 Treason Felony Act (2 Aug. 1870, Supplement to the *Gazette of India*, V/11/18, 1019), he repeated the argument made first by Macaulay. The Indian Penal Code, he said, "contained no section by which you could punish conspiracies to wage war against the Queen or deprive her of the sovereignty of British India, unless the conspiracy proceeded so far as to be followed by open acts or actual preparations for rebellion. But besides this, the Code contained no provision whatever with respect to exciting disaffection by speaking or writing, and that, he said, although the contrary had been asserted, was a great defect, and one which ought not to exist in any rational system of criminal law whatever" (25 Nov. 1870, V/11/18, 1312).

There was more to the absence of a Treason-Felony Act in British India, and to the decision of the Law Commission to propose a rectifying of this omission, than is acknowledged in Stephen's claim of perfecting legal structure.¹² Swaminath Natarajan, who describes the early history of the section in some detail, claims that it was "dropped because it was felt that it might be interpreted as a measure against the liberty of the

Press" (88). If Natarajan is correct, and the omission of the statute was deliberate, its introduction could hardly have been less deliberate. Indeed, council minutes indicate that questions were asked by other members about the impact the legislation might have on the Indian public. It was a concern that Stephen acknowledged at the 25 November 1870 meeting, only to dismiss it, saying,

Various objections had been taken to this course. One was that the country was now in so loyal and peaceable a state, and that all things were going on so pleasantly, that no such measure was required. He would answer that that appeared to be the very reason why we should repair the omission, which, upon that view of the case, could not give offence to anybody. Certainly, if no one had the slightest intention of exciting disaffection, no one would have any objection to punish those who at any future time might excite, or be disposed to excite, such disaffection (Supplement to the *Gazette of India*, V/11/18, 1314).

The rationale that is provided by Stephen, if it was not disingenuous in the first place (which Natarajan claims it is [90]),¹³ underwent a fairly radical shift, judging by the Vernacular Press Act of 1878, an act that Charles Paul, the advocate-general of Bengal at the time of the *Bangavasi* trial, claimed was put in place to counteract an "unworkable" Section 124A (see note 23 of the "Introduction"). The 1878 Act was itself preceded by the decision to make the NNRs confidential (1874) and the attempt of the lieutenant-governor of Bengal to pressure the government into prosecuting two newspapers under the penal code, a move that the governor-general, Thomas George Baring, Earl of Northbrook (1872–76), quashed on the grounds that "the law was vague" (quoted in Dasgupta 272).¹⁴

Arguably, Section 124A was the most devastating of all the laws introduced between 1867 and 1910 for controlling public culture for the simple reason that it identified individual political subjectivity as a concern of criminal law. My objective here is to examine the language of Section 124A, which attracted much legal attention and the attention of the Indian press. In so doing, I hope to demonstrate that the introduction was anything but a routine exercise. Keeping the developments taking place in the 1870s' periodical press in mind, and the fact that the government in the post-1857 era had rebellion on its mind (as the press included in the NNRs insinuates), the introduction of the statute in 1870 is a formal acknowledgment of hostile relations between the Indian public and the colonial government. This, at least, is the interpretation placed on it by many newspapers of the Indian press. A second objective

is to treat Section 124A as a text and discuss two influential legal definitions that were provided, one by the presiding judge in the case against the *Bangavasi* and the other by H. H. Asquith, who appeared for Bal Gangadhar Tilak before the Privy Council to apply for special leave to appeal the decision on Tilak's 1897 "disaffection" case. My aim is to draw out the inferences of a statute that was remarkable for its providing of a solution to *the* paradox of colonial rule—the coexistence of absolute rule and a press that clearly posed a threat.

The section, until it was amended in 1898, following Tilak's trial in 1897, read, "Whoever by words, either spoken or intended to be read, or by signs, or by visible representation, or otherwise, excites, or attempts to excite, feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine" (Mayne 65). The "explanation" that followed described "disaffection" as an attitude incompatible with the requirement of rendering obedience to government: "Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause" (Mayne 65).

To establish the anomalousness of the language of the section, where "disaffection" describes the crime, not "seditious libel," I cite the argument presented by Asquith at the Privy Council (the case was heard on 19 November 1897) in which he insisted that "disaffection" was not a legal term at all. In a lengthy comment, he says of the section:

In Section 124-A, having regard to the context and to the explanation. It is, of course, noteworthy that those who framed the section have not used the word—which is a term of art in English law—^[15] the word "sedition"; one, I think, may fairly assume that they have distinctly abstained from the use of that word, *the importation of which into this section would, of course, have necessitated, or at any rate would have allowed, when the section came to be construed, the resort to the numerous authorities, and not very consistent authorities, in English law as to what sedition means.* At any rate, whatever their reason may have been, they have not used the word "sedition" and they have chosen the word "disaffection," which is not a term of art at all, which in this country and in our system of jurisprudence has no political meaning. It is a popular word. The question is what is meant in

this context by a term, the interpretation of which is in no sense covered by precedent or authority? (emphasis added; Proceedings of the Home Department, P/5413, May 1898, prog. no. 378)

Without the status of a recognized legal term, or even a recognized political term, “disaffection” was the slipperiest of terms. Asquith stops just short of accusing the authors of the statute of a deliberate substitution of terms—disaffection for sedition. However, he does speak directly of the effects of such a substitution of terms: it disallows, or allows for a courtroom disavowal, of any similarity between sedition in Britain and in the colony. Indeed, in the precedent-setting trial of the *Bangavasi*, Justice Petheram would direct the jury that the legal definition of “disaffection” was, quite simply, the dictionary definition of the term—“a feeling contrary to affection, in other words, dislike or hatred.”

Clearly, the statute formally extends recognition to the Indian as a subject (only) of empire in a manner that parallels the discourse of loyalty. As Asquith underscores, instead of sedition, or seditious libel, it claims “feelings of disaffection to the government” as a structurally identified site of crime against the colonial state. The slip in legal language from the former to the latter, sedition to “feelings of disaffection,” identified the faculty of emotions as the unstable ground of empire (“to render obedience”) thus rationalizing the unstated claim—that political “feelings” were a legitimate concern of the law and the government. Mind you, “disaffection” has a long history of use in the English legal courtroom. It is used even in the trial of Warren Hastings to describe the attitude of the Begum of Oudh (“that the Begum was disaffected” [Hastings 357]). Moreover, the definition given of the term in the Oxford English Dictionary assigns it the same political import. Disaffection is “political alienation or discontent; a spirit of disloyalty to the government or existing authority.” The distinction is that while it is a term used in English legal contexts, including the courtroom, to establish the crime of political disloyalty, it is not a term that names the crime itself—which is “seditious libel.”

There is an intriguing parallel, then, in the 1870s of an Indian press that troubles the term loyalty and a government that extends legal acknowledgement to a history marked by the rupture of empire loyalism by putting a law in place that would identify the realm of feelings as a site subject to (criminal) legal definition. The statute attempts to draw on the power of law to structure emotion by situating it in a continuum of political relations in which the line dividing disloyalty from loyalty was the indeterminate “disaffection,” not used to describe emotion but a crime against the state. It is a small wonder that, although the word “loyalty” appears nowhere in the statute (“obedience” does and “affection” is there

by inference), the Indian public placed its faith in the discourse of loyalty, hoping it would place critique beyond the reach of the law. In short, the law quite literally produced the kind of public political culture that, in turn, local governments would use to prove the Indian press was the site of irrational speech. On the one hand there was trenchant, even savage, critique and on the other the critique itself was framed by spectacular statements of loyalty. This shaping of an oppositional rhetorical culture to the language of the law had many in the government feeling they had been outwitted and outplayed. The point has been made by historians as well. For instance, Natarajan says of the 1870s Bengal press, “since Section 124A excluded the writings of persons whose loyalty to the Government was undoubted, the Bengali newspapers adopted the practice of prefacing their vituperations with effusions of loyalty to the Queen and the British Government” (92).

When amended in 1898, Section 124A retained everything of the 1870 version and, if anything, made the “explanation” even less specific than it was and removed “feelings” (of “disaffection”) to the “explanation.”¹⁶ The section read, “Whoever by words, either spoken or written, or by signs or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards Her Majesty or the Government established by law in British India, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine” (G. K. Roy 17–18). “Explanation 1” was key not just for its implicit acknowledgment of the deliberate vagueness of the language of the statute but for its serving to demonstrate that the explanation only reinforced the ambiguity contained in the clause itself. It read, “The expression ‘disaffection’ includes disloyalty and all feelings of enmity” (18). As Darnton has pointed out, “they [the government] construed *feelings of enmity* as ‘disaffection’ and *disaffection* as ‘sedition,’ translating freely from one idiom to another as the need arose” (167–68). Darnton’s conclusion is anticipated in the Indian claim that the notoriously vague “disaffection,” and its precedent setting meaning provided in the *Bangavasi* trial, made the dividing line between legitimate critique of government and illegitimate very unclear—adding to the pervasive sense that any and all critique was illegal and that Section 124A was a law authorizing censorship. In his detailed comment on the proposed amendment, J. Chaudhuri (who, it would appear, wrote most of his *The Principles of the Law of Sedition* before the amendment came into effect) offers a similarly trenchant critique, saying, “In short the policy and the provision of the whole section

runs counter to all recognized principle of law, and the explanations are also altogether illusory” (“Appendix II,” xxxii).

The amendments did not pass without comment from the Indian legal community. Some Indians on the Select Committee on the Bill to Amend the Indian Penal Code expressed their objection in writing. P. Ananda Charlu, for instance, objected that the words proposed to be included—“hatred, contempt, and enmity”—were “vague, misleading and obscure,” that the statute was likely to be “hurtful to public interests” as it would spread uncertainty and “*virtually* stiff[e] all *frank* discussion of public questions” (G. K. Roy 14). Indeed, “enmity” is removed in the final version of the explanation. Another Indian on the committee, Lakhmishwar Singh, remarked that the statute would adversely affect the production of humor and irony in newspapers. It would, he objected, “enable Government to prosecute to a conviction persons responsible for those cartoons, skits or other comic productions with which newspapers and other periodicals not infrequently try to enliven their readers” (G. K. Roy 16) and journalists who might be guilty only of “using indiscreet language calculated at most to give rise to trifling feelings of irritation” (16).

In a post-Foucauldian world, we cannot help but notice that the law, via Section 124A, in its original and amended version, is where critique of government is first imagined as “disaffection,” in this colonial iteration of the political crime of imagining the king’s death. The role played by the government view that Indian opinion was without recognizable logic in the production of *native disaffection* (the legally recognized nonequivalent, we might say, of *sedition*) cannot be overestimated. There is, nonetheless, a crucial distinction between the two versions. Whereas the 1870 version at least allowed for legitimate critique of government to share forms of expression with illegitimate critique—in the language of the statute, both intend to excite, and in Stephen’s explanation of 2 August 1870, legitimate speech is inclusive of speech that is “disingenuous, unfair, and ill-informed” (Supplement to the *Gazette of India*, V/11/18, 1020)—the 1898 version restricted legitimate expression to reasoned opinion and made speech that “excites” or is intended to excite an offence under the section. “Explanation 2” states, “Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, *without exciting or attempting to excite* hatred, contempt or disaffection, do not constitute an offence under this section” (emphasis added; G. K. Roy 18).

If we juxtapose this against a minority liberal view, that, in much less ambiguous language than Stephen employed, sought to write a guarantee of freedom of speech for the colony into the statute, the willed

retrogression becomes obvious. Comments made by the law commissioners in 1837, on the draft code, refer, for instance, to a remark by Mr. Cochrane on the proposed wording of the section. Cochrane is reported to have said, "I think that as a mere matter of public policy, every Government should avoid punishing mere words, unless such be accompanied by acts injurious to the interests of the State. But this clause does not only apply to words, but is in fact a direct attack on the public press. The expression as is compatible with a disposition to render obedience, which is the qualification of the clause, appears to me of a very dangerous tendency, and calculated to place men's rights and liberties in the discretion of each particular judge" (quoted in J. Chaudhuri, "Appendix I," ii).

It might be appropriate to briefly review the very different history of seditious libel law in England. A key reform of the English law on sedition was introduced in Charles James Fox's Libel Act (1792). If before the act, the law "was of a very vague and indefinite nature," with "criticisms calculated to beget any ill-opinion of the King, his Ministers, the public servants, and even the Magistrates" included "within the scope of the law" (J. Chaudhuri 1), which J. Chaudhuri points out it was, after the act, the jury was empowered to rule on matters of law as well as fact and, thus, to decide the verdict. The other key legislation, for our purposes, was the 1832 Reform Act. Prosecutions for seditious libel were a rare occurrence in post-1832 England (Sastri 10) and seditious libel was no longer a statutory offence. The rights of the public were established by judicial decisions provided in individual cases rather than by statute. So while there was a statute on the books, the Treason Felony Act of 1848, it was mainly via common law that seditious libel was legally addressed. And, as Stephen informs, the decisions handed down in libel cases ("defamatory libels upon private persons") had made the "practically unlimited freedom of political discussion" a right (*A History*, vol. 2, 376).

In British India on the other hand, "disaffection" was a statutory offence. Original criminal cases before the high courts were juried (*Imperial Gazetteer*, 147) but were not required to be juried before the sessions courts and magistrate courts (148). The reason, the 1907 *Gazetteer* informs, was the unavailability of "efficient jury in the Mofussil" (148). Instead of a jury, the judge was assisted by assessors, whose opinion was without legal force. They were to assist but not "bind the judge by their opinions" (148). Moreover, the sessions judge, if the trial was a juried one (juries in the nonurban areas were more likely to include Indians, which appears to be insinuated in the comment that "efficient" juries are not always possible in the mofussil), retained the right to "submit the case to the High Court" if, in his opinion, "a jury ha[d] returned a manifestly

wrong verdict” (149). Juries were drawn largely from the European civil population and racialized opinion seems to have been a given, or at least it was an expectation of the Indian press. Commenting on the outcome of the *Bangavasi* trial, for instance, the Indian press barely conceals its belief that the division of opinion follows racial lines, the Europeans agreeing with the prosecution’s reading and the two non-Europeans agreeing with the defense. Procedural and structural anomalies are admitted to and usually claimed to be the responsible act of a government concerned with compensating for the legal and social backwardness of the colony. In a summative comment on the procedures in place for criminal law, for instance, the *Gazetteer* (1907) states,

The system of Indian law thus allows considerable latitude in the matter of appeal. The inferior social standing of the native judiciary of the lower grades; the imperfect legal training of all the judges in early days; the general want, so far as the Mofussil is concerned, of the wholesome restraint exercised by a strong bar; and the absence of public opinion and of an intelligent press—these are among the reasons which have rendered a free right of appeal and a wide power of review and revision necessary to prevent injustice. (149)

As for the language of seditious libel law, it too differs significantly from the law claimed to be its original. The Treason Felony Act of 1848 (which Stephen cites in explanations he provides of the Indian law at the 25 Nov. 1870 meeting of the Council of the Governor General of India) made “compassing, imaginings” as these are manifest in acts of speaking, writing, and publications, the offence covered by the act. The section cited by Stephen, as most pertinent, reads,

And it be enacted, that if any person whatsoever after the passing of this Act shall, within the United Kingdom or without, compass, imagine, invent, devise, or intend to deprive or depose our most Gracious Lady the Queen, Her heirs or successors, from the style, honour, or royal name of the Imperial Crown of the United Kingdom . . . in order by force or constrain to compel her or them to change her or their measures or counsels, or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of Parliament . . . or stir any foreigner or stranger with force to invade the United Kingdom . . . such compassing, imaginings, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act or deed, every person so offending shall be guilty of felony. (Supplement to the *Gazette of India*, V/11/18: 1316–17)

The most notable difference between this act and Section 124A is the fact that the latter identifies the nebulous arena of “feelings” as the site of offence whereas the former identifies “imaginings” and “compassing.” The distinction is not without significance—if imaginings and compassing are suspect actions (as Barrell establishes they are), by comparison with the Indian law, they at least describe mental activity. Section 124A, on the other hand marks the body as the very site of crime against the state—“feelings” and “disposition” are on the body side of the body/mind dichotomy by which public reason was defined. Further, the addition of “or otherwise” to the list, in Section 124A, allows for an indefinite spread of the crime to unimaginable, and as yet unnamed, forms of communication and self-expression.

If we were to set aside even this key distinction for a moment, and note only that eighteenth-century social and philosophical criteria of public reason was, belatedly, turned to legal effect, we would only be noting the method by which contestations forced in the English public sphere by reform movements was disallowed in the colony.¹⁷ To do this, the government needed the narrative of a premodern mentality, which the *Gazetteer* of 1907 establishes was as much in place in 1907 as it had been in the 1870s and 1880s. It is a view both reflected and endorsed in Stephen’s elaboration of the intent informing Section 124A—that the section was not intended to include speech that was “disingenuous, unfair, and ill-informed” (Supplement to the *Gazette of India*, V/11/18, 1020). However, this liberal interpretation of seditious libel law (the law on disaffection) did not prevail in the colonial courtroom. In law, time lag sees a matching up of an arrested legal moment of English history with an incipient nationalist culture. To be more specific, time lag holds the colony in a pre-Fox Libel Act legal and political history, which, as securely, holds that Indian political culture has as its idiom, “sensibility,” not reasoned thought.

To be sure, there was a surface similarity between the kind of libel described in the term “disaffection” and imperial history in which the *native* is emotive and unreasoned. The resemblance made it easy to lose the distinction between *propaganda* and *oriental flourish* in the view, and use, of the law. In principle, the native as an abstract figure of the law is the same as the native visualized in the Anglo-Indian press, here in the *Indian Observer* of 11 March 1871. “The truth is,” the paper writes, “the tropical exuberance, and redundant profusion of the Oriental imagination, bewilders and exhausts a mind which has been trained to look upon order and restraint as the characteristics of the highest literary excellence.”

The Indian public’s response to Section 124A was particularly sharp and widespread after the 1891 prosecution of the *Bangavasi*. Newspaper

articles practically echoed one another, writing about the famously ambiguous language of the section, pointing out the distance between the legal history of seditious libel in England and in the colony, and offering educated rebuttals of interpretations, of the language of the statute, provided by legal authorities such as Mayne and Stephen. Thus for example, in the aftermath of Tilak's 1908 trial, the *Amrita Bazar Patrika* published a lengthy editorial piece refuting the claim, made by Mayne and Stephen, that the history of Section 124A, from its draft version (Section 113) to the 1898 version was consistent with the principles articulated in the former. Titled "Contempt of Government Established by Law" (5 Aug. 1908), an ironic jab at the overuse of the phrase "established by law" by the government in its public announcements and advertisements, the article painstakingly parses the 1898 version to show what makes it so markedly different from the 1870 version. Prefacing its argument with a strongly worded observation, that changes proposed by Mr. Chalmers (the legal member on the council at the time) were "all in the direction of retrogression," the article offers the following critique: "First, in addition to 'disaffection,' he introduced two other words in section 124A, namely, 'contempt' and 'hatred.' Then, if previously only one Explanation was attached to the sedition section by Lord Macaulay and Sir James Stephen which was clear enough to the ordinary comprehension, Mr. Chalmers knocked it on the head and replaced it by three new explanations, every one of which was beautifully vague." Pointing out that the explanations do not actually explain "disaffection" or "hatred," the *Patrika* adds that the original—Macaulay's draft Section 113—"accepted as a model of clear drafting by such distinguished jurists as Sir Barnes Peacock and Sir James Stephen, as Hobhouse and Mayne, had vanished; and that the jumble substituted in its place by Mr. Chalmers, which may be interpreted in any fanciful way one likes, is the present sedition law of the land." "No one need thus be surprised," it concludes, "that freedom of speech and writing in India is now only an ornamental myth."

Evidently, in 1908 as much as in 1891, there was a sense of overwhelming helplessness, in the face of a law that was ideological and that had, by prosecuting newspapers, produced an ideology of seditiousness. Aside from commenting on the statute, such that the past history of the statute is reread to make the current version seem a much more dramatic degradation of the law, eroding what little remained of liberal principles in the colony, the *Amrita Bazar Patrika* does what the press had been doing since the 1870s—pointing out the intentional illiberalism of English rule in the colony. Disgrace—embarrassing the government in public—was, presumably, the last bastion of hope. On 25 August 1908, in an editorial

article titled "How They Quell Disturbances in England?," the *Amrita Bazar Patrika* reiterates a well-worn complaint: "India, like England, is a part and parcel of the British Empire. Why then should a harsher procedure be adopted in India for quelling popular disturbances, specially when her people have been thoroughly disarmed and are far less violent in their nature than those of the ruling country." The sense that this was a one-sided conversation, with government taking refuge in law, was as much a frustration in 1908 as it was in 1891. The ineffectiveness of the statute on "disaffection," its inability to convince the Indian public that political aspirations, analysis, and protest were really seditious propagandism, is best assessed in the extensive banned literature collection.¹⁸ It is more than a passing irony that Mohandas Gandhi, and, before him, Aurobindo Ghose, attempted precisely the same intervention of the law on sedition, also with little legal effect but with much moral effect. At his trial before the sessions court in 1922, Gandhi submitted a written statement that offered substantially the same critique of the infamous section in a section titled "Disaffection": "Section 124 A, under which I am happily charged, is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or system one should be free to give the fullest expression of his disaffection so long as he does not contemplate, promote or incite to violence" (*The Great Trial* 31). As for the feeling of disaffection, he claimed it as a badge of honor: "I hold it to be a virtue to be disaffected towards a government which in totality has done more harm to India than any previous system" (31).

CHAPTER 3

CRIMINALIZING POLITICAL CONVERSATION: THE 1891 TRIAL OF THE *BANGAVASI*

It is the Indian climate that is responsible for the speedy deterioration of the liberal instincts of the Englishman who resides in this country.

—*Sabachar*, 1 Sept. 1891, Bengal NNR, week ending 12 Sept. 1891, para. no. 46

The *Prakriti* (a new paper) of the 22nd August, referring to the proceedings instituted by Mr. Pugh against the *Indian Mirror* newspaper in the Calcutta High Court, says that it is both grieved and astonished at this attitude of Government towards the native press. Has the Lieutenant-Governor lost his wits with increasing years? Every newspaper has the right to comment on any action of Government whatever, and it argues narrowness of mind to harass any paper for doing it. Every newspaper has expressed its opinion on the prosecution of the *Bangavasi*. Are all of them, in the opinion of Mr. Pugh guilty of contempt of court? By the proceedings instituted against the *Mirror*, Government has probably become more unpopular with the people.

Bengal NNR, week ending 29 Aug. 1891, para. no. 58

THE PROSECUTION OF CULTURAL TEXT AND ITS producers has to be one of the more bizarre episodes in the history of the nationalist movement. From 1891 to the 1940s, authors, newspapers, editors, printers, and proprietors were charged by local governments and administrations with producing seditious texts. As the introduction mentions, poetry, song lyrics, fiction, drama, essays, gramophone records, posters, broadsheets, and even garments, such as dhotis, were subject to confiscation. The gap opened up by the Indian press's discovery of counterdiscursivity, which kept the distinction between ethics and (colonial) law visible at all times, was possibly the

most crucial effect of the Bengal government's decision, made in 1891, to employ the law on disaffection in its handling of the Bengal press. It was, without a doubt, a calculated gesture that was intended to intimidate the Indian public by threatening *criminal* legal visibility, which it did. But the decision led also to a legal recognition of counterdiscursivity two decades after it had been seeded, as a notion, in the law on disaffection. In this chapter, I explore the politics of the 1891 trial of the Bengal newspaper, the *Bangavasi*. The trial represents a moment in which a solidification of views takes place within the Bengal government, which appears preoccupied with securing a legal ruling on the law on disaffection that would be in consonance with its own views of the Indian press. Aside from the Bengal government, whose internal deliberations in the months leading to the trial are examined in some detail in the chapter, it is the NNR-mediated press that is a concern of the chapter. These reports, particularly of Bengal, predictably, turned the response of the Indian press to the trial into a major theme—by doing what they usually did at such moments, giving the impression of a press saturated with interest, most of it critical of the government, in the event. In these reports, not just of Bengal either, the press appears poised to read the moment as a crisis, claiming to be uncertain about the meanings to be made of the impending legal action even as it insinuates that the moment is an extraordinarily significant one, a watershed moment as it were—yet another example of the press's claim of crisis as the condition of colonial rule, not its exception. Between the date on which the case against the *Bangavasi* was first heard (7 August 1891) and the sessions trial (19–24 August 1891), the *Sanjivani* soberly commented, “A serious case has been instituted against the *Bangavasi*. The case being *sub judice*, we have no right to express any opinion on it. But this we can say that a very critical time has arrived” (Bengal NNR, 15 Aug. 1891, week ending 22 Aug. 1891, para. no. 38).¹ Describing the statute under which the *Bangavasi* was to be tried as a “very terrible one,” the lengthy extract (possibly the whole article) seeks to offer a critical intervention on the authoritative meanings given to the statute by Stephen. I cite from the NNR entry:

It is a very difficult thing, indeed, to ascertain what constitutes disaffection against Government. The section was not in the Penal Code when it was enacted in 1860. It was inserted ten years after, in 1870, when Sir James FitzStephen was the Law Member. Objections against it were raised from all directions. Some people urged that it should be clearly explained what would constitute the offence of exciting disaffection. But Sir James replied that “it was impossible to define that clearly. All that could be done was to indicate the lines on which newspapers ought to be conducted. He also

said that the articles which had been appearing in the newspapers edited by Englishmen for the last eight months against the income-tax could not be said to be articles calculated to excite disaffection. If the vernacular newspapers followed the example of the English papers, they would never excite disaffection.” But the native editors are sure to be endangered if they imitate the excited manner in which the English editors sometimes write. During the Ilbert Bill agitation the *Englishman* newspaper conspired against the Government. So it is not quite safe now to imitate the example of the English newspapers. It is very difficult, indeed, to determine what is calculated to excite disaffection and what not. (Bengal NNR, week ending 22 Aug. 1891, para. no. 38)

The extract says much about a press that comments at a moment when it is most notorious on the hollowness of the claim of liberal colonialism. Rerouting the subject of public reason through Stephen’s clarifications, by which the unsatisfactory language of Section 124A was considered clarified, the *Sanjivani* politicizes the issue of public reason as well. By claiming law is political and politics, in the colony, is racialized—pointing out that political writing would not be legally acceptable even if it scrupulously “imitated” the English press (which, in any case, the article points out, is prone to emotional expression)—the newspaper fills in the gaps of Stephen’s reasoning, a reasoning that effects an erasure of the critical *differential* of colonial rule. By the same token, of course, the article points out that there *are* gaps in his reasoning and impresses on its government readers that the Indian public is acutely aware of the gaps. Finally, the article swells what was a refrain, certainly in the NNR, by 1891—that structurally flawed law in the colony was constituted by the lack, rather than the promise, of (impartial) justice. Reappearing as a subject in the *Sanjivani* article, Stephen’s comment appears particularly egregious and careless without the requisite gravitas.

If the *Sanjivani* insinuates that the trial, properly speaking, is metonymic, encapsulating conditions constitutive of British rule in India, it was not alone. Even the *Bangavasi*, if in much more cautious terms, prompts its readership to read the impending trial as a historic one. The “present occasion,” it claims, is one in which “a great political problem will be decided” (15 Aug. 1891, Bengal NNR, week ending 22 Aug. 1891, para. no. 37), to wit: “What is the lawful way of criticising the acts of Government” (para. no. 37) and “whether or not it has been proper for Government to bring the terrible charge against the *Bangavasi*” (para. no. 37).

Clearly, the press was not a passive observer if it was not openly antagonistic either. Judging by the NNR, some newspapers were prepared to assign meanings to the impending trial and, more importantly, were

cognizant of the fact that counternarrativity could be a powerful threat to the government. The competition was, specifically, over the *legal* naming of Indian political consciousness. Stanley Fish's term "interpretive communities" is usefully invoked here for the emphasis it places on discourse as the place of a production of community. Point of view, he claimed in *Doing What Comes Naturally*, produces group identity and opinion rather than reflecting it. As he put it, it is "not so much a group of individuals who shared a point of view, but a point of view or way of organizing experience that shared individuals" (141). The decision to use Section 124A would, and did, result in the invention of traditions of popular political thought—such as are noted in the thematizing of Section 124A and extreme censorship by the Indian press—which would emerge as rallying sites for the uniting of the public in counteropinion.

The story of the 1891 confrontation begins in 1890. At the stated level, the story is of the heated controversy sparked within the Indian periodical press with the government's introduction of the age of consent bill. The outrage expressed by the conservative Hindu press in particular, including the *Bangavasi*, the Bengal government claimed, posed a threat to law and order. Almost three decades after the last major social reform legislation (the Widow Remarriage Act of 1856), the government had proposed legislation to raise the age of consent from ten to twelve.² It would appear that the conservative press did experience a significant rise in readership. The *Bangavasi's* subscription, for instance, peaked at twenty thousand in late 1890 through early 1891 (Sen 378), whereas the *Sanjivani*, a proreform newspaper, had a circulation of only four thousand over the same time period (378).

While it is indeed true that the conservative press expressed outrage at what it claimed was a violation of Hindu custom and, more importantly, the law on which it was based (*shastras*), an equally important concern of this press appears in NNR extracts as anxiety and insinuation that conservative Hindu opinion was increasingly disqualified, removed from the sphere of influence as it were. Its extreme distress, which it clearly attributes as much to the belief that the government was beyond being influenced as it does to the bill itself, of course gave the government the excuse it needed to claim that emotion, not reason, was the ground of a response that was, given the increase in circulation, clearly appealing. The *Sakti* (10 Feb. 1891), for instance, describes the desperation of "the Hindus" as follows: "But though they have become mad, they are not violent; though they are alarmed, they are not desperate; though they are uneasy, they are not disloyal. And that is why they are still imploring the Government and flooding its feet with their tears. Is there another such loyal

people upon earth?” (Bengal NNR, week ending 21 Feb. 1891, para. no. 25).³ Likewise, the *Dacca Gazette* (7 Sept.), in one of many impassioned appeals, addressed to the government, exclaims, “You will not understand our hearts’ language, you will not hear our hearts’ cries. If you hear our hearts’ language you will excommunicate us; if we give expression to our hearts’ language, you will take up the punishing rod, and yet you will attempt to force, in the fullest measure, your own hearts’ language into the heart of our hearts” (Bengal NNR, week ending 12 Sept. 1891, para. no. 89).⁴ Finally, the *Bangavasi* complained bitterly of imperial grammar as that by which the exclusion of the Hindu worldview is managed. In an 11 April 1891 article, the paper writes, “Government wishes to civilise us, for it seems we are a people who are extremely uncivilised and barbarous and steeped in superstition, who possess very little knowledge of right and wrong, and who subject their women to gross ill-usage, nay, commit bestial oppression on their girls” (Bengal NNR, week ending 18 Apr. 1891, para. no. 36). In another, the paper is equally ironic as it goes over the familiar territory of imperial discourse. “It was only on the 19th of March that the proposition was proved that we, especially the Hindus of Bengal, are rude barbarians—aye, unlettered abortions; that we constantly subject our daughters and girl-wives to brutal ill-usage; that our religion is made up of fearful, odious, and revolting rites” (11 July 1891, Bengal NNR, week ending 18 July 1891, para. no. 51). Savage critique, barely disguised as an ironic owning of stigma, is as much of discourse that effects an exclusion of the conservative Hindu community from the public sphere—through its well-developed vocabulary for conceptualizing the Indian as native—as it is of legal and other actions taken by the government (Hindu reformers are not exempt from the critique either, considered to be complicit with the government).

The Age of Consent Bill proves to be an unusually interesting moment in the developing story of press-government relations because of the history it set in motion as, once again, newspapers of the Indian press expressed outrage at legislative reform, in their terms interference, and once again the government decided on legal action. The critical difference in what was an already established drama, you might say, was the decision made to attempt classification of texts—in which negative affect is claimed by newspapers to be affect-induced by government policy—as a crime against the state. It is probably not a coincidence that the very notion of an Indian public and public sphere was also much better developed than it had been in the 1870s. This is suggested by the concerns the *Bangavasi* expresses over the progressive delegitimizing of a Hindu worldview; a concern it ensures is aired in public (in fact, it claims that

leading figures in the Muslim community share concerns with the Hindus). Indeed, the bill appears to have been a pretext for both the government and the press: On the one hand, the government's discomfort was with a rapidly expanding and hostile press, which is regularly a complaint in administrative reports, and its interest, in large part, was in putting the ambiguously worded Section 124A to the test. On the other hand, the bill was where the conservative Hindu press could, and did, address the fact of a government-regulated Indian public sphere.

This, then, I consider to be the more important story that contextualizes the *Bangavasi* trial. The recently formed Indian National Congress, and more generally speaking the emergence of a western-educated elite, could be used by the government to prove a *real* (read "imitative") public sphere was in the making. Its very possibility, of course, removed the *other* public sphere, developing in the press since the 1870s, even more firmly to the place of the nonmodern other. This I gather from the report produced by the "Committee appointed to consider the question of the enlargement of the functions of the Provincial Councils," which appears in the January Proceedings of the Home Department (Proceedings of the Home Department, P/3650, Jan. 1890, prog. no. 319) but was filed some time before 6 November 1888, when it was forwarded to the Secretary of State for India by the government of India. The report advises the government of India that the councils should be expanded *only* if more effective means for dealing with a press catering to "an ignorant and credulous population containing elements of superstition, lawlessness and fanaticism" (prog. no. 319) could be found.

The association of the two issues—greater Indian participation in public affairs and greater restraint of the periodical press—is an open admission that public opinion is best left to the "intelligent and educated and influential classes" who, the report points out, will be consulted through representatives appointed to (newly) liberalized provincial councils. The report concludes the following:

We think, therefore, that when facilities such as we have recommended are given for the effective expression of public opinion, and for associating the intelligent and educated and influential classes with the Government in the administration of public affairs, the opportunity should be taken to carry out measures calculated to protect the Executive Government and its officers from the license which now prevails, and to guard the public peace by checking the promulgation among the ignorant and excitable multitude of doctrines dangerous to law and order. In this way the liberalization of our institutions for Local Government would go hand in hand with the provision of safeguards against the propagandism of disorder. (prog. no. 319)

A lengthy attachment of “Extracts from some of the Vernacular and Anglo-Vernacular Newspapers in India” (Proceedings of the Home Department, P/3650, Jan. 1890, prog. no. 320) accompanies the document. The government of India responded to this complaint about the press by restoring the power of prosecution to local governments and administrations,⁵ but not without sounding a cautionary note. In a confidential memorandum dated 31 January 1890, the secretary to the government of India informs local governments and administrations that the governor general “has the fullest confidence that they [local governments and administrations] will abstain from prosecuting except when the offending journal has intentionally adopted a seditious or criminal attitude and tone” (Proceedings of the Home Department, P/3650, Jan. 1890, prog. no. 323).

In April of the following year, the inadequacies of the Indian press are urged by the Bengal government, accompanied by a recommendation that the government of India consider the more extreme measure of using criminal rather than an amendment of existing press laws. The 20 April 1891 memorandum reproduces, verbatim, an entire paragraph from the 1890 report, acknowledging that it is doing so. The lieutenant-governor, the memorandum informs, “thinks it will not be superfluous to restate the main arguments which have been used” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 260), arguments that include the following:

[M]easures intended to bring the growing license of the newspaper press under effective restraint are especially necessary in India, where we have an ignorant and credulous population among whom only a small minority can read or write. It has often been pointed out that in enlightened Western countries misrepresentation, written or oral, of the acts or intentions of Government or its servants may be safely left to exposure in the columns of newspapers which support the Government, or to the speeches of public men, but that no such safeguard or resource is available in India, where the Government is daily exposed to slanders and misrepresentations of the grossest character. (prog. no. 260)

In other words, the Bengal government, once again, describes a press that is incapable of producing a responsible political culture. Exceptionalism, as a necessary feature of government in the colony, is an argument that is acknowledged in the report (it would be acknowledged repeatedly to justify a legal structure in which the executive was granted extraordinary powers) as much as exceptional response is an argument that is acknowledged in the Indian press’s depiction of colonial rule as a state of emergency.

Soon after, the Bengal government initiated the process that would conclude with the charging of the *Bangavasi*. The newspaper was one of many that John Edgar claims was hostile to the government of India in a memorandum dated 13 June 1891 and sent to the latter.⁶ The implication that the press posed a serious threat to the government of India makes clear how critical the NNR was to the process. “[W]eekly reviews prepared by the ‘Translator,’” Edgar informs, have led the Lieutenant-Governor to believe “a change for the worse has recently come over the Vernacular Press” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 261). The problem, to which all such government correspondence admits, is the gap between its own conclusions about the press and law (Section 124A), which, when put to the test, stood to validate such writings if the attempt at prosecution failed. Thus the joint report issued by the three legal advisors appointed to the case—C. G. Paul, the advocate general; J. T. Woodroffe; and G. H. P. Evans—states, “[I]f any prosecution is to be undertaken under the section in its unamended state we are of opinion that these articles constitute as strong a case of seditious writing as can be looked for, and that there ought to be a conviction” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 271).⁷ However, it warns, “The vagueness of the section and the difficulty of ascertaining its real meaning and of prosecuting under it have been already pointed out in our former opinions” (prog. no. 271).

The joint opinion is the initial document in which we witness the emergence of a dominant opinion, within the Bengal government, of Section 124A and a consolidation of the legal hermeneutics by which Indian newspaper articles, and thus public political culture, would be first and foremost a legal text. Individual reports filed by the three legal advisors indicate that there was a significant difference of opinion, which is not represented or mentioned in the joint communication (of course, all reports were filed, thus making this difference of opinion part of the record. The absence of further debate, given the significant difference of opinion, is striking). Whether for reasons of law, or principle, a view other than that which was to dictate the prosecution’s line of reasoning in the courtroom is taken by the advocate-general (who appears not to have played a key role as counsel for the prosecution). In his report, dated 19 July 1891, Paul insists that the charged articles, which, in his opinion, produce “sullenness,” “a morbid or apathetic state of feeling,” and “a feeling of indifference for the welfare of the Government” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 268), do not constitute an “overt act” of defiance. In his words, “A person who possesses a disloyal disposition and harbours ill-feelings towards the existing

Government with which he is thoroughly dissatisfied, *unless he manifests such disposition and ill-feelings by an overt act*, such as a breach of the Criminal Law, commits no offence under the Indian Penal Code. It is difficult, therefore, to understand that persons who only produce or attempt to produce in others the last-mentioned disposition and ill-feelings, and nothing beyond, are guilty of an offence under the same Code” (emphasis added; prog. no. 268). Paul’s objection to interpretations that ignore such a requirement—speech that prompts to “acts of violence,” not speech that produces “sullenness”—is equally strongly worded. “[A]ny other rule of construction would remove the subject of section 124A from the arena of law to the regions of metaphysics and psychology,” he insists (prog. no. 268). The distinction he draws, as I understand it, speaks directly to the historical moment in which overt expressions of “ill feelings” toward the government were not part of any organized resistance where, indeed, complaint was the normative mode, not propaganda.

Given the liberal view of the law Paul holds, it is not surprising that he is also the lone voice of dissent in his reading of the political economy of colonial rule. In what is a rare acknowledgement in government culture of the absolute distance between imperial narrative and the reality of colonial rule, he writes, “Perfect loyalty can scarcely be expected from a conquered race, and it is not possible to believe that the Indian Legislature intended to devise a means of reading the thoughts or gauging the feelings of subjects by punishing persons supposed to produce disloyal thoughts and inimical feelings” (prog. no. 268).⁸ Thus he advocates a tolerance of public expressions of resentment and warns the government against reading affective texts, which he describes as an effect of colonial rule, as disloyalty-in-action.⁹ Paul’s concern over the distortion of the law, which he clearly expects, and his intriguing backseat presence in the courtroom reveals the 1891 trial to be a legal moment of potential that is foreclosed.

There is, possibly, no clearer statement of the use to which law was (intended to be) put in this crucial moment than in the fact that Paul’s views and objections are nowhere acknowledged in the joint report. In fact, he was asked by the Bengal government to reconsider his opinion.¹⁰ The views held by the other two legal advisors, views that dominate the joint report and the trial, emphatically refuse Paul’s reading of the statute—the intention as it was clarified by Stephen in council—and the reading of the articles that he, Paul, provides. Since it is a reading that is replicated in the trial by L. P. Pugh, officiating standing counsel, and this reading, in turn, was to be the precedent for subsequent trials, its impact was enormous. The intent established by the articles, the joint report claims, is to excite “hatred” of government. “Throughout these articles,” it advises,

there is an attempt to excite in the minds of others the same feeling of fierce hatred of the English Government of India as animates the writer, to represent that Government as the persecutor of the Hindoo religion, the cause of all poverty and distress and famine and of immanent ruin, moral and material to the people. In the last article it is represented that the death of the whole population from starvation must ensue and that the cause is the Government of India by the English which is a curse to the country and bringer of innumerable evils in its train.

Coupled with these representations there are statements that the people are too weak and dispirited to rebel and throw off this hateful yoke and a suggestion that they would be right in doing so if they could, and indicating that the writer is aware of the possibility of such feelings as he is trying to inflame resulting in the use of force. (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 271)

This first round of legal interest in the *Bangavasi* articles identifies the affective dimension of the critique as the only and proper concern of the law. Comparing the extracts with their summaries in the report reveals more of the act of legal interpretation that was under development: the legal team willfully misreads the affective dimension of the texts, which are at least on the surface self-negating. It is, of course, possible that such texts were instrumental, disguising critique as extreme self-reproach, as Darnton has suggested of post-1857 writings. It is equally possible that they were not entirely disingenuous. Fear, humiliation, and an ironic owning of the stigma of “uncivilized” are themes that recur in the press. In one of the charged articles, for instance, the writer laments the inability of the Indian to resist while appearing to flatter the English for their prowess: “You are not wanting in might; you can plainly avow this and take action. We are wanting in strength, downtrodden, without prowess, without power, and without courage. We cannot say nay to your wishes, or oppose them” (“Our Condition”; Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 276). The strategy, as well as theme, is repeated in “The Revealed Form,” if in less cautious terms. There is a rather bold statement of disgust for the English and simultaneously, a claim of dread of the English: “In enacting the Consent Act, the English, being drawn into the revolutions of the wheel of circumstances, have cast off both the mask and the slough. There stands before us now the dreadful, monstrous, disgusting, naked form of the Englishman; our heart trembles at the sight of this form” (prog. no. 276). In a third, there is an ironic owning of the postorientalist narrative in which Indian languages are “barbarous” and the Indian “uncivilized”:¹¹ “We may not understand the well-refined feelings of the Englishman; the Englishman may perhaps understand our uncivilised feelings. At least, there is no harm in hoping

so. But it will not do to adopt civilised language and civilised methods in order to comprehend our civilised feelings. We must undisguisedly express our feelings in Bengali, Hindi, and other barbarous languages. It would be well if henceforth all will unitedly make this attempt" ("For the Uncivilised, Undisguised Policy is Good"; prog. no. 276).

One does not of course expect a sophisticated literary analysis that would, say, make something of the paradoxes that the translated *Bangavasi* extracts display. But one might reasonably expect linguistic and cultural translation to be identified as mediations, arguments that threaten the confident discovery of antigovernment meaning, which the legal team advises is in place. Indeed, translation would be introduced by the defense at the trial, to little effect. Its absence here does little more than point to the fact that translation was not expected to pose a significant legal challenge to the Crown's case in the same way that the language of Section 124A was. Yet it is precisely the inadmissibility of arguments that were most threatening that shadows the legal confidence of the collective report, as it does the trial. Translation is, as Tejaswini Niranjana's influential study demonstrates, a key technology of colonialism precisely because it successfully produces the colonized as "objects without history" by successfully maintaining a paradox—producing an "original" in translation (3). This indeed is what the NNRs do and what the defense in legal court rooms, where the claim made repeatedly was of linguistic and cultural mistranslation, seek to specify.

Lastly, the collective opinion establishes a theory of the (native) reader that refuses the notion of the undecidability of (native) text, laying claim to transparency of *native* intent to the (English) reader. "Representations like these," the report goes on to claim, "addressed to 250 millions of superstitious people whom experience shows can be moved to forcible resistance by religious excitement must we think be taken to be attempts to excite feelings which if fully aroused would not only be incompatible with a disposition to obey and assist the Government but are compatible only with a disposition to disobey and to use force when occasion offers in order to subvert a tyranny of so odious and intolerable a character. There runs throughout this seditious intent" (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 271).

Via a stereotype, reflected in well-worn phrases such as "superstitious people" and "religious excitement," Indian reading publics emerge in this government text as a fully knowable site of irrationalism. The readership, the "implied reader," is considered identical with the "intended reader" (the reader the author is presumed to have in mind),¹² uniting author and readership in a single community of meaning. And, the government as reader as well as legal reading of the *Bangavasi* articles are rendered

consistent, a point made somewhat emphatically in the comment “We are of opinion that some of the articles from the *Bangabási* laid before us [are] punishable under section 124A, *whichever interpretation* may be put upon it” (emphasis added; Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 271).

In the trial, however, we witness a potential for an unraveling of the confident claim made in the report filed by the legal advisors—about the psyche of the collective readership as much as its education—to take place. The presiding judge, Chief Justice W. Comer Petheram, and the Crown counsel identify different classes as the *Bangavasi*’s subscribers. This in a trial in which the assumed character of the readership had a direct bearing on the crime of “disaffection,” should have been important. In his address to the jury, Petheram states that the articles “were not addressed to the lowest or most ignorant mass of the people” but to “people of the respected middle class, who could read and understand their meaning, more or less the same class as the writers” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 279). Presumably, Petheram considers the newspaper dangerous for precisely this reason. Pugh, on the other hand, identifies the “people of the lower classes” as the readership (Indian Law Reports, Calcutta Series, V/22/19, 38). In the trial records that remain, the difference in opinion remains unacknowledged. In the colonial legal imagination, the Indian periodical press would, monolithically, continue to be an abstract figure, legally bodied, as “millions of superstitious people.”

In sum, the discussions that take place within the Bengal government, with little evidence of any real debate having taken place, are a critical part of the story of the press-government legal confrontation. They describe the process by which a conservative reading of the law emerges as a dominant frame of reference, sidelining the liberal. More important is the fact that the process disallowed a definition of “representation,” of Indian political critique, that would have been commensurate with the reality of colonial rule which Paul so clearly sees, from gaining legal acknowledgement. Put simply, there was no place for resentment in the legal definition of empire loyalism.

THE TRIAL OF THE BANGAVASI AND THE PRODUCTION OF INTERPRETIVE COMMUNITIES

The *Bangavasi* will be tried. What has been done in the Police Court is only a prologue to the trial. The real trial will take place in the High Court. A Judge of the High Court and nine jurors will sit at the trial. Nine men will be selected from among the respectable persons whose names are in the jury list. Englishmen and Bengalis, respectable men of all nations are

included in the jury list. But then at the trial, those among the jurors against whom there will be any objection, either from the side of the plaintiff or from that of the defendant, will not be allowed to sit at the trial. After the jury has been empanelled in this way, the trial of the case will commence. The Judge will simply interpret the law, but whether the defendants are innocent or guilty will depend on the verdict of the jury. In case a difference of opinion arises among the jury, the Judge may accept the opinion of the majority or dismiss that jury and try with a new jury. If the *Bangavasi* is proved guilty in a jury trial of this nature, then, and then only, will the *Bangavasi* be punished, and the Judge will fix the amount of punishment.

Jurors take oath that they will try impartially. There is no cause to fear partiality in the decision at which respectable gentlemen arrive after taking oath, weighing all evidence, and considering what has been urged on both sides. This is one great glory of the English Government's administration of justice. The *Bangavasi* will also be tried in this way. It is for this reason that we say that we are grateful to the English Government. (*Bangavasi*, 15 Aug. 1891, Bengal NNR, week ending 22 Aug. 1891, para. no. 37)

To say that the *Bangavasi* is audacious in its reporting of the case against it is to point out only the remarkable distance there was between the trial (the records render the accused invisible) and the public arena. It is to point out also how very proficient the press was in the language of the law, producing oxymorons like the one we find in this extracted article: The *Bangavasi*, charged with being an enemy of the government of India, expresses gratitude to the government (surely a literalizing of the claim made under Section 124A that critique accompanied by loyalty is legitimate critique). How tactical this article, published on the eve of its trial, is can be assessed by juxtaposing it with one that appeared in July, where the newspaper also claimed loyalty, while slyly insinuating that the Indian public was homologous with that of revolutionary France. The *Bangavasi* writes "We have not amongst us disloyal writers and speakers, or seditious newspapers like those that flourished during the French Revolution. Our detractors must therefore admit that we are only partially and secretly disloyal. And then if we are not really disloyal," the article adds in a note of warning to the government,

it is extremely impolitic to allow us to be called disloyal. It will be no wonder if, smarting under the abuse, we really become disloyal by degrees. That will be no small danger for the English Government. The day on which these 20 crores of Indian people, no matter whether disarmed or famished, weak or dispirited, will become rebels only in their minds will be a day not far removed from that which will hear the solemn dirge of the

English Government sung in India. The very thought of that day causes a shudder. (11 July 1891, Bengal NNR, week ending 18 July 1891, para. no. 50)

The warning is hardly subtle; the paper acknowledges loyalty to be an unusually nuanced concept in the colony (empire loyalism, the article suggests, includes partial disloyalty and secret disloyalty, both of which are to be distinguished from the “really” disloyal kind of disloyalty)—a nuancing, with its many silences, that it warns government against rupturing. Secret and partial disloyalty ought to be disregarded, it warns the government, precisely because such a definitional range enables equilibrium.

Given the timing of this article, and from the little that remains as an extract, it is impossible not to situate such a comment in the context of a statute (Section 124A) that announced the feelings of the Indian population to be the proper concern of criminal law. And its approach to the issue takes the trial out of the realm of the ordinary (where the government sought to confine it) and into the symbolic, in the process inflecting the notion of censorship by showing its different function and meaning in the colony: a legal reengineering of relations between the press and the government stands to destroy a delicate balance and equilibrium that is, in turn, based on an unspoken agreement of unusual relations between people and (foreign) authority. In the language of the translated article, the agreement is acknowledged in the nuanced concept of loyalty. Thus in the extract, the newspaper dramatically concludes by being proleptic and denying the very future it has imagined at the same time. The day on which “20 crores of people” withdraw their consent (are “really disloyal”) is the day that will sound the death knell of the “English Government in India.”

This, I hope, acts as something of a context for examining the trial. The case against the proprietor, editor, printer, and manager of the *Bangavasi* (the author[s] could not be located) was first heard on 7 August 1891 in the court of the magistrate of Calcutta where it was determined that the case should proceed to sessions.¹³ The four were charged under sections 124A and 500 (on defamation) of the Indian Penal Code. The sessions trial, presided over by Chief Justice W. Comer Petheram, was held in Calcutta between 19 August and 24 August 1891, in front of a special jury. The charge of defamation (“by publishing and causing to be published the words therein set forth, defamed the Government” [Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 275]) was dropped following the defense’s claim that the government could not be defamed.¹⁴ The charge under section 124A for “attempt[ing] to excite feelings of disaffection to the Government established by law

in British India” (prog. no. 275) in articles that had appeared on 24 March, 16 May, and 6 June 1891, respectively, remained. In addition to five articles that were charged (translated by the high court translator), nine supplementary articles, translated by the Bengali translator to the government, and three articles filed by the counsel for the defense (translations corrected by the high court translator [Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 274]) were produced in court. Pugh, along with Woodroffe, Evans, and Dunne (barrister) appeared for the Crown.¹⁵ Jackson, N. N. Ghose, Graham, and Sinha appeared for the accused. We learn from the NNR extracts that the trial was conducted in English but that at least in the magistrate’s court, Pugh’s and Hill’s speeches were translated into Bengali.

The chief justice’s charge and an abbreviated summary of the case in the Indian Law Reports (Bengal) are the primary sources that remain of the trial.¹⁶ Thus textual indeterminacy is exacerbated by the fact that the trial is an embedded text. In both, the courtroom debate over Section 124A is more extensively reported than is the debate over the charged material. However, from the presiding judge’s remark to the jury, summarized here by the notetaker, that “these articles had been read and reread to the Jury so frequently, that his Lordship did not consider it necessary to discuss them in detail again” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 279), we know that there was considerable debate over the articles. Of the little that remains of this debate, it is the Crown counsel’s reading that dominates the reports. As we might expect, in this first courtroom reading of a literature of complaint, the established governmental narrative of Indian political sensibility is given a modern twist, framed as it is by the modern problem of propaganda (to which the language of Section 124A speaks). The intention of the articles, Pugh claims, is clear: They are “directed to inflame the prejudices of people of the lower classes by appealing to their superstitious feelings. With this object the British Government were compared to revolting characters in the Hindu mythology” (Indian Law Reports, Calcutta Series, V/22/19, 38). Articles referring to “famines and high prices and charging the Government with persecuting the Hindu religion” intend “to make people discontented and dissatisfied,” and not merely to critique government (38), he argues. And speaking more generally, he maintains that “in these articles no attempt at a *reasonable* discussion of the Age of Consent Bill is to be found. There is nothing but vituperation and invective” (emphasis added; 38). Persuasion, the argument made here claims, is a matter not of fact but of rhetorical ingenuity.

The hypostatic figure of the Indian, of imperial discourse and now of legal narrative—superstitious, prejudiced, and emotional—layered over

by the nineteenth century definition of public reason (“reasonable discussion”) opens up as gap the substantive critique of government that the periodical press consistently provides. Little, of course, needs to be said about Pugh’s inability to keep his own revulsion, over a comparison of the English to “revolting characters” of Hindu mythology, out of the courtroom, or of the fact that it does not lead to a questioning of his judgment by others in the courtroom.

The defense’s argument is the more intriguing of the two. It is where arguments erased in administrative texts as well as imperial narrative are admitted. That this very first legal admission of colonial India’s negative history was authorized by a primarily British counsel for the defense must have left its own visual imprint; it was, after all, reverse ventriloquism and it fired the imagination of a watchful Indian public.¹⁷ Jackson’s strategy, judging by the few comments there are in the law report and in the Bengal NNR, drew heavily on Stephen’s interpretation of Section 124A and on the notion of cultural difference for determining the criteria by which seditious libel was to be determined in the colony. The law report states, “[Jackson] argued that they contained no direct incitement to rebellion or the use of force, and did not exceed the bounds of legitimate criticism, when allowance was made for the difference between European and native methods of thought and the conservative character of the paper. He also referred to the arguments for and against the Age of Consent Bill” (Indian Law Reports, Calcutta Series, V/22/19, 43). Where exactly Jackson saw “native methods of thought” register in the articles charged is, unfortunately, nowhere recorded. But clearly, cultural translation was used by him to destabilize the assumptions of transparency and determinacy of text that the Crown counsel claimed. Further, from Petheram’s address to the jury we learn that Jackson’s reasoning depended, to some extent, on establishing that the ‘theme’ of the articles—the substantive critique—was a matter of fact, allowing him to claim that the critique was legitimate. Petheram first reports, “Mr. Jackson had urged that all that had been said in these articles was incontrovertible, and that, inasmuch only facts had been stated, nobody had a right to complain” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 279) and then reports his own rebuttal of Jackson’s point: “then the question arose whether, by a partial statement of facts, the true state of affairs had not been so misrepresented as to cause disaffection” (prog. no. 279). To the claim of the right to critique when critique can be proved to be valid, Petheram responds by counterclaiming that dishonest intent (a given, in his view) distorts the critique and it is the intent that is the proper concern of the law. Thus where the defense draws attention to the emergence of a critical consciousness, the Crown prosecution draws attention to

the forms of expression. But the defense does appear to have countered the prosecution's reading, submitting articles on the age of consent bill, which the articles treat in much more conciliatory ways than do articles that display grief and which are conspicuous in their protestation of loyalty. In fact, instead of the force of public opinion—which, I would remind, is invoked in other *Bangavasi* articles—in the articles submitted by the defense, the paper advises readers that loyalty is the *real* place of empowerment for the colonized (not law). Titled “Triumph of Loyalty” (*Bangavasi*, 31 Jan. 1891), the first describes loyalty as the colony's strength and thus its *real* weapon: “Brethren, again we say have patience in this hour of calamity. Impatience may lead to evil. Loyalty is all that we have; loyalty is our mainstay; loyalty is our friend. By the strength of this loyalty we shall get the better of our English Rulers. The two lakhs of muskets and ten thousand cannons that the British possess shall not be able to withstand the force of this unlimited and inexhaustible loyalty of ours. Armed with loyalty, we shall this time defeat the English in the contest” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 278).

Clearly, critique is sought to be counterbalanced by repeated protestations of loyalty, and Jackson's strategy of contextualizing the charged articles by such articles seems to function as a claim that if the surface of text can be considered an index of criminal intent, the surface of other texts, in which loyalty is protested, is not to be dismissed as disingenuous.

The wrinkle in this otherwise expected exercise is Petheram's leading interpretation of the charged material. In a direct countering of Jackson's position, he says, for instance, “If the translations, especially of the passage referred to by Mr. Jackson, was correct, the writer not only intimated, but pleaded, that rebellion against an alien ruler is not a crime; rather it is to be commended if there is a possibility of its being undertaken with success” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 279). The articles, he admits, describe real conditions: “Till June the articles go on steadily on the line which seems to have been adopted. These articles described the grievances of the people, and stated that famines were prevalent, epidemics were of common occurrence, that riots were taking place in several parts of the country, and described the condition of the people as one of extreme poverty, *which was an undoubted fact*” (emphasis added; prog. no. 279). As has been mentioned earlier, he claims the facts are only partially acknowledged and hence the articles are a distortion of the truth. And in what can only be read as a leading statement, he instructs the jury on the need to take intent into consideration. “They would have to consider,” he says, “whether the articles were intended to give the people an untrue account of the state of things that

existed, or whether there was simply an expression of disapprobation of the measure which Government had introduced.” Petheram’s bias makes the rest of the directive point clearly at guilt—the jury is to consider “whether there was not, by understating some facts and distorting others, a deliberate attempt made to hold the Government up to hatred and contempt, and thus attempt to incite the people to feelings of disaffection” (prog. no. 279).

In case we are tempted to think that the trial is conducted by Petheram without the differential nature of the colony, with its different relations between people and government in mind, consider the fact that, in his charge to the jury, he turns into an incriminating factor what Paul wished to register as an exoneration when he said perfect loyalty could not be expected of the colony. Petheram warns the jury that in considering the impact the articles were likely to have on their readership, they ought to remember “the relations between the Government and the people, and having considered the *peculiar position of the Government* and the consequence to it of any well organized disaffection, the Jury would have to decide whether there was an attempt or not to disseminate matter with the intention of exciting the feelings of the people till they became disaffected” (emphasis added; prog. no. 279).

As for the courtroom argument over the language of Section 124A, it seems nothing short of farcical. In the Crown prosecution and the defense’s competition to secure the meaning of Section 124A, a curious struggle takes place over the Indian body politic. In the prosecution’s reading of the statute, the colony emerges as dangerously affective and stands accused of harboring a “dislike” of the government, based on a dictionary definition of “disaffection.” Disaffection, Pugh argues first, “is a wide” term and “does not necessarily point to a direct incitement to rebellion or any particular form of force” (Indian Law Reports, Calcutta Series, V/22/19, 39). He cites as precedent uses of a dictionary definition of the term in an English courtroom. It is used, he adds, “in the State trials for seditious libel before the Commonwealth, and in Ludlow’s *Memoirs* as applicable to persons discontented with the Government, who did not show their discontent by overt acts. The meaning is ‘to be or cause to be without affection, attachment, friendship, regard, love, or goodwill; to dislike, to have discontent, to dissatisfy, to discompose.’—*Metropolitan Encyclopaedia*, 1845” (39). As chapter two mentions, the term was indeed used in trials, to describe the absence of positive political feeling for the state, but what Pugh neglects to mention is that “disaffection” was not a statute term.

Pugh's definition, to be repeated by Petheram, directs itself against the speeches in which Stephen claimed that seditious intent is to be established definitively, which, as we would expect, is the argument Jackson makes—an argument that is continuous, also, with the meaning offered by Paul, which, as we have seen, was the minority opinion in its own context. As much as Pugh's attempt is to restrict the discussion of the statute to a literal meaning (of “disaffection”), Jackson's attempt is to make the function of the law on seditious libel the deciding factor. It is a strategy that forces to the surface the very issues the Crown prosecution's limiting of discussion suppresses: the right of the Indian public to “modern” political subjectivity anchored in the right to the safe expression of political opinion. His statement reads,

Sir J. Stephen in introducing the present section explained what the law of England then was, and stated that he proposed that section 124A should be passed into law, because if there were no provision in the law of India, the offence would fall under the common law of England, and would be more severely punishable; and he most distinctly asserted that there must be an intention to resist by force or an attempt to excite resistance by force before the offence could be brought under the present section . . . the clause as it stands insists on a distinction between disaffection and disapprobation. A person may freely say what he pleases about any Government measure or any public man as long as it is consistent with a disposition to render obedience to the lawful authority of Government. In connection with this subject Sir J. Stephen has clearly said that the freedom of the press would not be curtailed so long as the principle above laid down was adhered to. Sir J. Stephen has pointed out that articles far more violent than the ones which have been made the subject of this prosecution had appeared in the English newspapers in India and had passed unnoticed. (Indian Law Reports, Calcutta Series, V/22/19, 42)

The point Jackson makes is a point made in the lengthy *Sanjivani* extract of 15 August 1891. It describes the potential there is, in the statute, for a legal acknowledgment of the right to freedom of speech in the colony. However, depending, as Jackson's argument does, on Stephen's speeches for its own legitimacy, which as Pugh is quick to point out are just that—legal commentary and not statute itself—it has little effect. It is, in fact dismissed and sidelined, we might say, by Petheram, who filters his direction to the jury on the language of the statute through a rebuttal of Jackson's reading (he does not address Pugh's reading, not in his charge anyway and not at any other time, judging by the reporting of the case in the law report).

In his own interpretation of the language of the section, Petheram offers a definition of “disaffection” that resists all attempts to ascribe complexity to the clause, its meaning, and function. In effect, it achieves a reduction of the difference spelt out in the “explanation,” a difference that Stephen, Paul, and Jackson in their different capacities and interests, emphasized, namely, a distinction between speech intended to merely excite disapprobation and speech intended to excite “unlawful attempts to subvert or resist” the authority of government, which, they insist, is proved only in the intention to incite others to use force. “Disaffection” is simply the opposite of “affection” and this dictionary meaning is sufficient unto the legal context of its use, Petheram states in his charge to the jury:

The gentlemen of the Jury were thoroughly acquainted with the English language, and must know that there was a very wide difference between the meaning of the two words disaffection and disapprobation. Whenever the prefix “dis” was added to a word, the word formed conveyed an idea the opposite of that conveyed by the word without the prefix. *Disaffection meant a feeling contrary to affection: in other words, dislike or hatred.* Disapprobation meant simply disapproval. It was quite possible to disapprove of a man’s sentiments or action, and yet to like him. (emphasis added; Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 279)

“Disaffection,” in turn, he unproblematically folds into “hatred and contempt” of government. Thus “disaffection” is given a wide scope, not the least because it identifies feelings and emotions as the place of offense and because it does not distinguish between “ill will,” “dislike,” and “hatred.” In his direction to the jury, Petheram offers a leading comment on the most ambiguous feature of a law that encouraged the jury to consider the status of texts as speech acts. Since the times in which the articles were published were times of great public excitement (“The feelings of the people were worked up on the ground that their religion was being interfered with, nay even destroyed, and the Jury would have to consider the tendency of such writings at a time, as the writer puts it, of great public excitement” [prog. no. 279]), he asserts, the articles themselves could be determined to be speech acts that moreover establish also the intention of the writer(s). “It was sufficient for the purposes of the section that the words used were calculated to excite feelings of ill-will against the Government and to hold it up to the hatred and contempt of the people, and that they were used by him with the intention to create such feeling” (prog. no. 279), he instructs.

By this point, it is clear that the “author” was a figure in the legal imagining, Jackson having attempted, and failed, to argue that there was

no case since the author could not be found (Section 124A, he contended could apply only to the author),¹⁸ as the prosecution had admitted. Quite literally, then, the trial establishes the author as a function of text, the real author being legally determined to be inessential to the point at hand. And since the reading audience is considered knowable, also from the texts, a *native* “body” anchored in a propagandist sensibility emerges as the norm. Since Petheram’s interpretation of “disaffection” was to be cited in the 1897 Tilak trial, and via the latter, in subsequent trials, the ruling effectively dismissed the possibilities contained in the minority culture’s interpretation of the law.

Judging by some of the Bengal NNR extracts, the Indian press was concerned that just such a disabling reading of the clause would be the precedent-setting reading. The *Sanjivani* of 15 August expresses anxiety about the structural ambiguity built into the clause because of the indistinct terms “disaffection” and “disapprobation” and announces its distrust of Stephen’s choice of analogy to clarify the distinction between lawful and unlawful speech, cited earlier. Practically the same argument is rehearsed in other newspapers. The *Uluberia Darpan* of 10 August 1891 says, “In the course of his speech on the occasion of inserting section 124A into the Penal Code, Sir Fitz James Stephen said, that those alone should come under its operation, whose object was to subvert Government, and that it would not apply to the case of those who, though criticising the acts of Government in very strong language, did not harbour any such intention” (Bengal NNR, week ending 22 Aug. 1891, para. no. 47).¹⁹ The *Dainik-o-Samachar Chandrika* of 20 August, in an article that draws out the symbolic nature of the legal act, refers equally anxiously to Stephen’s explanation of the section, saying, “In his speech on the occasion of inserting section 124A in the Penal Code, the framer of the new section, Sir James Stephen said:—‘So long as a writer or speaker neither directly nor indirectly suggested nor intended to produce the use of force, he did not fall within the section.’ It will be for the jury to decide whether the *Bangavasi* sought to excite people against the Government” (Bengal NNR, week ending 22 Aug. 1891, para. no. 53). The anxiety in all instances impresses on us that the Indian press was attempting to make what Stephen had said in the confines of the governor general’s council between August and December 1870 a matter of public record.

It is difficult to know how seriously Pugh and Jackson took the trial, given the paucity of information. That Petheram did is suggested by his controversial decision to accept only a unanimous decision.²⁰ The Proceedings of the Home Department notes that it took the jury an hour to decide and that it was split on its decision by seven to two with “no chance

whatever of their being unanimous” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 274). We find out from the petition submitted by the accused after the trial that seven jurors were European, one was Indian (Bengali), and one Armenian (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 282). The trial ended in a dismissal of the jury and the charge by the judge who offered as reason “that the case was not one in which he should accept anything but a unanimous verdict” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 274). The case was deferred to the next session, which was to begin 20 November 1891, and the accused were released on bail (prog. no. 274). Before the next session, the accused submitted a petition in which they professed their loyalty and the charge against them was dropped.

The meanings made, in hindsight, by a government with a failed attempt at prosecution on its hands would be amusing if it were not for the fact that the government redoubled its efforts in the next prosecution, of the *Kesari* and Tilak, and was successful in enforcing its view of Section 124A, thereby securing its view of Indian public “resistance” culture. In a memorandum to the government of India dated 9 September 1891, Edgar suggests that the government of Bengal had achieved what it set out to achieve in its bringing of the *Bangavasi* to trial. He writes,

In the first place, the interpretation placed by the Chief Justice in his charge upon section 124-A of the Indian Penal Code is substantially that contended for on behalf of the Crown, [and the interpretation of the section which has been held to be correct by the legal advisers of Government in the past has been definitely rejected.] In the second place, there can be no reasonable doubt that a majority of the Jury in the proportion of 7 to 2 were in favour of conviction, and that it was solely owing to what might be described as an accident that this verdict was not accepted by the Court under section 305 of the Criminal Procedure Code and the accused convicted. In future every Editor who admits a seditious article inciting his readers to feelings of disaffection against the Government will know that he is committing a breach of the law as laid down by the highest authority in Bengal, and will hardly hope to escape punishment through the chance that the Jury may disagree and that the Judge may again decline to be governed by the verdict of the majority. (brackets in original; Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 281)

It is difficult to see in this rewriting of government intention, which appears to be formulated with a public statement in mind, anything more than an attempt to salvage the situation. The conclusion that the trial was a model of clarity—“in future, every Editor who admits a seditious article inciting his readers to feelings of disaffection . . . will know that

he is committing a breach”—is clearly intended to balance the fact that the Bengal government had failed in its objective to secure a conviction (which the statement warns should not offer hope to the Indian press).

Having advised the government of India that the Bengal government was satisfied with the results after all, Edgar is further able to advise that the charges against the *Bangavasi* be dropped. He writes, “Government should gladly take the opportunity of shewing that it is not influenced by vindictive feelings, and he [lieutenant-governor] therefore proposes to instruct the law officers of Government not to proceed further in the matter” (prog. no. 281).

The government of India’s reply dated 17 September 1891 expresses agreement with the Bengal government’s views and discovers, in the event, that its own interest had also been of a symbolic nature. C. J. Lyall, the secretary to the government of India, writes the following to John Edgar:

The proceedings which were instituted under His Honour’s orders (with the approval of the Government of India) had it for their object to bring home to the conductors of the Native Press of Bengal that the disloyal and seditious utterances in which so many of their number permit themselves to indulge cannot be tolerated. The paper which was selected for prosecution by the Lieutenant-Governor, acting upon the opinion of his legal advisers, by whom the articles upon which the prosecution was based were chosen, was one of those which, since the passing into law of the Age of Consent Act in March last, had shown themselves conspicuously virulent in their attacks upon the Government. No prosecution under section 124-A of the Indian Penal Code had however been instituted since that section was added to the Code in 1870, and doubts had been expressed in various quarters as to the manner in which it might be construed by the Courts. The Government of India did not share these doubts, and were not prepared to admit that the law as it stands is insufficient. (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 285)

At the same time, the doubt that this precedent-setting case might send the wrong message to local governments and administrations—that Section 124A could be easily employed—emerges as a stated concern in the government of India’s reply. It warns that while the law “has now been clearly explained by the highest judicial authority in Bengal, and the interpretation put upon it coincides with that which the Government of India themselves attached to it,” “honest and independent criticism” must always be allowed full expression: “I am to say in conclusion,” writes the secretary, “that neither now nor in the future has honest and independent criticism, *however mistaken or even hostile*, of Government measures or the action of public officers anything to fear from the law, so long as

it is put forward in good faith and does not attempt to stir up hatred of the Government or attacks its inherent characteristics” (emphasis added; prog. no. 285). Thus the intention of the framers of the section Stephen in particular, is reaffirmed as an abstract principle held by the government of India. In reality, the Indian public was no more the wiser about what did or did not constitute “disaffection” or, indeed, hostile criticism than it was before the trial of the *Bangavasi*.

This conclusion is echoed, somewhat more ironically in the Indian press. The *Dainik-o-Samachar Chandrika* of 17 August 1891, for instance, taking refuge in the well-worn claim of rumor to advise the reading public of the *other* reasons for the trial, philosophically remarks, “When something unexpected happens, different people make different surmises about it.” “Some are saying” it continues, apparently quoting from unnamed sources, “Lord Cross has said no new law is necessary for keeping the newspapers in check; the section in the Indian Penal Code is sufficient. Lord Lansdowne and his Councillors want to see whether or not it is possible to check the newspapers under the existing section of the Penal Code. It is for this reason that they have charged the *Bangavasi* under sections 124A and 500 of the Penal Code” (Bengal NNR, week ending 22 Aug. 1891, para. no. 43).

COUNTERING COLONIAL LAW: EFFECTS OF THE LEGAL ENCOUNTER

There are some questions that this history prompts. The first is of the effects of this predicted encounter, one might even say belated (given the number of occasions on which the Bengal government considers prosecution between the 1870s and 1890s), between the government and the press. Although the *Bangavasi* trial would be overshadowed, practically erased, in public memory by the 1897 Tilak trial, it has the pre-eminence that moments susceptible of being read as originary moments do. As much as the introduction of a statute on “disaffection,” in 1870, looked forward to just such a moment as takes place in 1891, the trial in 1891 looks forward to the later, fully realized history of a criminalizing of dissent through the ideology of seditiousness, which grounds government legal narrative. The trial affects a significant change in the status of loyalty, the discourse. Having been instrumentalized in 1857 and developed as a different idiom in the 1870s, in 1891, it acquires the status of a legal formulaic, balancing harsh critique. In other words, in 1891 as much as in 1857, loyalty was the only discourse that had the potential to offer cover, this time legal cover. This I judge to be the case from the fact that the *Bangavasi*, which had the most to gain by being judged loyal, is equivocal in its addressing of the issue of loyalty: articles submitted by

the defense assign loyalty a force equivalent to that of physical violence. It was, of course, an entirely appropriate strategy: legally defined as an emotion (disaffection), not action, Section 124A sought to enforce a distinctively imperial structure of feeling. It is not surprising, then, that bonds of feeling are repeatedly claimed by newspapers when engaging in a critique of the government. As in 1857 and in the 1870s, in 1891, loyalty proved to be the equivocal horizon of colonial rule.

There are other notable effects. The countering of the legal story of the Indian press, in some Indian newspapers, made place for the ordinary middle-class male, who emerges as the heroic figure of colonial melodrama. Even though they themselves do not appear to have been described in articles covering the trial (the legal counsels, their arguments, and their courtroom presence are), the *Bangavasi* staff emerge as the victims of an overzealous government in the press in the months preceding the trial. In subsequent trials, writers, editors, printers, and proprietors, all members of an expansive middle class with little of the visibility that attended the actions and writings of prominent leaders such as Bal Gangadhar Tilak, gained public prominence.²¹ Thus the courtroom served as the place that powerfully communicated the possibility of involvement, in resistance, to the Indian middle-class male, who emerges as the heroic figure of the melodrama by which nationalist rhetoric would be seeded.

Indeed, the invention of melodrama, in 1891, as *the* genre of countercolonial discourse, was in its own way an experiment in the “social radicalism” that Raymond Williams mentions is the limited potential the genre has (*What I Came to Say* 124). Its use, in the reporting of trials, for instance, encourages alliances between classes of readers and displaces class in favor of race-based politics. Furthermore, melodrama’s overt concern with “ethical imperatives,” which Brooks has identified as its constitutive feature (*Melodramatic* 17), is thrown into dramatic relief in the polarizing of the prosecution and defense that at least one newspaper employed in its reporting on the trial. The *Hitavadi*, given prominent coverage in the Bengal NNRs, gives the Crown prosecution the force of authority and knowledge. Evans is “a thin figure with piercing eyes and a keen intellect,” who “[w]ith perfect composure . . . selected his weapons one after another, put them in order, and shewed that the *Bangavasi* meant to effect a revolution, and that the Sovereign could not feel herself at ease in consequence of its writings” (5 Sept. 1891; Bengal NNR, week ending 12 Sept. 1891, para. no. 17). Pugh’s opening address is “a very long speech thickly interspersed with illustrations and figure [sic] of speech taken from history, fiction, the Shastras, and the Puranas” (para. no. 17). Jackson, the chief counsel for the defense, on the other hand is described in

the same article as “a tiger among men,” a stature that is further cemented by mention of the crowd that gathers to hear his speech. “The Court room and the corridor were overcrowded, and there were crowds within and without,” writes the paper, adding, “Policemen, sword in hand, were keeping order” (para. no. 17). And speaking authoritatively for this same crowd, the article subtly distinguishes between academic learning (with which Pugh is flattered) and wisdom: “Mr. Jackson’s speech is flowing on and on; people are wondering at his depth of learning, keenness of intellect, and wealth of research. Mr. Evans feels himself greatly out of countenance” (para. no. 17).²² The extraordinariness of Jackson’s speech is thus slyly countenanced—it is the rapt audience and threatened prosecution, which the article claims to be merely describing, that identifies the defense as the ethical force in the courtroom.

As in the typical melodrama, polarizing, here of the prosecution and defense, is “not only a dramatic principle” but, as Brooks claims, “the very means by which integral ethical conditions are identified and shaped, made clear and operative” (*Melodramatic* 36). The discovery of melodrama as the genre most suited to the telling of the legal story that was unfolding, a discovery enabled by the consensus (as it is claimed to be) that government action was censorship, was in itself a powerful first step to making melodrama the genre commensurate with the *real* story of colonialism. In more ways than one, then, the decision to augment a policy of press laws with penal law was to have effects that were far in excess of the trial itself. In the short term, censorship, a subject in the press, was instrumental in transforming the courtroom into a theatre of melodrama. And because of its counterstaging of power relations, melodrama was the means by which helplessness was overcome as an attitude, if momentarily, in discourse. In other words, the opportunity the legal courtroom offered to legitimize melodrama as *the* genre of colonialism was not lost on the reading public. By 1905–10, melodrama would be a full-fledged genre of nationalism.

Possibly the most powerful of effects, however, was the transformation the law effected of complaint into counterdiscourse. If the trial was a process by which a critical public, acknowledged in Jackson’s reasoning, and before him in Paul’s report, was turned, via the legal imagination, into a disloyal and propagandist mob, the periodical press emerged as a compensatory space for a people who were uncertain, at best, of the representation they were assigned in the courtroom. In fact, the *Bangavasi* appears to have claimed the authority conferred on it by the trial to substance counterdiscourse, give it its meaning. The newspaper engaged in a spectacular positing of divine law and colonial law as opposed categories

and, in its lengthy 15 August 1891 article, ensured that the reading public noticed that the opposition was, in reality, a false one since the one (colonial law) could not claim to be the equal of the other (divine law). The paper dramatically stated, “It seems that nothing is so powerful as fate. Nothing but *adrishta* possesses equal power over the king, the subject, the rich, the poor, the ignorant, the learned. It is fate that elevates a man to sovereignty, makes a poor man rich, and an ignorant man a noted man of learning. It is owing solely to fate that hundreds of loyal people are blamed as rebels” (Bengal NNR, week ending 22 Aug. 1891, para. no. 37). In a direct reversal of a colonial trope that may have been common knowledge—Marx’s famous claim made in 1857 that the British in India were the unconscious tools of history—the article claims it is not colonial law that produces history but fate that works mysteriously through colonial law. Thus colonial law is the unwitting tool of a (Hindu) divine law.

The *Bangavasi* was not the only one to frame the legal encounter in terms that exaggerated its significance by insisting that colonial law was merely a flawed and historical form of law. An article that appeared in the *Dainik-o-Samachar Chandrika* of 12 August 1891, speaks of the concern in the press, Indian and Anglo-Indian, over the proposed prosecution of the *Bangavasi*. It, of course, is intended to intimidate government by impressing on it the weight of Indian public opinion. However, the article recurses to the notion of fate, in anticipation, no doubt, of a failure of public opinion to secure a change in government policy. The paper writes, “We hope that the advice which is being given by all the newspapers in the country will not fail to obtain a hearing with the Government. But everything depends upon fate. If the *Bangavasi*’s star has not been very unpropitious, then Government will undoubtedly listen to the good advice of our contemporaries. (Bengal NNR, week ending 15 Aug. 1891, para. no. 54). The presence of such texts in newspaper coverage of the trial would only have reinforced the view already in place—of a superstitious, irrational *native* culture. Of course, such texts are best contextualized by others in which, say, the *Bangavasi* speaks desperately of the absence of real public opinion in the colony (“The people possess no power” [13 June 1891; Bengal NNR, week ending 20 June 1891, para. no. 40]) and the knowledge, building since the 1870s, that monarchical rule, with (at least) its avenues of appeal to the monarch for redress, was not available. The invoking of fate, or divine law, is, surely, better described, then, as a compensatory act, not a relapse into the ahistorical and religious sensibility it was considered to be in government “reading.”

Finally, the trial provides insight into the workings of a legal system which was, by some peculiar form of reasoning, able to acknowledge the limits placed on the whole scene of law in the colony because of an irreducible difference (described as the “peculiar position of the Government”) *and* make it work in favor of the state. The public admission of this fact, surely, is indicative of the extent to which in law, as much as in other knowledge industries associated with colonialism, the Indian was mostly an administrative and legal problem. Here, the native is threatening to the integrity of law. That the trial also marks the moment in which the NNR, as activity and genre, acquires the status of a speech act is the final irony of a history in which the Indian press repeatedly remarks on the instability of the genre. Moreover, the trial proves that the NNRs had a value other than the administrative function of recordation. In 1891, they rationalized the employment of legal force. The circulation and recirculation of trial records as they make their way through the bureaucratic hierarchy—in the case of the *Bangavasi*, three individual reports and a collective report; reports of the presiding judge, culminating in a written report of his charge to the jury filed for the government of Bengal; the law report; and a few more summary reports filed by the lieutenant-governor of Bengal for the government of India and by the latter for the Secretary of State for India—with their ever more abbreviated reference to the very *raison d’être* of the trial (the articles for which the newspaper was charged)—make the original details of the trial barely register as a trace while all that remains are ever more decontextualized phrases of emotional distress. Needless to say, this only validated the government view of the native, which the former claimed was the only possible, reasonable view.

CHAPTER 4

THE “INFERNAL MACHINE” OF PROPAGANDA LITERATURE: THE INDIAN PRESS OF 1907–10

There is a word which has been current in our language from time immemorial, and that word is *desi*. This word is a corruption of a Sanskrit word which means “made and belonging to this country.” *Desi*, therefore, is something quite different from *swadesi* which is only of recent coinage and has much to do with politics and patriotism. While the former is purely indigenous, the latter may to some extent be said to be exotic, being as it is an imitation of what they have in the West. *Desi* had always been boycotted by our leaders . . . the English-educated and Anglicised section of the Indian community. And strange to say, it is this very class of men who are seemingly the chief advocates of *swadesi*, albeit their sympathies are only lip-deep. Your champion *swadesi* would deliver eloquent speeches, and impress upon his audience the importance of the boycott, use *swadesi* articles for his dress, which is, however, English in its cut and style. *Desi* has ever had its followers among the really orthodox classes—men who are thoroughly Indian in everything.

—*Daily Hitavadi*, 11 July 1910, Bengal NNR,
week ending 16 July 1910, para. no. 89

THE BENGAL AND PUNJAB NATIVE NEWSPAPER REPORTS of 1906–10 describe a post-Bengal partition press culture that deftly turned the threat of legal prosecution into high moral ground. Thus if under cover of the law, local governments charged, seized, and prosecuted cultural texts, the press responded with agitative or subversive propaganda, a category of propaganda Jacques Ellul has set apart from other types of propaganda

for its political aim of unseating governments or destroying an established order.¹ The threat of prosecution had not had the intended effect—of stemming the production of counterviews in the pages of the periodical press. If anything, it had resulted in a proliferation of political texts, some of which turned to literary tropes to circumvent and offer provocation to the law. This would have made prosecution that much more difficult but for Section 124A's identification of emotion as the arena by which seditious intent was legitimately determined. Not surprisingly, there was a significant increase in the number of prosecutions.

Inevitably, law, once it was extensively used to criminalize dissent, was responsible for transforming what had imagined itself as primarily a culture of complaint into a culture of defiance. And although this legal entanglement is not the point historiography aims to address when it describes a rapidly mobilizing political speech-culture in post-Bengal partition nationalism, the latter is usefully invoked here. Barrier, for instance, identifies not only the emergence of popular nationalism but remarks on its "literariness." He writes, "Indian literature became a major vehicle for communicating and stimulating the new political ideology. Among other means, mass politics involved using printed matter to affect a widened audience . . . Hundreds of printing presses regularly turned out books and pamphlets. An increasing number of these were polemic in tone and focused on politics" (9).

If this was a historical moment in which popular nationalism emerged as an ambitious project of the periodical press (the *Yugantar*, most famously, published an article on culture and resistance, which was one in a series of articles in which resistance is theorized),² it was also a moment in which emerging culture wars, in which Hindu and Muslim emerge as embattled political-cultural communities, mediated nationalist rhetoric. Culture was even then, as Sumit Sarkar puts it of a later period (the 1920s), "an apparently innocent middle term invested with Hindu religious meanings and associations" ("Indian Nationalism," 274). If the 1920s had V. D. Sarvarkar's *Hindutva, Who is a Hindu?* (1923), an influential text that aggressively claimed patriotism for Hindus,³ the post-Bengal partition press of north India saw the emergence of a critical mass of periodical literature replete with Hindu intertexts.

It would not be overstating the case, I think, to say that law grounds the distinctive discursive culture that developed in what is sometimes referred to as the *swadeshi* phase of Indian nationalism. I take note here of the extract from the *Hitavadi* that is an epigraph to this chapter. The article reveals resentments, here of the elite and its claiming of the privileged space of the patriot, in the view of the *Hitavadi* anyway, and possession of a privileged term—*desh* (country)—in its claim of the term *swadesh*.

It is noticeable particularly in the NNRs of the highly politicized Bengal and Punjab provinces. The experiential history of injudiciousness at the hands of the law in the colony, when *themed* by the Indian press (here we note the value of every article that reported on an "unfair" trial or meting out of justice in its own day), predictably produced reflections upon justice and ethics even as it encouraged a continued literal critique of law in the colony. As Ernesto Laclau has put it in "Ethics, Normativity, and the Heteronomy of the Law," it is "because we live a situation as unjust that we have the experience of 'justice' as an actual fullness" (181). Because of the highly publicized seditious libel trials of the 1890s—of the *Bangavasi* and particularly of the *Kesari*—and the proliferation of trials in 1907–10,⁴ law, it could be proved, was an institution that brought individual (Indian) political opinion into the legal arena *negatively*, identifying individual and collective political subjectivity as a concern *only* of criminal law. One of the more interesting ways in which the point is made draws on the established comparison of conditions in India with conditions in Ireland.⁵ In an article that shares a title with so many others—"What is Sedition?"—the *Yugantar* (8 July 1907) offers Irish resistance drama to make its point about the impossibility of sedition in colonial rule: "The Irish patriot, that heroic man, O'Leary, said when arrested for sedition—'England is not my native country. It cannot therefore be seditious on my part to go against British rule in Ireland. How can he be guilty of sedition who has no king?'" It adds, "The condition of our country is the same as that of Ireland" (Bengal NNR, week ending 20 July 1907, para. no. 38).

Much more clearly than previously, then, and for the reasons mentioned here, law in a post-Bengal partition public memory shapes Indian responses to the government's attempt at criminalizing dissent. Thus the commonplace that anticolonial nationalism identified law as a "crucial arena for the struggle for political control in the twentieth century" (Benton 9) proves to have more nuance than one might imagine at first.⁶ Seditious libel law is first and foremost an extensive subject in the press. The 1906–10 NNRs of the Punjab, United Provinces, and Bengal are replete with newspaper extracts of articles commenting on the seizure of presses, closure of presses due to the fines imposed on them, trials, and an increasingly absurd definition of "text," which included *dhotis*. Articles commenting on the confiscation of *dhotis* slyly insinuate that sedition is in the government's imagining, and law looks nothing if not ludicrous when it turns clothing into seditious text. The *Samay* of 18 March 1910 asks, sarcastically, if "these dhotis [certain dhotis with seditious borders] are documents in the eye of the law, why should not sweetmeats or walls of buildings as well be held such?" (Bengal NNR, week ending 26 March

1910, para. no. 11). In a more acerbic comment, the *Daily Hitavadi* (15 March 1910), “Referring to the notification confiscating to Government all waist cloths with borders having the words ‘Farewell Mother’ written on them,” writes the reporter, the paper “sarcastically says that if sedition can be promulgated through borders of cloths, it can as well be promulgated through the *mulla’s* flowing beard and the sacred tuft of hair that the Brahman wears on the crown of his head. The *mulla’s* beard is, however, supposed to be perfectly sterile as regards sedition bacteria. But it is quite possible for sedition bacilli to be lurking in the knotted overgrown tuft of hair that adorns the crown of the Brahman’s head” (Bengal NNR, week ending 19 Mar. 1910, para. no. 10).⁷ Clearly, the increase in the use of the law on disaffection was met with an ever more inventive press and outrageous texts. There is impudence in the *Daily Hitavadi’s* piece, for instance, when it suggests that hair, that too of the priestly class, should be as much a “text” as is the *dhoti* (Of course, the article, after collapsing the distinction it draws between the Brahmin and the Mulla, reasserts it, making the Muslim the other), not to mention the play with the colonial trope of contagion.

While colonial law stood to be a uniting theme in the press—ascribing a common experience to all, irrespective of class and region (gender was a much less visible category)—the search for a counterweight to colonial law pulled in the direction of particularism. Critique of colonial law, which was probably the most popular legal subject, was, that is, supplemented by texts whose interest lay in identifying and proposing a “new” legal identity for a public that was variously encouraged to imagine itself as patriotic and (anticolonial) nationalist. Not unexpectedly, divine law was an easy and popular choice. After all, religious nationalism had roots going back to the late nineteenth century (Tanika Sarkar, “Imagining Hindurashtra”; Robinson; and Ludden). If the need to invent a superior law to colonial law speaks of the fact that hope was a feat of imagination, the imagining itself indicates how impossibly tangled the secular (law) was with religious culture. Law, as a theme, then displays the “lower depths,” which posed a formidable challenge to the formation of an “all-India nationalism,” (Sumit Sarkar, *Modern India* 164).⁸

There were, of course, other discourses and rhetorical forms that showed the same tendency, to particularism, even as their producers laid claim to a nationalist universalism. The claim was an anxious one. The smoothing away of distinctions between literary and popular cultures, for instance, which the *Yugantar* does in its influential piece on culture and nationalism, gives the impression of an entirely unconflicted project at the very moment in which culture is announced as a privileged site of the

nation. In addition, parodic and ironic forms of subversion, interruptive laughter, ridicule, and mimicry offered shared literary affects (as we might call parody, irony, and melodrama's production of states of experience) as the ground of political community. But as the following example shows, the making of a nationalist vocabulary—affective, melodramatic, ironic, subversive, and parodic—did not discourage a more particularistic appeal. The *Yugantar* of 24 Feb. 1907 published a prose poem entitled "A Praise of Englishmen." A portion of the translated NNR text reads as follows:

(6) You are *Indra*, the wielder of thunder; you are ruling India by the threat of cannon and rifle; you are the moon, and the income-tax and various other taxes are the spots on your virtues which you yourselves describe as spotless; you are the wind, and like a storm you, by means of the railway, bear away India's food-grains; you are the god of the seas, because your stomach is fathomless like the sea, and all India's wealth has failed to fill the pit. O you Englishmen, we therefore bow to you from a distance.

(7) You are the remover of darkness of our ignorance. It is your light which has lighted us. You are therefore our sun. You are reducing all India to ashes; you are therefore fire. You oppress the weak; you are therefore *Yama*. O you Englishmen, we therefore bow to you from a distance.⁹ (Bengal NNR, week ending 9 Mar. 1907, para. no. 86)

The surface genuflection of texts such as this, that literalized the requirement of Section 124A (that critique of government not be inconsistent with loyalty to government) by putting in strategic phrases of homage, does not sneak in all the commonplaces of a widely shared anticolonial critique: taxes, cannon and rifle (police brutality and rule of force), economic devastation of the people because of economic exploitation, and so on. It boldly asserts it, making the genuflection appear, mostly, disingenuous. At the same time, a text such as this one turns inside out the subject around which imperialist vision and historiography organized itself and which was among the most instrumentalized of all knowledge produced about the colony for the duration of colonial rule—(Hindu) religion. *Indra*, *Yama*, and *Krishna*, who is later in the prose poem subjected to the same analogical stress as the other two, are equally scathed by the comparison, surely. They are, that is, reduced to the level of the disliked "foreign" other.

Even when reading texts purely for their deflationary meaning, then, one encounters a level of complexity that can, albeit only speculatively, be attributed to, say, a kind of fun with iconic imagery or of a level of complex engagement with the colonial government. In this example, the text holds up the mirror of imperial historiography by both acting out

the paganism of Hindu religion and at the same time displaying the ability to be playful with religion in a way the Indian was considered unable to do. As much as the text is typical of the period, defiantly insisting on the legitimacy of overstatement, verbal excess, and hyperbolic speech, in colonial India, it is typical also in its claim of verbal cleverness and revolutionary stance for a Hindu ethos.

Whatever the reasons—and we cannot dismiss entirely the possibility that, for some, popular Hinduism offered legal cover or was a prevaricatory site par excellence because its well-established iconic traditions could be drawn on to write a counternarrative in or via allegory that, further, drew on cultural memory familiar to a majority; nor can we dismiss the possibility that, broadly speaking, popular Hinduism, the epics (*Mahabharata* and *Ramayana*), as much as other standard literary and folkloric traditions were considered cultural rather than religious inheritance—its effects were considerable, to say the least. At the very least, such dominance built onto an already existing history in which the early stirrings of nationalist desire were boundarized by religious vocabularies. To the latter, an amorphous collective that presumably considered itself to be secular contributed significantly. Hence Muslim nationalism was, usually, marked whereas the claim of popular Hinduism to the status of *the* language of popular nationalism was not.

The point is made particularly well in texts in which spaces, especially domestic, claimed for the nation are similarly marked. In the following extract, a playful treatment of a serious subject ascribes colonial mentality to the Indian collective and offers a nationalist remedy that makes over colonially regulated social and psychological space. In an article of 9 January 1907, the *Sandhya* states:

Those who are slaves of the *feringhis* think that to say that we wish to be independent will imply immediately defying the laws, ceasing to pay the taxes, and beginning to fight the *feringhi*. But the real men in the country do not understand it in that light. They understand that while the laws are to continue being obeyed by them as now, the *feringhi* is to be expelled from the room appropriated to your household deity, from your kitchen, from your observances, from your schools, from your dress, and from your manner generally. When your room has been purified, then will the observance of your *swaraj* vow have begun. The performance of it to a finish is a matter for the future.¹⁰ (Bengal NNR, week ending 12 Jan. 1907, para. no. 23)

Even as social and psychological spaces are distinguished from law-as-institution in this extract, the vocabulary developed in order to visualize

law's structuring of body and mind is a stark reminder of how little religion had been subjected to the same rigorous thinking process: the *Sandhya* thinks nothing of ascribing a Hindu ethos to the interior spaces, which law, it proposes, has also invaded—the innermost sanctum is the “room” of the “household deity” and associated rites. This is only one of innumerable texts in which the *authentic* patriot and/or nationalist is identified and simultaneously claimed for the Hindu body politic.

Since it is impossible to do justice to an Indian press that is both irrepressible and bears signs of fracture in the post-Bengal partition cultural moment, this chapter focuses on the consideration given to law in the press and reported in the NNRs. It attempts also to take account of the emergence of Hindu themes and vocabularies as the normative. The theme, of law, has some primary characteristics: in the NNRs, extremist newspaper extracts focus attention on the association of law with (state) violence. And although in the rest of the press, also covered in the NNRs, law is perhaps not so spectacular a subject; it is the subject by which the decades old moral dilemma, which appears to have stood in the way of a full acceptance of counternarrativity (a state of mind), is sought to be settled. Of course, it was not a new dilemma. For decades, the NNRs present a press that is at least as anxious about rationalizing dissent as it is about the consequences of critique. But the dilemma was much more sharply defined in the NNRs of the post-1905 partition era, also, not coincidentally, an era that saw a significant rise in revolutionary violence.

Extremist rhetoric finds opportunity everywhere to reason that a *real* critique of colonial rule is a “critique of violence” (in the Walter Benjamin sense of the term), exposing government's claim to a legitimate exercising of violence. Not surprisingly, such an extreme critique, of colonial law in particular, creates a vacuum, which is filled through a recourse, frequently to the notion of divine law. You could say it is the post-Bengal partition press's answer to the 1870s' culture of complaint: obedience to a superior law (to the merely historical of colonial law) reconciles the meditated refusal of colonial rule with an established, fictive self-image anchored in the related notions of duty and respect for authority. This the *Jhang Sial* of 3 July 1909 practically states in an article titled “What is Sedition.” In the words of the reporter, the article claims, “the real rebel is he who goes against the laws of God or against those made in conformity with the laws of nature . . . He, however, who disobeys or goes against a law clashing with divine . . . or natural laws, cannot be called a rebel. The charge can more appropriately be laid at the door of the maker of that law, because his conduct constitutes rebellion against the Ruler of the Universe” (Punjab NNR, week ending 10 July 1909, para. no. 17). As much as such a

recourse to divine and natural law appears to draw on an established habit of thought, it could be evidence of the conditions in which a movement needed to be seeded—in which the power of colonial law was everywhere in evidence.

Thus while political leaders such as Gokhale and Madan Mohan Malaviya were taking on the law as members of select committees,¹¹ the press expended much energy in decriminalizing resistance by reading colonial law against the grain and positing *other* law. An article published in the *Punjabee* on 13 November 1909, and reported in the Punjab NNR (week ending 20 Nov. 1909), for instance, instructed readers on the correct view of the law on sedition in the colony, offering it as the limit case on the English claim to liberal colonialism.

Under the English law writings are seditious, not for expressing any such opinions, but only when they are calculated to incite violence or breaches of the peace. The Indian law, however, has introduced a peculiar provision that whoever wrote or said anything which might be construed into “contempt” or “hatred” of the Government, (although he might not attempt to incite violence), is liable to be punished for sedition. Now, under a bureaucratic regime even the mildest criticism may be construed into “contempt” or “hatred,” the exact meanings of which words are not defined in the Code. On the other hand, “disaffection” has been interpreted by a famous High Court ruling as “want of affection,” under which definition any the least critical attitude towards the Government may be held liable for punishment as likely to wean the affections of the people from Government.¹² (para. no. 37)

This was by no means the first time an article had described political subjectivity as a notion refused in the colony or alluded to the peculiar history as well as language of Section 124A. Nor was it the first time an extract had described the attempt made in an editorial article to think of law as narrative that, in the colony, was recognized only by its difference and deviation from British law. Possibly, defiance, more than critique, is the function of such repetitive critique. The same critique in extremist newspapers boldly announces that the law on sedition is properly a narrative expressing the government’s development of an ideology of sedition. For instance, an extract from the *Sandhya* of 14 June 1907, using hypophora (question and answer dialogues were a popular rhetorical choice) to attack the law on sedition, instructs on the method of reading against the grain, by interrogating the most important but absent legal term of all—sedition (replaced by “disaffection”)—and offers leading conclusions: “What is sedition, brother? Whatever leads the *feringhi* to cut your head, and whet his bayonet is sedition. How is sedition committed? It is

committed by boycotting the *feringhi's* goods. The law says that sedition means rebellion. But the *feringhi* is not bound by law; on the contrary, the law is under his thumb. Nowadays boycott makes sedition. If you want to prove this, discontinue the boycott and your sedition will vanish" (Bengal NNR, week ending 22 June 1907, para. no. 37). There are more than a few meanings the extract seeks to displace and replace. The extract reveals sedition to be definable only by the fact that it—a given action or speech—is punished. It is a classic pronouncement that punishment, thus law, establishes the crime. Above all, the article impresses on readers the sheer arbitrariness of the law, which not only is "under his thumb" but makes nonviolent opposition (boycott) a criminal offence against the state. Law, such a reading claims, is more correctly associated not with the possibility of justice but with monopolized violence ("cut your head" and "whet his bayonet").

There were other, more figurative, texts that, while offering substantially the same analysis, turned it dangerously metaphoric. Drawing on folklore's stock-in-trade comic ghost stories, and pointedly anti-Muslim, the *Nayak* (21 Jan. 1908) writes in response to the trial of the *Bande Mataram* for disaffection: "The Sedition law of the English is like a headless *mamdo* ghost (ghost of a dead Musalman). The headless *mamdo* ghost wanders in darkness, and whenever it gets a prey clasps it. Mr. Kingsford, the *kazi* of Calcutta, has been greatly agitated because newspapers like the *Yugantar* and the *Bande Mataram* has [sic] removed the head of the Sedition Law" (Bengal NNR, week ending 1 Feb. 1908, para. no. 36). Via an analogy that situates both the English and the Muslim as the threatening other, the paper claims the radical press as the voice of the authentic patriot—the slayer of this menace of the night. Moreover, in a reversal of the logic of the law, law is the powerless, the hunted, and the slayed—made headless by the radical press. Section 124A is not a specter haunting a politicized public but a politicized public is the specter haunting the government!

While articles that engage much less figuratively with the subject express frustration, using other popular strategies to do so (juxtaposing the colonial with its English counterpart or invoking the absent norm by commenting on the law's utterly paradoxical nature in the colony), figurative ones circumvent the reality bodied in the literal by harnessing the power of ridicule to the text. Clearly, the law on disaffection, and the government's claim of a disaffected public, was both an anxiety and an opportunity, with the radical press injecting a kind of enthusiasm into the rediscovery of the law as a place of repression and negative subjectivity. The spatializing that law as concept undergoes, as well as spectralizing,

makes it an Indian ghost story (not a Western gothic one) and brilliantly homely—law is a headless ghost reduced to wandering the streets at night in search of prey.

The attack on law extends to making the more general argument that English jurisprudence in India is in itself a violation for the simple reason that it belongs to another's political and intellectual history. Colonial law, as colonialism in general, is thus called into account for being catachrestic—in structure and principle. The *Bande Mataram* (Geneva 1909), in an essay titled "Law and Nationalism," from which I cite, advises, "The laws of British India are no more binding on us than those of Matabeleland. Our attitude should be that of adherence to Right and Justice, and this policy must bring us into conflict with 'the law' in India . . . An honest, patriotic Indian must come into collision with such 'laws' every day" (Proscribed Literature, EPP 2/1). The argument is supplemented by the familiar argument of a degradation of English law (*even* granting its legitimacy in the first place) in its colonial version: "We should never forget that the laws framed by the British government in India have no other object than to terrorise, emasculate and degrade us every day of our lives" (EPP 2/1). Colonial law is thus described as an unsituated history, which, further, has aims only of the degradation of the subjugated. Evidently, the tactic employed by the press was to counter imperial narrative's attempted sealing of gaps (the most common being the claim of a rule of law), by reinstating them as gaps: thus colonial law is not law, properly speaking, the articles claim. It is not where the principles of "right" and "justice" are enshrined. Unstated, but clearly imagined, is a utopia of justice and political rights.

By 1905, then, the critique of British justice in the colony is the latent of the counter narrative, which builds, so painfully, in articles that analyze the workings of the government one statute, one administrator, and one policy at a time. Rhetorical treatment, even, appears to be more defined, with playfulness being a popular choice. Possibly the light-handed treatment of a serious subject was a coping mechanism, reducing the intensity of an otherwise devastating truth. It could also be read as a sign of the performative gestures by which audacity was normalized. Whatever the reasons might have been, playfulness introduced an element that appears to have puzzled government translators—whose attempt to distance themselves from the very act of translation (for its producing of oxymoron and paradox) is amusing to witness. The radical press appears to have led the way. The *Bande Mataram*, in another of its classic subversions, overturns the opposition by which the government typically laid exclusive claim to reason, forcing Indian mental character into the place of superstition,

all the while drawing on the subject of colonial law to do so. As it is put by the reporter, the *"Bande Mataram"* writes that the people have been recently revising old ideas and worn out superstitions, and finds that the following among many other cherished superstitions have departed into the limbo of forgotten follies:—The belief in British liberalism; in the freedom of the press and platform; in the Pax Britannica, and in the political honesty of Mr. Morley. But the greatest of all has been the fall of the belief in the imperturbable impartiality of British justice" (Bengal NNR, week ending 13 July 1907, para. no. 882). Such a tongue-in-cheek reversal—in which British liberalism is a "superstition" that the people must replace with reasoned opinion—is followed by the obligatory praise of British rule in India. The reporter interjects his inability to fathom the mentality that could produce such writing—which avows, through praise, and disavows, through trenchant critique, at the same time—in the briefest of comments preceding the summary itself. He states: "In spite of all this, *Bande Mataram* acclaims British justice with hymns of praise and adoration. 'Hail, thou ineffable, incomprehensible, indescribable, unspeakable British justice! Hail, thou transcendent mystery! *Tubhyam bhuyistham nama uktim vidhema*'" (para. no. 882).

It should not come as a surprise that it was the practical and the concrete—colonial law and its spaces—that caught the public imagination the most, prison (jail) in particular. In visual and verbal texts of the period, prison arrests colonial history, law in particular, in brutality as much as the government narrative arrests Indian political culture in sensibility through its reading of the latter as propaganda. The following is a typical treatment of the subject: "When a prison which is a fit place for the thief, cut-throat and the robber is made to receive gentlemen, educated persons and those who are well-wishers of their country, one should think that the place derives honour from their presence and that God's special truth has descended on it . . . When our rulers send us to jail for speaking the plain truth, we should accept it as a special grace of God and consider the handcuffs on the wrists of our innocent countrymen as golden ornaments," the paper advises (*Bharat Mitra*, 30 Mar. 1907, Bengal NNR, week ending 6 April 1907, para. no. 25).¹³ Harnessing the power of metonymy, so that the prison marks the very horizon of colonial rule, this extract, and the many more there are like it, countertropes space itself. In the complicated analogy, the nationalist, whose victimization is bodied in the gendered image by which the stigma of criminality (handcuffs) is overcome ("golden ornaments" is a reference to the bangles worn by Indian women), by his very presence, transforms prison into sacred ground.

Transforming a space associated with criminality was obviously difficult, judging by the extensive argument that accompanies the attempt made in this and other articles to redescribe colonialism's punitive spaces as the originary spaces of the nation. As with so many other critiques of colonial rule, the claim that the counternarrative is grounded in facts (implying that the government narrative is propaganda) rationalizes the countermeaning of prison that the article proposes: prison is a space made sacred by the presence, in it, of the persecuted. Moreover, the latter has the force of a higher law ("special grace of God"), which the merely historical, and flawed, law of the colony cannot trump.

In this too, the radical press led the way, writing poems in which prison represents the work, as much as consequence, of resistance. In a lengthy poem, the radical *Jhang Sial* transforms this institutional space—that speaks of violence and violation—into the originary space of the nation.¹⁴ A section of the poem reads as follows:¹⁵

We pass our days in jail for the sake of India
Just as children suffer for the sake of their mother.
[. . .]
We have worked handmills, *Swaraj*, my life for thee!
Come to India for my sake.
We have polished the thick paper which is sold (in the bazaar)
To pay the price for thee, O *Swaraj*!
We have suffered the pain inflicted by the baton and have also seen ourselves
in irons
We endure all this for the sake of India.
When the tyrants came to flog (me) on the buttocks,
I said; 'Yes, lay on for the sake of India?
If *badmashes* look on jail (as a prison) let them do so, but for God's sake
Let those, who go there for India's sake, call (it) a place of pilgrimage.
If I were to be born (even) a hundred times, may my religion be
I shall die (only) for the sake of India?
Who is there who, being a worthy son,
Will not gladly suffer hardships for the same of (his) sick mother?
O Banke Dayal, imprisonment is now a matter for pride;
Lakhs are ready (to suffer it) to win name and fame.
[. . .]
Say what it is, then, if not a place of pilgrimage,
Where Tilak Maharaj passes his days?
How can that be a fearful place.
(20 Nov. 1909, Punjab NNR, week ending 27 Nov. 1909, para. no. 38)

Once again, there is a wealth of meaning here, pointing to the very rhetoric by which a nascent movement experimented with chronotopes

that could be commensurate with the reality being imagined. The situating of the historical present within revolutionary time and space that the verse accomplishes (hence its ecstatic mode of expression) gives counternarrativity a chiliastic feel and the (merely) historical time-space of colonial rule (and colonial law in particular) is declared just that—merely historical. It is thus that the jail is declared the space that most rubbishes history's power: it is a "place of pilgrimage."

But even such grandiloquent attempts at a disavowal of colonialism's power to Indian political subjectivity, by ascribing criminal identity to those who refuse the identity of empire loyalist, are not entirely successful. In such texts, the jail does not turn into the canny space, from the colonial uncanny, such imaginings intend for it to be. This is to say, if the potential of Section 124A for ascribing political criminality to the Indian violates the borders separating criminal character from legal, which is how the press proposed the law was correctly interpreted, the attempt at countering it with natural or divine law could not dislodge, entirely, the fear of legal visibility or, indeed, the fear of physical brutality and the stigma of incarceration in prison. The overstatement of a text such as the one that follows, which instructs readers to approach the jail as they would a heaven (a utopia with distinctly Hindu lineaments), describes the anticipated imprisonment as an inevitable result of the decolonizing that is under way and is indicative of the difficulty of the task. The radical *Sandhya* (10 Sept. 1907) writes, "Our friends will no doubt understand why we are so jubilant. The *Feringhi* ghost must be given to understand that it must descend from our shoulders, in as much as a very expert *ojha* (exorciser) has already commenced operations to cast him out. We are therefore merry in anticipation and are blowing conch shells. When we are sent to jail we shall be chastened and washed clean of all impurities. The gates of prison have been thrown open and we must enter" (Bengal NNR, week ending 14 Sept. 1907, para. no. 70). The real space of colonialism's spectral landscape in this imagining is in the erstwhile possessed body of the native. Prison is the proof of a defeat of the spectral force.

Physical injury is similarly harnessed. Pain, as much as an overturned hierarchy of shame and honor, is transformed, in nationalist propaganda, into a sacrifice required by the nation. As the examples drawn from the NNRs indicate, it is the (Hindu) body that emerges as the privileged site of the nation, making itself available for sacrifice, bodily harm (jail), and psychological distress that, as previous chapters establish, stretches back decades as a subject in the periodical press. Participating in the "new" form of political subjectivity thus, subtly, requires an identification with the textualized (Hindu) body. Counterlegality, as a condition such texts

seek to inculcate in their readers, is plainly compromised in the *Jhang Sial*, for instance, by its drawing on a Hindu belief system (“If I were to be born (even) a hundred times”) for framing the revolutionary chronotope, which is its subject. Even in its imagining of a history of resistance, the poetic text lays claim to a Hindu-centric past. Arguably, the reverential reference to Tilak—whose use of Shivaji in thinly veiled insurrectionary texts gained legal prominence in his, Tilak’s, first trial (1897)¹⁶—situates the radical *Jhang Sial*’s rhetorical and thematic choices in deliberate, rather than unconscious, replication of Hindu ethos. By extension, the highly privileged revolutionary space-time is claimed for the Hindu body politic and the behaviors appropriate to an inhabiting of the revolutionary chronotope—sacrifice and forbearance of the merely historical—are similarly claimed. While in the *Sandhya*, Hindu ritual and religious ceremony (blowing of conch shells) provide the celebratory note, which is claimed as the appropriate affect for such a history. Even in a humorous phrasing of the common and amused but disingenuous claim that the government was imagining sedition—was frightened by ghosts—such as the *Sandhya* provides (14 June 1907), religious distinction, if not an expelling of the Muslim from the body of the nation, is a seemingly *natural* distinction. The paper responds to the arrest of Leakat Hosain with the following satirical comment:

there is not even a smell of sedition in the pamphlet which the Maulvi is circulating. But the *feringhi* has at present become possessed with an intense fear of *Mamobhut* (Muhammedan ghost). There are many kinds of *bhut* (ghost)—*Brahmadaitya* (Brahmin ghost), *Kandhakata* (headless ghost), *Gobhut* (bovine ghost), *Bansbhut* (bamboo-grove ghost), and *Sankchunni* and *Petni* (female ghosts). But none approach the *Mamdobhut* (Muhammedan ghost) in point of terror . . . The imprisonment of even thousands of Musalmans has not been able to remove this fear, and this time they (the *feringhis*) have caught two Maulvis in the sedition trap. (Bengal NNR, week ending 22 June 1907, para. no. 38)

While other categories of identity formation are also thrown into the mix—especially gender and caste—the “Muhammedan ghost” is given the distinction of being the most threatening (this, of course, speaks to the occasion that the article addresses). Clearly, the nationalist is reducible to religious community.

The majority of the extracts I have cited here to make my point are from the radical press.¹⁷ Indeed, I would argue that this press radicalized the developing vocabulary of resistance in crucial ways,¹⁸ even as it wrote in Hindu idioms (which some of its leaders, such as B. C. Pal, did not).¹⁹

The introduction of the revolutionary chronotope in their literary writings owes much to the international circuit of exchange, of which the early self-styled revolutionaries were a part (Heehs, *The Bomb*; Sumit Sarkar, *Modern India*). This is not to say that internationalism was missing in early moderate nationalism. Elleke Boehmer reminds us that a crucial place for the imagining of "national communities" in the colonies was "*cross-border interdiscursivity*" (8), which she describes as "a transformative transmission of different political vocabularies and cultural discourses between anti-colonial spaces" (8). But the revolutionary circuit of early twentieth-century India gave the process an undeniable fillip, if for no other reason than that it alarmed the authorities in India, who were apprehensive about the spread of revolutionary thinking to India. The radical periodical, *Yugantar*, for instance, was prosecuted six times between 1907 and early 1908 (Heehs, *The Bomb*, 102) and confidential government documents trace the movements of Indian revolutionaries in India, Europe, and North America. There were some very specific associations, such as that which developed between Irish and Indian radicals, with both sides exchanging newsletters, many of which were seized by the government at the point of entry into India.²⁰ More importantly, revolutionary thinking, teleological in design, as well as revolutionary enthusiasm, with its emphasis on a new and energetic Indian subject, made transformation a compelling motif. It is not surprising, then, to find that counternarrativity emerges in popular nationalism as a matter of space as much as it does as a matter of time, seeking to transform lived, everyday space, and institutional as much as the contesting of colonialism's claims seeks to dislodge debilitating history. Law in the colony provides much ammunition. It contributes the space by which the nation concretizes as the core of an emergent counternarrative—the colonial legal courtroom, which, ironically, united Indians in the theme of criminality, or so the press was quick to insinuate. If in 1857 the racialized Indian subject was forced to recognize itself in tropes of extreme incivility, in the era of seditious libel trials, the collective was required to recognize itself in tropes of (modern) criminality and (modern) punishment. Both imposed narratives produced the opposite of the intended effect, opening up loyalty and criminality as discursive spaces instead of the foreclosure intended by the government's instrumentalizing of the term loyalty in 1857 and its extensive use of Section 124A in 1906–10.

**MORAL DILEMMA AND THE LANGUAGING OF
COUNTERLAW IN PUBLIC DISCOURSE**

In 1902, the *New India* announced: "Submission to law, allegiance to constituted authority, these are cardinal virtues with us. They are inherent in our mental and moral constitution" (7 Aug.). The article is tellingly titled "Loyalty in India." The distance between the 1870s and the early twentieth century is both collapsed and indicated in the iterable life that the term appears to have acquired. Law proves to be a malleable subject, languaging dilemma here that, in turn, speaks to the crisis of identity as nationalist and imperialist vocabularies appear irreconcilable: there is little evidence of a culture of complaint and much evidence of a culture in dilemma, contemplating a refusal of the law on the one hand and troubled by the threat this very contemplation delivers to a grounding belief about the Indian character. As much as resistance texts of the periodical press drew in the European liberatory subject, and history, to frame the political moment, they reached back to established cultural texts, which were themselves steeped in the practice of improvisation and adaptation. Thus a very contemporary and political dilemma is opened up to older textual solutions and, in the process, the ethics of a refusal of constituted authority emerges as a nationalist theme. Of the many legends, popular stories of the Hindu pantheon, and early literature, the *Mahabharata* appears to have been the most popular, followed by the *Ramayana*. A typical use made of the epic is the following, reported in the Punjab NNR, in which European revolutionary history is assimilated to a Hindu cultural past: "The *Ganga* (Jullundur), for November (received on the 20th December) 1909, publishes a contribution from the pen of one Hari Ram, of Hazara, headed 'The right path and the nation which firmly treads it.' The writer describes how the *Mahabharata* represents Bhishma as having refused to deviate from the truth. He also narrates the well-known story of William Tell, the Swiss patriot, and remarks that if the brave Tell had not been born, Switzerland would have still been in the chains of slavery" (Punjab NNR week ending 25 Dec. 1909, para. no. 2). The *Ganga*, in the summary of the government translator, places European iconic history in conversation with the epic. Bhishma offers the readership an ethical image on which to model its own character (never deviating from the truth) and seems untouched by a historical referential function. At a more abstract level, and because of the explicit association of Bhishma with fidelity to truth, the article introduces the notion of an absolute principle (truth), which thus has the force of moral law. William Tell, on the other hand, is historically situated and employed—through the allusion, colonial rule is described

as exploitative whereas through the reference to Bhishma the ideal (nationalist) character is described. The reference to Tell encourages the readership to become agential and actively engage in the project of freeing the country. One might say that Tell is a transitive figure in this text whereas Bhishma is intransitive. Both allusions also reassuringly situate the project, still haunted by the sense of its own audacity (particularly in its refusing of constituted authority), in precedents both temporally and geographically. Thus one could say the ideal nationalist is normatively male and participates in Hindu belief structures. European revolutionary history, as intertext, allows a liberatory European subject, and history, to write the nascent Indian one. Both intertexts resolve the dilemma by providing refusal with rationale, albeit very different rationales. One invokes "truth" (where law and ethics are identical) while the other contributes the rationale of European history as a history of progressive liberation from the forces of superstition and authoritarian rule. Both, that is, speak of obedience to a higher principle and imperative.

The interest there was in using the *Mahabharata* to identify a *different* (not colonial) legal principle says much about the emergence of ethical dilemma as a political subject. In another popular imagining, the association of the Indian with the *Pandavas* and the English with the *Kauravas* persuades readers of the imperative to engage the "demon"—a term used interchangeably with *feringhi*. Of course, it mandated an identification of emergent nationalism with the textualized Hindu body as much as it spoke the contemporary political melodrama via the text of the *Mahabharata*. In the Bengal reporter's synoptic account, an article published in the *Sandhya* (22 June 1907)

draws an analogy between the present state of India and the story of the Mahabharata. *Indaprastha* was built by *Maydanava*. The *feringhi danava* (demon) has also built a charmed city for us. In this city we hold, continues the writer, the Congress which is the *Raja Suyajna* of the Kali Yuga, and with its aid we fondly hope to subdue the alien sovereign power . . . It will no longer do to try to subdue the *feringhi* enemy by public meetings and Associations. Now obey the mandate of *Dharma* and let us go to the woods, keeping *Krishna* in our minds. Where is this wood for us? It is our country, this country overgrown with verdure, scattered over by trees and shrubs, and watered by rivers and tanks, and where the religion of the Brahman *rishis* is still living. And the five brothers (referring both to the five Pandava brothers and to the people of the country) must work together to collect arms. (Bengal NNR, week ending 29 June 1907, para. no. 93)

Refusal of two constituted authorities—the government and the Congress—is required, the article convinces, by *dharma* (and we note the

presence of the language of injunction in “obey” and “mandate of *Dharma*”). The untouched remote of “the religion of the Brahman *rishis*” and the heroic family of the *Mahabharata*, the Pandavas, with Krishna as advisor thus forms the original scene, of a moral absolute, for framing the contemporary situation. The entry concludes with an explicit claim of the privileged Indian body for the Hindu (Pandava) body. Having imaginatively bodied a history of duty and sacrifice, the article ecstatically proclaims the end of history: “*Narayan* (God) himself will be our *Sarathi* (charioteer), the four quarters will resound with the sound of *Gandiva* (the bow of *Arjuna*) and the heart of our enemy will tremble for fear. Hark, hark, the *Apsara* (celestial maids) are singing:—Victory to the sons of Pandu who have *Janardana* (*Krishna*) on their side” (para. no. 93). Plainly in view, Hindu ethos makes its imprint felt in the all-important arena of ethical dilemmas. In fact, it places limits on the very field for understanding the ‘new’ political subjectivity that it simultaneously announces, determining what constitutes an ethical dilemma in the first place.

The same emphasis is observed in texts that aim to surround revolutionary method with legitimacy. The *Yugantar* (2 Sept.), for instance, invokes a *different* Hindu tradition when it calls on Hindu ascetic culture to contextualize and authorize its call to revolutionary violence. The extract in the NNR reads,

To-day it is the age of the new system. The lolling tongue of political revolution is to-day bursting forth like a flame on this cremation-ground. In the last quarter of the night from near the fire on the cremation-ground, the life-energies of the great ascetic Tuka, Ramdas, Sankar, Gossain Bhattacharya [a tantric *yogi* who had attained perfection and who in the age of the twelve Bhuinyas (chieftains) was the royal preceptor of Chand Rai and Kedar Rai in Vikrampur, and was engaged in warfare for the sake of independence] and of others are uttering *mantras* (incantations). And listening to those *mantras*, a good many new devotees are going and entering on the religious mendicant’s life in the name of the Mother, and having become conquerors of death by touching the feet of Karali (a name of the goddess Kali) are acquiring perfection, in expectation of battle. It is only the beginning of that new *Kurukshetra*. (Bengal NNR, week ending 7 Sept. 1907, para. no. 65)

The thinly veiled reference to what it offers as colonialism’s chronotope—cremation-ground—grounds the text’s invocation of the sacred ground of Hindu Vedic rituals (of empowerment). The reference to Kali, yogis, and their juxtapositioning with “political revolution” makes the article a powerful visualization of *real* authority.

The same tradition, of esoteric and cultish Hinduism, appears in the countless poems in which Kali mediates, and thus frames, the notion of "political revolution." The Bengal reporter, for instance, writes of a poem in the *Sandhya* (13 Aug. 1907) "contributed by a Bengali lady" in which "the writer prays to Goddess Kali to reappear in India as the destroyer of demons, so that Her children (the Indians) may be revived with Her strength and may fill the earth and skies with the song of *Bande Mataram*" (Bengal NNR, week ending 17 Aug. 1907, para. no. 76). Kali, as the presiding spirit of revolutionary counterviolence, had its counterpart in 1857, the emerging core of a counterhistorical social memory (1907 was a commemorative year), which also served to legitimize counterlegality in the extremist press. A May 1910 postcard of Lakshmi Bai for instance had as title "In Memory of the Martyrs of the Indian War of Independence" (Proscribed Literature, EPP 1/36) and in the short message on the flip side was the following Benjaminian injunction: "You did not shed your blood in vain. We vow to follow in the footsteps of Rani of Jhansi, the Goddess of Liberty, that we will fight in every possible way for India's liberty, even at the cost of life" (EPP 1/36). In spite of the variety, one thing remains the same: texts in which counterlaw is proposed and imagined claim the right to mediate the law on behalf of the Indian public.

It is, of course, possible to make the argument that the choice of texts was unremarkable although it seems, to us, that the dominance of Hindu texts and notions—especially of morality—describes a hegemonic Hinduism's presence at a pivotal moment in the history of Indian nationalism. This certainly was the claim, made frequently by newspapers, some of which assumed the naturalness of popular Hinduism's mediation of nationalism. For instance, in "The authorities should recover their senses," the *Hindustan* (30 April 1909) complains, the reporter claims, that "persons making ordinary speeches or publishing ordinary writings have been prosecuted under Sections 124A and 153A and most severely punished." Singling out the kinds of texts that were proscribed for mention, the paper dismisses the claim that revered Hindu texts were being instrumentalized by Indians, describing it as an insult. "[N]othing explosive is discernible about the patriots and speeches of patriots," it insists, adding, "to regard the *Bhagvat*, the *Mahabharat* and the *Gita* with any suspicion is to wound deeply the feelings of Hindus" (Punjab NNR, week ending 8 May 1909, para. no. 4). The claim, which would be made in courtrooms and out, was of the texts as a living practice. While this was undoubtedly disingenuous, the circulation, adaptation, and performance of the epics has the much larger meaning of which the extract speaks, if indirectly. Several scholars have described the flexibility, iterability

even, of the two epics. An early influential statement was made by Bimal Krishna Matilal in “Moral Dilemmas: Insights from Indian Epics.” The *Mahabharata*’s episodes, plots, and subplots, he pointed out, are dramas in which individuals are confronted with conflicting moral imperatives and the epic itself is evidence of a heightened concern in Indic culture of “moral values” (Matilal 5).²¹ He writes, “Very roughly, such dilemmas arise when the agent is committed to two or more moral obligations, but circumstances are such that an obligation to do x cannot be fulfilled without violating an obligation to do y . Dilemmas present irreconcilable alternatives, and the actual choice among them becomes either irrational or is based upon grounds other than moral” (6).

The same point has been made more recently by Chaturvedi Badrinath. The *Mahabharata*, he writes, while critically concerned with “familiar conflicts” (particularly between right and wrong), is concerned also with the conflict generated by the condition of being caught between two rights. In his words, “But there is yet another area of conflict, which is a conflict not between ‘right’ and ‘wrong’ but between ‘right’ and ‘right.’ That produces moral *dilemma*, of having to make a choice between two equally inviolable duties when they are also in serious conflict with each other” (18). The fact that the *Mahabharata* does not lend itself to thinking such moral dilemmas are resolvable (Chaturvedi writes that the epic “does not pretend that there can be any final answer to the problem of moral dilemma” [18]) and offers an endless number of stories makes it the perfect intertext. If we add, here, the observation made by Gayatri Spivak—that the circulation of epics speaks of the active presence of practical ethics in Indian society (“On Echo,” 178), which is what the *Hindustan* claims—the recourse to the *Mahabharata* to language a contemporary dilemma does not appear quite so unusual. That the practice was usefully discovered as rationale, as the many occasions on which newspaper protest they are writing only of “mythological history” (a claim the defense in the *Pallichitra* case makes), does not take away from the fact that it was also, and more usually, a practice. But here I wish to draw out the political use to which such foundational texts and dramas in texts were put. If the nationalist leadership chose more philosophical texts, especially the *Bhagavad Gita*, to think the political,²² the press popularized dramas in which thinly camouflaged messages of justified and judicious war are less ambiguously textualized. Such texts more than wrest legitimacy away from the authority of law; they counterpose the latter with the moral authority of an infinitely flexible textual and dramatic tradition. In a word, fiction displaces law.

It is also possible to find other explanations for the usefulness of a cultural resource such as popular Hinduism, with its corpus of legends, myths, hagiographies, folktales, philosophical texts, and icons that lent themselves to strong and colorful dualities. Chapter 3 makes the case that melodrama was discovered in 1891 to be a genre suited to the counternarrativizing of the trial of the *Bangavasi*. Melodrama, Brooks states, clarifies "ethical imperatives" by staging a "confrontation of clearly identified antagonists and the expulsion of one of them" (*Melodramatic*, 17). Although the origins of the modern European genre has a very specific history,²³ which can hardly be mapped onto colonial India, melodrama in the latter does more than share an affective surface with the former, which Brooks has described as "the indulgence of strong emotionalism; moral polarization and schematization; extreme states of being, situations, actions; overt villainy, persecution of the good, and final reward of virtue; inflated and extravagant expression; dark plottings; suspense, breathtaking peripety" (*Melodramatic*, 11–12). This surface of melodrama is to be found everywhere in this literature and has the same important functions: it serves to dramatize conflict and, at more subtle levels, produces, as well as clarifies, the ethical claim of counternarrativity. This is evident in the literature on the colonial prison (in which polarization structures the texts) and in the literature questioning the givenness of colonial law's vocabulary and authority.

The sheer inventiveness of the press, which invents ways in which recognized intertexts (such as the *Mahabharata* and, as I discuss later, fables, or what are claimed as fables) can be infused with the spirit of contemporary political melodrama, is, I hope, evident from the following extract drawn from the *Daily Hitavadi* (2 June 1907) and related by the Bengal reporter. Titled "New Version of Aesop's Fables," he writes, in the article, "The fable of the lion and the two bullocks is applied to the present political situation by representing two bullocks, who had always lived in amity in Eastern Bengal, falling out in consequence of the trickery of a lion. This lion wished to eat the bullocks up, but could not so long as they were united" (the reporter describes other fables similarly "parodied" in the article; Bengal NNR, week ending 8 June 1907, para. no. 78). In a radical disavowal of this same moral landscape, of absolute division between right and wrong, which of course is ironic in the extreme, the *Sandhya* (8 June 1907) plays with the sexualized landscape of imperial narrative: "We long for the day," the paper dramatically announces, "when we shall be sent to jail. We love the *feringhi* with all our heart and will the day come when the choice of the *feringhi jom* (death) fall on us? We are growing old and still our happy union with our *feringhi* lover remains

unaccomplished” (Bengal NNR, week ending 15 June 1907, para. no. 67). It is possible to trace a continuity between the development of melodrama as the very ground of the rhetoric of nationalism that develops in the press, the reporting of trials (which uses the same tropes, as Chapter 5 discusses), and the return of the trial as commemorative event in the press. The legal courtroom, of course, was the institutional space in which melodrama was most successfully played out. It is here that melodrama’s concern (in Brook’s definition anyway) with “the location, expression, and imposition of basic ethical and psychic truths” (*Melodramatic*, 15) gains the force of truth for its repetitiveness. It is in the courtroom also that the clarification of opposed forces is accomplished and kept in the forefront of the imagination of the audience. And as Brooks notes of the end result of such a strategy, the reenactment of censorship (for that is how the public was persuaded to read such trials) suggestively posits “the eventual triumph of morality” (*Melodramatic*, 15) even as it claims “basic ethical and psychic truths” (15) to be its core concern.²⁴

One can only suppose that the process was magnified by the return of the trial as a commemorative event in the periodical press, which is what it was literally every time a trial was reported in the press. Take, for example, the memorial for Brahmabandhab Upadhyay, the owner of the *Sandhya*, which appeared in the *Bande Mataram* (Geneva, October 1912). Lionizing Upadhyay for his defiance in the courtroom, in 1907, the periodical reconstructs the courtroom scene, citing from the statement the former submitted to the court: “I do not want to take any part in this trial because I do not believe that in carrying out my humble share of the God-appointed mission of Swaraj; I am in any way accountable to the alien people who happen to rule over us and whose interest is and must necessarily be in the way of our true national development” (Proscribed Literature, EPP 2/13).²⁵ The storying of the trial simplifies and dramatizes the opposition much the way that Upadhyay, reportedly, did. And while the article locates a historical reason for the conflict (“whose interest is and must necessarily be in the way of our true national development”), it claims the force of truth for the colony (“God-appointed mission of Swaraj”).

The same is true of the return of the jail, also as commemorative event, in the periodical press in the form of diaries maintained by political prisoners. These were widely circulated. The United Provinces NNRs, for instance, document the circulation of a prison diary maintained by the editor of the *Jhang Sial*. The report for the week ending 5 February 1910 notes: “The *Swarajya* (Allahabad), of the 29th January (received on the 2nd February), reproduces, from the *Jhang Sial* (Punjab), the jail experiences of its editor” (para. no. 23).²⁶ The *Karmayogi* (4 Feb. 1910) similarly

publishes, in translation, the "tenth instalment of Arabinda Ghose's account of his imprisonment from the Bengali monthly magazine, the *Suprabhat*," says the reporter (United Provinces NNR, week ending 12 Feb. 1910, para. no. 19).²⁷

THE SACRIFICIAL BODY OF THE NATION, LAW, AND POPULAR RHETORIC

Given the overvisibility of popular Hinduism in texts that write the nationalist body into existence, the effects could not but have been considerable. Popular Hinduism not only rationalised a refusal of colonial law—describing it as instrumental—but replaced it with what in Max Weber is, disparagingly, described as a "*non-formal* type of law" continuous with "religious and ritualistic prescriptions" (251).²⁸ In other words, law emerges in nationalist propaganda as the crucial locale for imagining a transformation of individual and collective attitude. It is therefore charged with the power to transform history. This is borne out by the evidence collected in the NNRs of tensions produced and given play because of the history of legal prosecutions. Hindu-identified vocabulary was, possibly, most spectacularly on display in the radical press's writings, with their extensive use of cultural texts. In fact their use was critiqued by others, who identified themselves as moderate and anxiously distanced themselves from the radical press's avowal of violence while influenced by the latter's verbal exuberance. The United Provinces NNR (week ending 12 Feb. 1910) reports the *Leader's* (8 Feb. 1910) disapproval of the "perversion of the teachings of Hindu sacred books by revolutionists and anarchists."²⁹ "Not only . . . have anarchists and the preachers of revolution brought indelible disgrace on the country and the people by their revolting crimes, but they have dragged through the mire books held sacred by millions, and which have been the guides of the highest religious and moral conduct" (para. no. 6) the paper states. An example of the kind of thinking the moderate press attacks is the following drawn from the *Sabaik* of 29 Nov. 1909. Titled "The Cause of the Present Anxiety" and ostensibly (only) lodging a complaint against the Anglo-Indian press, the article rewrites Indian history as a history of oppression of the Hindus, first under the Mughals and then under the British. It reads in part: "During Muhammadan rule where Hindus (*lit.* Indians) were subjected to the grossest oppression and thousands of them were put to the sword without any scruple, they suffered every hardship with meekness and without complaint . . . It is this spirit of meekness which made it possible for Muhammadans to oppress and harass a mighty nation like the Hindus with impunity" (Punjab NNR, week ending 4 Dec. 1909, para. no. 16). The reporter adds the parenthetical remark, which

establishes the intent of the newspaper, in its use of the term “hindu,” to be a mapping of Hindu onto Indian.

Needless to say, the radical press’s aggressive Hinduism throws a different light on the assumed neutrality of a nationalist rhetoric marked by popular Hinduism. The following is a typical enough example. The Bengal NNR states,

The *Sandhya* . . . of the 3rd May writes as follows under the heading “Preparation of funeral cakes (*pindi*) at Rawalpindi”:—[np] The Punjab is on fire. The conflagration has set in at Rawalpindi. Cast your eyes first on this side and then on that side. On this side at Jamalpur, Mymensingh, iconoclasm, desecration of holy images, flight of men: on that side, four people prosecuted for sedition, with the result that fire has broken out . . . Here the Bengali is in flight and there the Punjabi is standing proudly like a hero. Bengalis, learn how to stand on your own legs and defend the honour of your mother-land.” (Bengal NNR, week ending 11 May 1907, para. no. 81)

In addition to the commonly observed identification of the nation with the mother of a heavily iconic Hindu tradition, the impassioned appeal (for that is what it is) refers to cremation and to “holy images” to describe the condition of the Punjabi, making it difficult not to conclude that the otherwise unmarked categories of “Punjabi” and “Bengali” are normatively Hindu.

The flip side, then, of considering the representation of the Muslim in nationalist culture (which Mushirul Hasan has done in “The Myth of Unity” and Shahid Amin in “Representing the Musalman,” in itself intended to nuance the most extensive study in the field to date—Sudhir Chandra’s *Literature and Social Consciousness in Colonial India*) is to consider how and to what effect a diversity of political meaning and argument is staged on the body of popular Hinduism. This I have attempted to do in the chapter by drawing out some of the ways in which the figure of the patriotic nationalist, moral dilemma, and counterlaw—concerns that are collectively the horizon for thinking about counternarrative in this period—are pervaded by a Hindu ethos. Of course, territorial design and thus anxieties about the constitution of the projected public sphere were not restricted to a single community.

Self-identified Muslim newspapers frequently distanced themselves from the stigma of sedition, describing it as a Hindu activity. The United Provinces NNR, for instance, reports: “The *Zia-ul-Islam* (Moradabad), of the 27th March, draws the attention of Government to the existence of a number of political *sadhus* who, he says, are working secretly on

the feelings of the people, and remarks that it is only when things come to pass that their machinations are revealed" (week ending 2 Apr. 1910, para. no. 28). In fact, the routinization of communal struggle is noted in the conferring on communalism the status of a "question" by the United Provinces NNR, which regularly features "Hindu-Muhammadan Problem" and "Union between the Hindus and Muslims" as categories under which extracts are filed (see United Provinces NNR, week ending 6 May 1910). Others identified Islamic nationalism as the irreducible into which India's "awakening" fits. Consider the following article that appeared in the *Muhammadi* on the 8 July 1910. Titled "The Islamic World," it identifies nationalism in India as a small part of a larger Islamic "awakening." Announcing the anticipated future, the article describes the reality of subjugation in terms of the familiar image of the caged animal. It reads, "Everywhere the sign of a great change is visible in the Islamic world. In our country the feeling of nationality, patriotism and national awakening has come into being, everywhere is heard the sound of national awakening. This change is present in Egypt, in Turkey, in Persia, and in Afghanistan" (Bengal NNR, week ending 16 July 1910, para. no. 84).³⁰

It is difficult to know how exactly to approach thinking of the emergence in the press, as in the culture at large, of religious nationalism. Sumit Sarkar is, once again, useful in his suggestion that the communal problem was its own category of experience, not easily assimilated to other categories, such as class and gender. In "Indian Nationalism and the Politics of Hindutva," he suggests: "The Hindu-Muslim relationship . . . stands on a significantly different level from the others, in that it alone does not point toward any generalized structure of domination, as contrasted to colonial rule, caste hierarchy, class exploitation, and gender inequality" (274). Cultural oppression, Sumit Sarkar suggests, was particularly operative, or best defines the politics of Indian nationalism, at least when it comes to the Hindu-Muslim question. The point is, perhaps, more easily visualized by thinking about, just for argument's sake, what other popular vocabularies could have been pressed into service for thinking political sociality in nationalist India. Take folklore, for instance. The revival of Celtic folk traditions (the bard in particular) is, according to Betsy Trumpener, where Celtic nationalism is best witnessed in the eighteenth and nineteenth centuries, and the roots of German and English nationalisms in folklore is practically a given. In the Indian context, Prathama Banerjee, in "The Work of Imagination," points out the important presence of folklore in Bengal culture and the use made of it by the *bhadralok* (305); Rashmi Dube Bhatnagar (et al.), in "A Poetics of Resistance," describes an actively contesting bardic culture in colonial Rajasthan. Yet

folklore, syncretic as it was, is mostly absent in popular nationalism. This has been noticed by Stuart Blackburn who, in *Folklore and Nationalism in Colonial South India*, speculates that folklore was possibly too local to gain a foothold in India. He writes: “The very source of folklore’s pull on the popular imagination—its familiarity and personal touch—rendered it incapable of leading a public, political movement” (16). Indeed, there is the odd reference or use of folkloric tales in NNR extracts, such as Aesop’s *Fables*, and much reference to the folkloric supernatural (such as ghosts and demons), and newspapers describe the active participation of minstrels and storytellers—traditional purveyors of folklore—in spreading the word. For instance, the Bengal NNR for the week ending the 3 August 1907 includes an article from the *Sandhya* of 29 July in which, the translator claims, the paper writes “that there is a large number of *Bhats* (minstrels) now in Comilla, who go about from house to house singing swadeshi songs. But the police are after them and will probably insist on their leaving the district. They are collecting the names and addresses of these minstrels, as well as of those who are local agents of the *Sandhya* and *Navasakti*” (para. no. 13). Yet folklore was either part of the territorial imagination (as we note in the division of the ghostly into Brahmin and Muslim, for instance) or simply not as appealing to the reading audience as, say, popular Hinduism or the critical need of the time was such that the latter, especially the epics, was more appealing.

If all this, and more, can be considered to have found expression in the post-Bengal partition moment and its radical texts, the depth of meaning, and multiple functions, of such texts went unnoticed or were ignored by the government.³¹ By 1906, government’s expectation of political writing, due in no small part to a history of prosecution that had substantially harmonized government intent with the language of the law (Section 124A in particular), was such that its reading of patriotic texts of the periodical press was formulaic and slight, as if the term “seditious propagandism,” when applied to the outpouring of patriotic writings, exhausted all the latter’s meanings. The press’s ransacking of Hindu iconic figures, folklore, texts, and traditions, as well as other histories and literatures, to rationalize and language dissent was offered by many a government official as proof of the specious logic at the center of the Indian press’s writing of colonial history. Thus H. H. Risley describes an Indian public culture that is (irresponsibly) grounded in catachrestic thinking.³² In other words, as he saw it, the Indian periodical press was proof that the public at large was capable only of propaganda, not reasoned debate in the western sense of the term. He had this to say on the occasion of the enactment of the 1910 Indian Press Act:

Everyday the Press proclaims openly or by suggestion or allusion that the only cure for the ills of India is independence from foreign rule, independence to be won by heroic deeds, self sacrifice, martyrdom, on the part of the young—in any case by some form of violence Hindu mythology ancient and modern history and more especially the European literature of revolution are ransacked to furnish examples that justify revolt and proclaim its inevitable success. The methods of guerrilla warfare as practised in Circassia, Spain, and South Africa; Mazinnis gospel of political assassination; Kossuth's most violent doctrines; the doings of Russian Nihilists; the murder of the Marquis Ito; the dialogue between Arjuna and Krishna in the Gita, a book that is to Hindus what the Imitation of Christ is to emotional christians [sic]—all these are pressed into the service of inflaming impressionable minds. (Quoted in Lewis O'Malley 535–36)

It is difficult to miss the imperiousness Risley brings to the issue and his scorn for a culture that is from his perspective, incapable of distinguishing between histories (and is, in this sense, irresponsibly catachrestic) and dishonest in intent, both of which, in his thinking, make for irresponsible speech. Overriding all else, however, is the distinction Risley draws between reason and emotion (a distinction that allows him to appear admirably detached from racial thinking for it allows him to include in the category of irresponsible speech "emotional Christians"). On the face of it, the real threat, of a political writing that questions "foreign rule" (which is acknowledged in Risley's statement) is slid under the more secure subject of social and intellectual progress, same in England as in India (so, the statement impresses, is the case). Thus the image of an uninformed, unselfreflective population that government officials sought to establish, particularly in law, is where a reduction of the political imagination, of the Indian public, is affected. This is a process that had something of an originary moment—the 1891 trial of the *Bangavasi*—and it perpetuated the notion that there was *only* anticolonial nationalism in India.

Approached from another angle, a Bakhtinian one, the public culture that developed in the early twentieth century bears the marks of the public square that informs Mikhail Bakhtin's novelistic imagining of the social and political space of the people, which as Ken Hirschkop points out, Bakhtin frees "from the burden of making decisions" (261), than it does like the more restricted public sphere of Habermasian theory (with its emphasis on the critical-rational as the discursive forum in which an European bourgeois public develops public rationality and its denial of the "public sphere" to the "common people").³³ If the Habermasian public sphere is a place of public conversation that aims to produce "a rational outcome" (261), as Hirschkop puts it, the Bakhtinian public square is "a kind of novel come to life" (252). It is constitutively and determinedly

heteroglot not because it reflects a preexisting diversity but because the space produces it.³⁴

Bakhtin's notion of the public square, with its giving of play to the "heteroglot national language" (271),³⁵ is a particularly appropriate concept to draw on here: the press of 1907–10, gives the impression of a chaotic, reveling, and even playful culture to the government.³⁶ It is an impression that is magnified in the NNRs. What it was, in reality, was, what we might call, a self-consciously heteroglot moment (a heteroglot national language, in Bakhtin's reckoning, is constitutive of the everyday life of public speech); since a transformation of the everyday was the aim of the press, the everyday in its multiplicity of forms and its inexhaustible variety is staged verbally and colorfully. This is, for instance, the message of the *Yugantar* in its descriptive definition of an Indian cultural nationalism.

However, not unexpectedly, the moment in which the periodical press functions as a public square is also a moment in which powerful divisions dictate the shape of public culture. Outside of the novel, the public square is, arguably, an ideal rather than a reality. It certainly proves to be so in 1906–10: an ideological struggle over resistance, as much as over the definitions of nation and patriot, was coincident with the moment in which popular political agency (in the form of a popular movement) was claimed for the "imaginable."

Admittedly, the notion of a multiaccentual public space is more a philosophical ideal—something to aim for—rather than a historical reality. It is also a question that naturally arises when considering the early moments in the history of the Indian national public sphere. Early nationalism was, after all, an extended moment in which many in the press excitedly, and even exultantly, at times, claimed a *truly* "representational" and open public culture. But in this critical phase of its history (precipitated in no small measure by the fact that juridical force was being widely applied to anticolonial texts), each instance was widely reported in the press. The limits enforced by rhetorical choices, the overvisibility of some vocabularies, the relative invisibility of others, and the silence in the press over some of the more difficult of political realities marked the limits of the public as it emerged in the Indian periodical press.

CHAPTER 5

CRIMINALIZING POLITICAL CONVERSATION: THE TRIAL OF THE *PALLICHITRA* (1910)

For the past two years almost every week we have been hearing of one repressive measure or another being resorted to by Government. Either editors are prosecuted on a charge of sedition or some new harsh Act is put on the statute book or presses are forfeited and securities called for from proprietors of old newspapers when making fresh declarations. The order of the Bombay Government prohibiting some thirty publications is one of the series of the repressive acts of Government. The Bombay Government seem to be more active in taking such measures.

—*Shakti*, 16 April 1910, Bombay NNR, week ending 23 Apr. 1910, para. no. 24¹

THIS CHAPTER EXAMINES A SEDITIOUS LIBEL TRIAL that took place at a time when censorship had become the norm. Articles that interpreted government action in much the way the *Shakti* does here were legion, bringing visibility to the illiberalism of the colonial regime. Coming as the trial of the *Pallichitra* did on the heels of repeated prosecutions of radical newspapers such as the *Yugantar*, *Bande Mataram*, and *Kal*,² it did not attract the same level of attention as did the latter set of periodicals (legally defined as newspapers). The Native Newspaper Reports (NNRs) of Bombay, the United Provinces, and Bengal report interest only in the participation of the Indian judge, who was appointed to the appeal process because of a disagreement between the two original appellate judges.³ This was a trial without a jury.⁴ Indeed, Justice Mukherjee emerges as something of a figure of resistance, participating in a partial overturning of the decision, exerting the rights allowed him by the law to rule on all aspects of the original trial (and not just the point of contention between the other two appellate judges), and problematizing translation much more than had been done in the original trial or, indeed, in the high court appeal.

Since the original trial is much more fully reconstructed in government reports than was the 1891 trial of the *Bangavasi*, and since allegory had, by 1910, emerged as a standard argument made by the Crown prosecution, the trial offers us an opportunity to witness the unsettling of law by allegory and, more generally speaking, literary language. Thus allegory proved to be a double-edged sword for a government intent on criminalizing dissent. The trial is important for another reason as well. It allows us to witness the anxiety seditious libel trials caused within a still largely British legal culture in the colony (once again, assuming race has some explanatory value here), with some expressing concern that law was anomalous in the colony. This perturbation is most powerfully visible in the report filed by the high court judges, Harrington and Teunon, allowing the appeal of the author to stand. It reads: "Had the poem formed the subject of an indictment for seditious libel under the English law it would have been necessary to set forth an innuendo shewing what the seditious meaning was and it would be for the jury to say whether the innuendo was proved" (Proceedings of the Home Department, P/8431, Oct 1910, prog. no. 159). The critique is self-evident. Yet the practically overused argument, of a nonequivalence of the law on sedition, had not had any effect so the pointing out the absence of equivalence appears to have become an end in itself, assimilating critique to a dubious use of the law.

The *Pallichitra* was a Khulna district Bengali monthly with a circulation of five hundred, according to government figures. It was classified as a literary magazine until articles considered to be objectionable in their "political tone" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 146) were brought to the attention of the Bengal Government. Reconsidering its initial classification, the government concluded that the *Pallichitra* was, in legal definition, a newspaper and initiated proceedings against it.⁵ The trial took place in the court of the district magistrate of Khulna, R. C. Hamilton. The case was of the Crown against the newspaper (proprietor), under the Newspapers (Incitements to Offences) Act of 1908, and its editor, printer, and "a contributor" (the alleged author of the poem; Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 153), under Sections 124A and 153A of the Indian Penal Code. The text that formed the basis of the charge, "Come O Mother, Queen of the Village," had appeared in the June–July 1909 issue. The government alleged that "certain portions" of the poem "contain an incitement to murder and acts of violence" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). At the initial hearing, following an interim forfeiture of the press,⁶ Hamilton ruled that of the claims preferred by the accused, he considered only one to be of concern to the

court, namely, whether, under the Newspapers (Incitement to Offences) Act of 1908, “passages in the said poem [were] to be regarded as an incitement to murder or acts of violence” (prog. no. 152). The fact that Section 124A was no longer debated indicates the extent to which the key ambiguity at its center was considered settled. In his judgment confirming the order of a forfeiture of the press (25 January 1910), Hamilton delivered his judgment that the poem did incite to “murder and acts of violence” (prog. no. 152) and noted that physical acts of violence against Europeans were directly linked to the production of such texts.⁷ The editor and printer were sentenced on 16 February 1910, the former to two years and the latter to two months of rigorous imprisonment. The alleged author was tried later and sentenced by a different magistrate, F. B. Bradley-Birt, on 17 April 1910, also to two years rigorous imprisonment.⁸

Appeals were subsequently filed at the high court by Nagendra Nath Chandra (alleged author) as well as by Bidhu Bhusan Bose (editor) and Abani Mohan Deb (printer) against their respective convictions. An appeal was also filed by Sarat Chandra Mitra (proprietor) against the confiscation of his press. The appeal of the author was allowed on 22 July 1910 by the two high court judges appointed to the case, Justices Harrington and Teunon, on the grounds that he was not proved to be the author.⁹ The appeal of the printer and editor was disallowed and the original conviction upheld on the grounds that the reading of the poem preferred by the defense “ha[d] failed” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 161). The appeal of the proprietor against the forfeiture of the press was referred to a third high court judge, Justice Mukerjee, as a result of a disagreement between Harrington and Teunon over whether the forfeiture of the press should be set aside or maintained. On 17 August 1910, Mukerjee delivered his judgment, stating, as did Harrington, “That the poem interpreted literally makes no sense in many places is obvious to any reader of the original” and that it did not “contain an incitement” to offenses described in the Newspapers (Incitement to Offences) Act of 1908 (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 163). The forfeiture of the press was thus set aside.

Given the *Pallichitra*'s limited regional circulation, and the fact that the poem was hardly unusual, one might very well wonder why it was chosen for prosecution. The Bengal government's response to just such a query on the part of the government of India is telling. It reproduces an image of the Indian reading public that had acquired the force of truth through a century and a half of repetition and that was malleable enough to allow for a differentiating between categories internal to the larger, racial one

without unsettling the latter. Emphasizing the simple-mindedness of the rural population, the government claimed it was more susceptible than its urban counterpart to the designs of propagandists. Thus dangerousness of text is proved in the impressionability of its intended readership. The memorandum (6 November 1909) explains, “The *Pallichitra* has, it is true, a circulation of only 500, but this is relatively large for a local journal in a small country town. The spread of seditious writing is likely to be even more mischievous in small places in the mufassal than in the capital, for in proportion as the people are less educated and more simple minded, they are more inclined to take it seriously and they have not the experience and knowledge which would enable them to estimate it at its true value” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 146).

Needless to say, the comment contains within its boundaries *all* Indians: they can only be less or more educated, less or more simple-minded, and without the capacity to estimate the “true value” of “seditious writing”—I point this out just in case we are tempted to think that the metropolitan Indian is credited, by virtue of the comparison, with judgment and political sense. The argument reappears as a comment Hamilton makes when sentencing the editor, along with a conflation of rural and urban, which was a distinction that rationalized the decision to prosecute the *Pallichitra* in the first place: “In view of the terribly pernicious effect such literature as this is found to produce on the younger generation of Bengal . . . not only is a deterrent necessary, but it is also necessary to remove for some time to come, to prevent him from further harming society, one who has been persistently harming society” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155).

So what was it that made “Come O Mother” such a powerful text in the imagination of Bengal government officials? There is nothing the poem states that was not already part of a rapidly developing popular nationalism centered in the more familiar notion of patriotism, in its most commonsense expression of “a love of, reverence for, devotion, and loyalty to one’s country.” Concentrated in the multilingual periodical press, texts very much like “Come O Mother” wrote sometimes allusively and sometimes openly of the need for a particular form of patriotism—anticolonial patriotism—in which nationalism as a concept seems to inhere. The allusive are more interesting since they are the texts that simultaneously employ avowal and disavowal. Full of purple prose, melodramatic in form and intent, they fully employ the popular Hindu iconic tradition of multiple gods and goddesses. As the slightly embarrassing underbelly of cultural nationalism, such popular literature was at one

level fairly uncomplicated: it was intended to be recognizable (unambiguously so) to an Indian reading and listening public. At the same time, producing a surface text that allowed for a disavowal (of not intending a political message) was obviously an imperative.

These two requirements are constitutive of the surface of texts and require knowledge of Hindu mythologies in order to make the allegorical meaning that the prosecution made in the courtroom. This is certainly true of “Come O Mother” and the many others that, like it, drew on the tradition of a powerful, militant, and revolutionary female justice that acquired a particularly political meaning in colonial Bengal.¹⁰ Not surprisingly, government reporters, in marginalia, frequently unpacked otherwise seemingly innocuous references to mythology, some of them rather obscure. The process reveals them to be political allegories (it is difficult to deny). A popular choice, one on which “Come O Mother” draws, invokes a Vedic literature of battle that, by the late nineteenth century had the *devas* and *asuras* as opposed principles. The allusion to the popular staging of battle between the principles of good and evil is sometimes discreet and sometimes not (in “Come O Mother,” it is not). It bears mentioning that another far more militaristic poem in the same tradition—which layers mythological past, of a clash of the forces of good and evil, on to historical present, serving to rationalize the praise of female revolutionary justice that is the subject of the poem—was on the page of the Bengal NNR that was submitted to the government of India because the page included two extracts from the *Yugantar*, which was being considered for prosecution. The viceroy forwarded it to the secretary of state for India (10 June 1908) along with a telegram dated 30 May 1908 drawing attention to the *Yugantar* extracts, which are far less belletristic than is this poem. The latter, titled “Bodhan” (the translator translates the title as “awakening”) invokes the goddess Kali, calling her the (only) deity fitted to the historical moment. One stanza reads:

Come, *Chandi* of war, come decked for battle,
 Come dancing, Mother, among (Thy) sons,
 Infuse (proclaims) great strength into (their) hearts,
 And teach (them) Mother, the terrible art (of) war.
 Tearing out human heads (I) will put them round Thy neck,
 (I) will deck all Thy limbs with (human) bones,
 Churning to-day the ocean of blood,
 (I) will raise and bring the treasure of independence,
 Awake, *Chandi* of war, awake, Mother mine,
 I will worship against the bottom of Thy feet.

(Bengal NNR, week ending 16 May 1908, para. no. 143; cited in Proceedings of the Public and Judicial Department, L/PJ/6/818; file 2274)

This militant female deity, who appears identified with time,¹¹ is repeatedly given the appellation “Chandi of war.” The appellation hides the figure of Kali, and contains an allusion to the mythological clash of good and evil, which, in turn, names the otherwise absent figure of the colonizer as an evil force. Not here, but in a note on the *Sonar Bharat’s* (30 Jan 1909) comment on the confiscation of the Salabh Hitaishi Press (where the newspaper was printed), the Bengal reporter writes, “The ‘Chandi’ is a sacred book of the Hindus, embracing a chapter of the traditional feud between Devas (gods) and Daityas (demons), and containing an account of the mortal fight between Kali and the demons Sumbha and Nisumbha” (Bengal NNR, week ending 13 Feb. 1909, para. no. 6).¹²

The most influential text to harness the power of Kali symbolism to revolutionary nationalism was “Bande Mataram,” the poem that Bankim Chandra Chatterji wrote in 1875 and included in his influential 1882 novel, *Anandamath* (Bose and Jalal 97).¹³ In Aurobindo Ghose’s translation of Chatterji’s “Bande Mataram,” the “Mother” is the “Mother of might” and “free.” She has a “dreadful name” and, in spite of “foemen,” who “drave her . . . Back from plain and sea . . . shook herself free.” Her land is peopled with a sword-wielding folk (“swords flash out in seventy million hands”), whose uniting of morality with violence is in the name of gaining the “freedom” that she, the mother, has already realized (Ghose 309). Kali’s association with violence, death, and status as the slayer of demons makes her a logical choice for producing the kind of revolutionary zeal that both poems, and “Come O Mother,” seek to do. This, at least, would be the claim made in the courtroom about the thinly veiled Kali figure of such texts. Whereas, given the depth of Kali practice in colonial Bengal, it is within the realm of possibility that such invocations of Kali are polyvalent, describing also the attempt of the public to overcome its dread of the very history of violence it is simultaneously contemplating and legitimizing.¹⁴

In “Come O Mother, Queen of the Village,” the mother is similarly a militancy-legitimizing force, emphatically described as ethical for precisely the same reason. More intriguing is the text’s reiteration of a theme prominent in the many counterhistorical narratives that begin to be written in large numbers starting in the 1870s and that refuse the label of victim for the colonized, choosing instead to describe their forbearance as an unacceptable, even shameful, abjection. In the periodical press from the 1870s on, this “thought” is the subject of much debate, theorizing, probing, and description. Abjection in “Come O Mother,”

however, is attributed to the class of deity—a powerful paradox that at once ascribes power to the subjugated (in the allegory, the “band of Gods”), which they *choose* not to exercise, at the same time it rationalizes the inexplicability of colonial servitude: in a literal reading, after all, it is the inscrutable divine, not humans, who are responsible. Thus we have the following: “I do not know when the band of Gods will fire up like the worldly destroying flame, for the sake of the Mother, the Native land, to destroy the power of the demons,—will, relying on their own strength and seizing their own weapons, re-establish heavenly dominion, making an offering of blood” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144).

It is in visual media that the logic of the icon, on which the poem draws, is most visible, and its presence here in the figure of the militant “Mother” indicates the extent to which verbal borrowed from the visual, a trading that Christopher Pinney points out made for a “congested circulation of signs” (115).¹⁵ For the message to be heard, all the text, any such text, needed to do was participate visibly in the tradition of visualizing mythic justice, which it does here by invoking that most central of Hindu iconic figures in colonial Bengal, Kali. The logic of repetition, that is, is fully in play by the time of the *Pallichitra* case. Narrative elements are superfluous, at one level anyway, and narrative can be opaque, as it often is, without compromising the comprehensibility and integrity of the message.¹⁶

Yet it is narrative that both the Crown prosecution and district magistrate identify as the place of a seditious intent and effect. In the staging of the contest between gods and demons that the poem describes there is, they claim, a hidden and allusive narrative of anti-British intent. The text, Hamilton states, is “meaningless” unless “by the allusions to the slaughtering of the demons (*asur*) the British race in India were meant” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). Thus it is not just narrative that is invested with political meaning, to the exclusion of the lyric that follows on the heels of the narrative; *the* narrative form for the writing of sedition is identified as allegory—which Hamilton does not define, or not in the documents available to us, anyway.¹⁷ A more complete reading provided by Hamilton is also one that spells out the allegory. Hamilton states:

There can be only one thing to which the context guides the reader to think the word “*asur*” refers to. The “enemies” to win back their seat of gold from whom, the villagers or the writer are said to be willing to sacrifice their lives, the “demons” who have trampled and spoiled all the flowers of Paradise, the “demons” whom the Gods are at a certain time to rise and crush, making oblations of blood, can, considering the context, be no

other than the British Power or Government in India. Any other meaning for the word “asur” would make the context unintelligible. (prog. no. 152)

As one would expect, Hamilton turns to the extratextual to establish that the scene being played out in court is merely a repetition of other, previous scenes: other texts using the same terminology have been produced by the press and alleged author, he argues, and judged to be seditious (prog. no. 152); furthermore, these uses are themselves part of a larger public, political conversation that has, also, been subject to a similar legal reading (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155). Thus he concludes, cultural history properly contextualizes the poem and proves that the intention of its producers is clear: “The object of the writer evidently was to incite his Hindu fellow-country men to join together to murder the British in India” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). The Crown prosecution describes an even more specific historical allegory, claiming, for instance, that the phrase “Golden seat passing out of our hands” refers to a specific historical moment—to “the Bengalis conspiring against Serajuddoulah and helping the English in 1757” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155),¹⁸ a reading with which Hamilton does not express total agreement or disagreement, stating only, “This may be so” (prog. no. 155).

The point that intelligibility of the poetic text is, or can only be, established if a plausible “narrative” is identified in the poetic text is one that is made repeatedly and bears all the markers of an exclusive claim to the deciphering of meaning in the text. I offer only one example here: “One *is forced* to the conclusion,” states Hamilton, “that the *only* meaning for ‘asur’ in those lines to make them intelligible, is ‘British Government in India’” (emphasis added; prog. no. 155). The claim of the defense, that the poem is about the city and village, is refused in Hamilton’s assumption that such a reading discovers in the poem only an “aimlessness” (in our terms, nonnarrative and unintelligibility), whereas his own uncovers the “veiled meaning” presumed to inhere in the text. The latter, that is, proves the poem is “not an ordinary aimless one to the village Queen” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152).¹⁹

Hamilton, then, finds in the poem signs *only* of strategic thinking. He seeks meaning, as does the Crown prosecution, at the narrative level and resolves the surface impenetrability by seeking out the conceptual solace offered by historical allegory. This is in spite of the fact that the government translator, in his gloss to a contested part of the poem, does not disallow the meaning the defense claims, while, admittedly, offering an opinion that is close to the one expressed by Hamilton and the

prosecution. The lines in question read, “At the same time when through ignorance and temptation, and persecution by enemies, the golden seat was lost, we did not understand, did not see, realising it in the heart” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144), and the government translator’s comment on these lines is, “The enemies may be the evil propensities of the human nature or human enemies. The word Ripur (*enemy*) being capable of both the meanings, I should be disposed to take in the latter sense, as being more in keeping with the context” (prog. no. 144).

In its discerning of a historical allegory in the poem, the Crown prosecution simply draws on an established strategy for reading resistance and its forms of expression. An early employment of the same argument occurs in the influential 1897 Tilak trial, where Lang, the advocate general, drew the attention of the jury to a portion of “Shivaji’s Utterances”: “I would direct the attention of the Jury to some of the details of this passage. Lakshmi is the goddess of wealth and the reference to ‘foreigners dragging Lakshmi violently by the hand,’ evidently means that foreigners—that is the British Government—are dragging out the wealth of the country ‘by persecution’” (Proceedings of the Public and Judicial Department, L/PJ/6/462, file 2291). Discerning an allegorical meaning in texts was not restricted to verbal texts, either. Pinney has pointed out that visual texts were subjected to the same strategies of reading. The expectation of allegory, he states, is best described in proscription orders that “describe pictures under a cryptological rubric, assuming that the image can be disassembled and its signs checked off against their presumed referents” (114). Given the repeated use of the argument of allegory in prosecution of texts, it is hardly likely that a public, educated by meticulous accounts of prosecutions that were published and exchanged in the Indian press, was unaware of the legal force with which allegory was thus invested. So much for the Crown prosecution, the district magistrate, and the governmental culture they so faithfully observe and reflect.

The defense counters with its own version of allegory, which makes one wonder whether it felt legitimacy, of reading, could only be established by laying claim also to the genre of allegory. In his statement, the proprietor of the press claims, “In the poem the writer has attempted to compare village and city life, and to prefer the former, and to restore it to its pristine purity” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). Given that the figurative focus of the text is the gods and demons, such a claim makes the text an allegory in spite of the fact that the title resists an allegorical reading by distinguishing between “the Mother” and the village (“Come O Mother, Queen of the Village”). But the allegory is a

philosophical, not historical, one. The defense's engagement with the text appears almost entirely determined by the Crown prosecution's engagement in other instances as well. In a gesture that acknowledges the text's extensive use of metaphors, the defense nonetheless claims that the metaphors in use are far from politically charged: "The figures of speech used in the poem when closely interpreted will not amount to an incitement to murder or violence but are innocent metaphors that are in ordinary use" (prog. no. 152). To the prosecution's claim that the poem, produced in a climate of discontent, was capable of and intended to incite further violence, the defense responds with the assertion that the poem had not been "proved to be an incitement to murder or to acts of violence" (prog. no. 152).

Given the absence of definitive proof, of a causal link between this text and specific violent action, this was, at least theoretically, the legal gap that afforded the defense a staging ground. It was, however, not successful at the original trial and only partially successful at the appellate hearing, where Harrington ruled that while the poem "depicts in allegory, India under the domination of the English who are portrayed as evil" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 163), it was not direct enough to amount to any of the offenses described in the Newspapers (Incitement to Offences) Act. In his words, "There must be something more direct and specific than what is to be found in this allegorical poem" (prog. no. 163). Thus while the poem fell under "the provisions of section 124A" (which were far more vague, and we remember the key phrase, "feelings of enmity" in Explanation 1), it did not fall under the provisions of the Newspapers Act. Teunon disagreed with Harrington but, because Mukherjee agreed with Harrington, the forfeiture of the press was set aside (Indian Law Reports, Calcutta Series, V/22/38, 205–6). It is precisely because of its constitutive feature—allusiveness—that allegory was insufficient to secure a seizure of the press. Allegory, then, had a more ambiguous legal status than one might have been led to think by its capacity to secure convictions at the original trial, some of which were upheld by the appellate court, and by the kind of argument Pinney makes, for instance.

But the defense does more. It challenges the very ground of the prosecution's allegorical reading by claiming the dictionary as the only legitimate source for the determination of the meaning of words. The dictionary proves, the defense claims, that the meaning of "asur," a key contentious term in the trial, is and can only be "demon," and not "the English," as is claimed by the prosecution. Or, as the judgment puts it, "he also again lays stress on the point that no dictionary gives the meaning of 'Boyrishir' as 'British Government.' Boyrishir, the ordinary meaning of which is 'from the head of the enemy' cannot, he says, refer to the British Government"

(Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155). Further, drawing on the all-too-familiar conceptualizing of colonial rule as a rule of the *feringhi*, the defense makes cultural illiteracy, inevitably the foreigner's, key to its claim of the state's misreading of the text: the reference to blood in the poem, the defense argues, is not unusual, as "the Hindus sacrifice animals largely and so the idea of blood being offered is quite a usual idea" (prog. no. 155). Finally, the defense claims that references to Hindu mythology are just that. The poem is simply engaging in a recirculation of an already familiar language and already familiar tales, not to mention an already familiar genre, "mythological history": "if a man is to be punished for referring to Hindu Mythology as in this poem it will be necessary to forbid all reference to Hindu Mythological history" (prog. no. 155). The defense's rebuttal, then, insists on an intransitivity to the text, claiming it belongs to an established literary tradition and genre that is misread by the prosecution—themes and cultural vocabulary are visibly Hindu and the metaphors employed are used commonly in everyday speech, claims the defense.

While it is difficult to assess how completely the defense's case is reproduced in the magistrate's report, despite Hamilton's claim that he is providing "at some length all the points urged on their behalf by the defence" because "it is, for the accused, rather an important case" (prog. no. 155), we can at least partially discern the overall strategy employed by the defense. The strategy is not unexpected. It shares with other seditious libel trials dating back to the very first one in 1891. Linguistic and cultural translation are claimed, first in the *Bangavasi* trial and then more famously in the 1897 trial of Tilak and his newspaper, the *Kesari*, as an unstable site of meaning. Not only did Tilak state, in court, that the verdict against him was "owing to the misunderstanding of certain Marathi texts" (Proceedings of the Public and Judicial Department, L/PJ/6/462, file 2291), but the defense and prosecution also debated extensively the different translations submitted to the court.

In the *Pallichitra* trial, in addition to the claim of a cultural misunderstanding on the part of European readers, there is evidence that the defense submitted its own, and different, translation of the poem. The judgment (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155) states, "Accused Bidhu has also filed the version of translation of the poem which he contends is the proper interpretation of it" (it is, unfortunately, not included in the documents covering the trial). And in fact, in the translation cited later by Justice Mukerjee, the allegorical reading of some of the lines claimed by the prosecution is somewhat more difficult to discern. Translated by one of the officers of the court,

the lines referring to the “golden seat” read, “Led by mistaken ideas, and tormented by passion, I did not perceive and could not feel at heart when (thy) golden seat disappeared” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 163). In the version Hamilton establishes as the authoritative one, the lines read, “At the same time when through ignorance and temptation, and persecution by enemies, the golden seat was lost, we did not understand, did not see, realising it in the heart” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144). The latter, while still opaque, identifies struggle between opposing forces as a theme of the lines, whereas the former identifies subjectivity as the theme.²⁰

The defense’s claim that (Hindu) mythological texts were not dead texts, but the vocabulary by which subjectivity continued to be embodied, was an argument made by at least one other paper, maybe more. In an article that complains about the confiscation of the press at which it was printed, the *Sonar Bharat* (30 Jan 1909) comments also on the poem for which the press was confiscated, a poem in which, apparently, the war between the *devas* and *asuras* is a subject, “We should like to say one thing more: the wars between the *Devas* and the *Asuras* form a topic which every Hindu reads and discusses. We fail to understand why the officials think that it is they themselves who are meant by *Asuras*, and why they get frightened at the very mention of the feud between the *Devas* and *Asuras*” (Bengal NNR, week ending 13 February 1909, para. no. 6). The popularity of Hinduism’s crowded mythic canvas is best attested to in the emergence of traditions (for they are more than “texts”), including the *Mahabharata*, and it did, as we see here, allow for a certain disingenuity that forced law. At the same time as it was effective in defying law, the vocabulary seamlessly folded in Hindu textual traditions into an emergent nationalist one.

Other arguments rehearse mainstays of colonial legal history and imperial historiography in general. The strategic use of dictionary meanings by the Crown Counsel in the first two trials—the *Bangavasi* and *Kesari*—especially to give the indeterminate language of Section 124A (“disaffection” and “feelings of enmity”) a wide meaning and scope is a critical part of the subsequent legal history of seditious libel cases. The defense’s insistence on the dictionary meaning of key terms in the prosecution’s case (such as “asur”) surely repeats this government strategy, and not because of the legal force of the argument. After all, the defense also admitted to the presence of metaphor on more than one occasion, as we have seen. At a more subtle level, of commonplaces of imperial historiography, if mythological imagination was to be considered irrational and thus improbable, the same mythological imagination, flagrantly displayed in its own texts

as “mythological history,” could hardly be otherwise. Is this instance of a use of vocabulary with imperial echoes strategic? After all, the defense’s aim is to prove the innocuousness of the text, and political irrelevance and inconsequentiality is the claim behind comments, such as the one the *Sonar Bharat* makes, about the usualness of the mythological imagination and its contemporary iteration.

Finally, if colonial rule depended on a publicly displayed confidence regarding the transparency of *native intent* to the European, of which the Bengal government’s memorandum explaining why an inconspicuous periodical merited prosecution is a good example, then proving it to be a fiction and reclaiming translation as the space of the nontransparency and nonknowability of the colonized was an argument that did more than serve a legal function. In fact, arguably, *all* it did was claim another function since it failed to gain any legal ground for the accused. And in spite of this history of failure in the courtroom, translation as the site of misreading and misunderstanding was almost always part of the defense’s case in such trials. If nothing else, it reinforced for the readership of the Indian press the message of the foreignness of the colonial government, a message that is conveyed most commonly by the overemployment of the term *feringhi* to describe the government and the English in India in nationalist rhetoric.²¹ So much for the defense, insofar as it engages with the case made by the state. If there is any insubordination, interrogation, or interruption of imperial narrative or colonial control, it is at such a subtle level as to be practically illegible and, of course, it is legally ineffectual.

However, there are at least a couple of claims in which the defense is openly interruptive and interrogative of commonplaces of the imperial view. These are also the spaces in which the notion of political subjectivity, individual and collective, is described. The first is the claim the defense makes about the text’s subject when it submits an academic’s reading of the poem (he is, we are informed, a “B.A. who is also a B.L. of the Calcutta University”): “The writer of this poem has shown the depraved state of his mind by the preponderance of the ‘shora ripu’ (see 33rd line, viz. lust, anger, vanity, etc.) over his conscience and better reason, and hopes by the new light he will be saved from the clutches of those ‘ripus’ [sic] and that his mind will be restored to its normal state. He deplors also that the vices of the town (as opposed to villagers) are creating ravages in the village also” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). If we take this statement at face value, the poem is a somewhat anguished expression of loss attributed to the violating entry of the foreigner’s modernity that threatens erasure of a way of life. The claim is that the poem is using a well-worn figurative

landscape—the village and city—for staging the contemporary moment as a moment of crisis—one in which tradition and modernity clash. Only, the force of tradition is identified not with the gods, as one might expect, but with “conscience and better reason” and an unwholesome modernity is identified with the body—desire and emotions, such as lust, vanity, and anger. That is, “better reason,” which is in imperial discourse claimed for a Western-owned modernity, is claimed in this reading for Indian tradition, and the emotive and bodily, associated with the native in imperial discourse, is ascribed to the force of (Western) modernity. This section of the poem Hamilton dismisses as “comparatively harmless,” concluding that it states only “that the six enemies (or evil propensities) having come into the poet’s heart like demons sit (waiting) at the door of the temple of his heart in order to make (him) sink into sin” (prog. no. 152). What the magistrate’s reading apparently misses or overlooks is the defense’s claim that the virtues and vices the poem describes are inseparable from the distinct forms of social organization of the village and the city.

The second claim makes for a rather remarkable moment in the trial, which is recorded in some detail by Hamilton. The defense, in an apparently wild move, uses the occasion of the trial to argue for the right of Indians to self-determination. That is, it admits to the political content of the poem even as it maintains the surface argument that the poem is about the threat posed by the city to the village. But in making this rather bold move, the defense does more. It identifies culture as the legitimate place of an articulation of rights, engages in an astute reading of English literary texts as the place of political work, and, via the allusion, introduces the conceptual apparatus and vocabulary of a rights-based, political subjectivity into the trial. It is thus that the defense turns the paradox of liberal colonialism into the otherwise unacknowledged subject of the trial. Hamilton reports,

The learned pleader also adduces quotation in praise of freedom from the poet Cowper in which he advises people to strive for freedom. If such poem is not proscribed, why, the learned pleader contents [sic], should this Bengali poem under discussion, which is not so violent, be found fault with. Goldsmith, it is pointed out, declaims in his “deserted village” against the tyrant, and this Bengali poem is similarly a comparison of village life with town life though with less asperity.

Yet school-children in India are allowed to read the “deserted village.”

The panic-monger only, the learned pleader contends, can call this Bengali poem seditious, or say that the times are anarchical. (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155)

Pointing out the paradox of liberal colonialism was hardly unusual. And it appears to have been met with the equally usual silence: Hamilton does not offer any comment on this seemingly lateral shift that turns the courtroom into an extension of a public sphere in which just such arguments were being made as early as the 1870s, although much more forcefully starting in the 1880s or so.²² Surely its presence here is indicative of the excess that attends the legal, discursive action of the courtroom. It is, after all, not a very clever move to acknowledge or admit any argument or analogy that lends itself to the conclusion that “Come O Mother” is political. On the other hand, there is an element of the spectacular and ironic in the bringing in of this political fact to the very institution by which debates on colonialism itself are declared irrelevant.

As for the silence of the Crown prosecution, it is more than possibly a sign of the government’s confidence in securing a conviction and of its mostly casual investment in a formal observance of court procedure. But there are other possible reasons. The silence can, for instance, be read as a sign of discomfort in the face of an infallible logic or, indeed, be attributed to the bureaucratic function of recordation. The first, however, remains the most likely explanation. It is consistent with the only too verbal disdain the prosecution reveals as it addresses the defense in its rebuttal. For instance, the prosecution dismisses the readings of words and passages by the accused as “ridiculous” more than once, as in the following instances: “The learned pleader for the Crown points out that the defence’s attempts to explain away the meaning of words are ridiculous. The human virtues would be represented as shedding their own blood according to the explanation given by the defence” (prog. no. 155); and “The real meaning of ‘sonit mison’ after ‘hridoy,’ the learned pleader points out, cannot be anything but an incitement to murder, the explanations given by the defence witnesses of the heart being the source whence the blood flows, are, he points out, ridiculous” (prog. no. 155). Clearly, the defense’s reading of the poem is, in the opinion of the state, so illogical as to make it practically amusing. Once again, then, we encounter the tendency to attribute the defense’s participation—here its reading of text—to prevarication or disingenuity, but only just. A somewhat less careful comment is the following: “the meaning of the passage beginning ‘Janina, Janani,’ is so clear to any one, that it is impossible that the editor accused, and very difficult to believe that any one else, could not see what was meant” (prog. no. 155).

A similarly dismissive attitude informs Hamilton’s description of the courtroom participation of the defense. Decontextualized bits and pieces of the defense’s case appear particularly prominently when Hamilton

speaks of the defense, casting the latter as illogical and making it difficult for us to judge whether the lack of a comprehensive argument is in the original or is better attributed to the fact that it is reported speech. For instance, the judgment confirming the conditional order of the confiscation of the press singles out for mention that the educated reader did not offer a translation or explanation of words and phrases such as “Rudhir tarpan kore” (in the official court translation, “offering oblations of blood”) that are identified in the prosecution’s case as phrases inciting to violence. This refusal Hamilton appears to read as reluctance to bear witness, and on this reluctance, now considered fact, hinges the magistrate’s further dismissal of the witness and his translation of the poem as unstable sites of meaning. In his words, “in view of this witness having ignored the important passages of the first portion and his unwillingness to give a translation of a clause consisting of three simple words, his further statement that there is nothing in the poem calculated to incite murder, is not worth much” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). But, as we have seen, the defense does offer a rationale—that offering of blood refers to the practice of animal sacrifice typical of Hindu rituals (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155).

In the same judgment, Hamilton mentions that the editor, Bidhu Bhusan Bose, requested a “long postponement” in the proceedings but does not state the reason, noting only that he, Hamilton, declined to grant the request (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). A final gesture of dismissal is found in the suggestion that the defendants display illogical behavior, requesting the presence of eight other witnesses but not employing them in court: “The claimants also expressed through their learned pleader their unwillingness to examine the remaining eight witnesses whom I had summoned from a distance at their request, and who were present in Court” (prog. no. 152).

Reading against the grain of Hamilton’s stated account of the trial, there is more evidence, if one needed it, of a culture that was practiced in the tactics of evasion, preemptively working to negate the possibility of a guilty verdict by shaping its everyday activity of composition and publication to the language of Section 124A of the Indian Penal Code (amended in 1898) and the Newspapers (Incitement to Offences) Act of 1908. The judgment in the trial of the alleged author, Nagendra Nath Chandra, states, “The accused’s defence is a denial of the authorship” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 158), while at the same time noting that there was much evidence of Chandra’s connection with the poem and the *Pallichitra*: “The poem, however, is signed with his name

in the issue of the paper and his connection with the *Pallichitra* is amply proved" (prog. no. 158). Yet at the appellate hearing, the case against Chandra was dropped because it was concluded that incontrovertible proof of his authorship was lacking. The proprietor (Sarat Chandra Mitra) submitted a written statement asserting that "he dissociates himself from anything written in the magazine alleged to have been published from the press" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 152). Abani Mohan Dev, the printer, submitted a plea of disinterest in the magazine and claimed that he was not the printer (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155).²³ Further, the signed statement indicating he was the printer disappeared and other evidence had to be brought in as proof. In yet another of his telling representations of the particulars attending the defense's participation in the trial, Hamilton states in his judgment, "the actual declaration that he was the printer, originally made by this accused, was found to have disappeared rather mysteriously. However, there was plenty of evidence forth-coming on the point from other sources, showing that he had made such declaration" (prog. no. 155).

Thus the defense's position, or as much as we can glean of it, is a combination of the usual strategy of maximizing legal loopholes, possible prevarication—the request for a delay in proceeding, for instance—and a refusal to fully participate.²⁴ It is possible also to attribute some behavior to a different sense of court protocol.²⁵ It is difficult to conclude much more than this about the defense. As with the Indian press in the NNRs, it has, after all, only a cited life in a statement that belongs to colonial law alone. The Crown prosecution, on the other hand, because of the essential agreement between the views held by the magistrate and prosecution does not have a quoted existence except in the literal sense. Cherry-picking traditions for their momentary usefulness in making a point; apparently making it difficult for Hamilton to accuse them of improper observance of court procedure while surrounding themselves with a sufficient level of ambiguity; refusing genre distinctions that, for instance, appear to inform Hamilton's separating out of narrative from lyric; and equally refusing other disciplinary distinctions that, once again, allow Hamilton and the prosecution to insist the mythic is separate from the historic all emerge in the magistrate's summation as definitive of *native* participation in court. The defense, thus, appears as an independent, somewhat indecipherable alterity in the text of Hamilton's judgments.²⁶ As for the prosecution, it is difficult to ignore the evidence of a compromising of law in this case, especially when we remember that a twisting of law and the periodical itself—so that the latter could be deemed a newspaper—is the prehistory to the history of the trial. This the third judge, Justice Mukerjee, states emphatically even while he,

nervously, justifies his decision to revisit the whole case and not confine his ruling to the point of disagreement between Teunon and Harrington.²⁷

What is it, then, that is produced in this government record of the (Indian) defense in a seditious libel trial? Let me start by observing that the record stages the engagement in terms strikingly similar to those we find in circulation as far back as the 1858 trial of the last Mughal emperor, Bahadur Shah Zafar. The British-owned and managed Anglo-Indian press at the time, generalizing from the account produced in the *Delhi Gazette*, whose reporting of the trial was reproduced in papers such as the *Bombay Times*, described him and the participation of Indians in the courtroom in terms that were already in circulation for describing the *native*. For instance, one report describes the deposition of individuals called upon to testify as highly unstable sites of truth: "It is perhaps not a very remarkable fact, that of the many native witnesses whose evidence has been taken against the Ex-King, not one has confessed that he knew of the massacre of any Europeans whatever in the Palace. The atrocities committed there, and probably perpetrated by the very villains, who deny all knowledge of them, were, according to their statements, *given on oath*, only heard of by them and no traces of the fearful deeds were left to tell the tale" (15 Feb. 1858). The same report assumes an indifference on the part of the ex-king and describes a spectacle in which the king's feline body, the only proof of his participation, amuses the civilized world. One of the many times the king is so described reads, "He scarcely noticed the proceedings, but lay, coiled upon his couch, apparently asleep; from which state he was roused whenever it was absolutely necessary for him to listen to any document about to be read" (*Bombay Times*, 15 February 1858). The absence of the accused in government records on the *Bangavasi* trial is so complete as to make it impossible to judge how they might have behaved in the courtroom, that is, if they participated at all.

In 1910, the same reading of the affect of Indians in court—as a site of ambiguity, prevarication, or inadequacy—obtains. And perhaps in exactly the same knowledge and spirit of Bahadur Shah Zafar, the defense in the *Pallichitra* case minimalizes its participation within the courtroom in the ways noted in the judgments. Outside it, however, the defense maximizes its use of the mechanisms of the law by appealing the decision of the district court at the high court and winning a partial victory, which is widely reported in the Indian press. It is indeed a surprise to find that views remained disturbingly the same. Hamilton's dismissal of the accused, as much as the dismissive coverage of the 1858 trial of the ex-king of Delhi, for what is offered as "improper" participation and etiquette befitting the court, appear to owe somewhat to what in

Chatterjee's work is described as the preference (here an attitude typical of colonial governance) for reading the colony's "different" participation in political culture as signs of the Indian's "confused and incomplete attempt to imitate European modernity" (Mitchell xiv). Further, the magistrate's reading establishes him and his reading firmly within the community of interpretation described earlier in the paper—one that depended on the allegorical mode for rationalizing texts with a mythological or religious surface—an easy bait indeed—given the certain knowledge the Indian public had of the readings preferred by the government. Thus the mythologically dotted surface of the text, it is claimed, is "really" about colonial history from an unflattering, indeed hostile, indigenous point of view.

One would have to admit that this is more than a reasonable conclusion, as is any suggestion that the defense was practicing forms of equivocation. However, here we note also the possibility that traces of Orientalist thinking are manifest, as for instance, in the unquestioned assumption that in authoritative Indian historical traditions, history is fitted into the mythological. This thinking on the part of the prosecution and magistrate is proof of an inability to conceive of a different form of "modern" thinking, if you will, in which the mythological surface of a propaganda text has two effects: it separates out *colonial law* from *law* and uses the contemporary to contextualize the mythological, and not just vice versa as the defense lamely claims, such that the mythological takes on the language and conceptual apparatus of "rights." This is a speculation that the defense's contextualizing of "Come O Mother" through an allusion to Oliver Goldsmith's "The Deserted Village" and William Cowper's work tantalizingly reaffirms. These references gesture at the centrality of the modern grammar of subjectivity (the language of equal rights) to an adequate reading of the poetic text on trial, spelt out rather straightforwardly, in fact, in the defense's remark that the theme of Cowper's work is an advocacy of struggle for rights in his readership ("in which he advises people to strive for freedom" [Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 155]). The mythological references in the text attribute to a divine omniscience, a moral and superior substitute for the political authority of colonial law, *only* an authorizing of political propaganda and not a generating of political thought or consciousness (as in "that thou hast called me to destroy the spell of ignorance"), and the granting of political sovereignty itself: "(But) has he anything to fear who has a mother who grants emancipation, on placing whom in the heart, bondage beats a retreat?" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144). In what is, no doubt, a reflection of received opinion about what it is that a "customary" language can produce and what it is that a newly acquired cultural language

can, the defense attributes to the former—customary—the moral authority for sanctioning a desired political subjectivity (“freedom”), and it attributes to the latter—newly acquired—the capacity for creating a psychological reality, one that would make one adequate to the task at hand.

Stated differently, we could argue that in this staging of law as a matter of differing economies of scale—one moral and divinely ordained and the other human, race-inflected, and flawed—we witness a staging of Hindu cultural pasts as *tradition* to colonial law’s modernity. But if we consider much of the recent discussion around the dangers inherent in automatically seeking in an indigenous deployment of customary and inherited texts signs of a deliberative strategy of a staking of the ground of “tradition” against the foreign modern,²⁸ we are prompted to ask whether the poem engages in a differential but equal employment of moral systems—one whose idiom is the language of rights and the other whose idiom is the language of divine ordination—to make the point about political freedom. This is to say that in this poem, as in many others, the language of rights mixes with the iconic vocabulary of moral or divine law, without apparent contradiction or awareness, on the part of its producer(s) of a Western-style paradox.

The limitations of the governmental strategy in reading such texts are clear. The allegorical mode discovers in “Come O Mother” only a narrative in which colonial history is “encoded” and successfully “deciphered” by the prosecutor. And with every such reading and in every such trial, the “judgment,” law’s quintessential text,²⁹ reinforces the conclusion that anticolonialism *alone* conceptually rationalizes Indian political writing, thinking, and speaking. However, if we lend credibility to the claims of the author, that the poem is about village and city and the problematic that is articulated in a juxtaposition of these social spaces, and the wild move to staking a right to political self-determination, we would conclude that whatever else is the function of the poem (anticolonial sentiment, indeed), the specific embodiment of the message—metonymically the city and village or, alternatively, the *native* body as the site of history itself—is where thinking about self-determination at the level of individual subjectivity, as opposed to stating the need for it, happens. Thus intentionally or not, the trial testifies to forms of exchange informed by *the* interpellation by which colonial relations are most often described. Colonial culture hails the *native* with expectations of evasion, prevarication, equivocation, lying, sly civility, and incomplete comprehension of “Western procedural forms and institutions” (Mitchell xv). The Indian public employs the same expectations, which by another language are structural loopholes, to their best advantage. Loopholes are maximized

as spaces of indeterminacy—particularly those predicted in the fact of cultural translation and those provided by law, procedurally at least.

If we step outside of the details of the trial and consider the performance that takes place in more general terms, we note the government decision to criminalize the production of popular nationalist texts in the periodical press contributed much to the latter's developing of an enunciative dimension in the spectacular way it did. Law is, Bourdieu puts it, "the quintessential form of 'active' discourse, able by its own operation to produce its effects" ("The Force of Law," 839). This is best witnessed in the courtroom and the judgment, as an articulated form of reasoning, in particular. Arguably, however, performativity, Austin's term for the force of utterance, as opposed to its meaning,³⁰ is also *the* mode of resistance literature—its *raison d'être* is to bring about historical change by functioning the way action does. To the performative power of law—which was spectacularly witnessed in the many convictions there were between 1906 and the 1940s—the resistance text posits counterhistory as the place where a subjugated people gains access to the same power of performativity. So it is not just *any* text that the Indian public produced in and outside the courtroom but one that pitted the power of counterhistory (as text)³¹ against law in the latter's most central performative spaces—the legal courtroom and the political trial.

To focus on the courtroom, then, brings one kind of significance of the engagement between the government and public to light. If the courtroom is the place in which one witnesses the transformation of a people and their experience into the static category of *the native*,³² which is certainly attempted in the *Pallichitra* trial, and even more so in the 1891 *Bangavasi* trial, the courtroom is also where the latter wrests back its non-porousness to the European. And maybe it was not such a hollow victory, after all. Through the process of repetition, seditious libel trials literalized the argument that was gaining currency in propaganda texts. Censoring of texts whose offense was to claim the universality in "universal rights" and describe or imagine the Indian as a rights-bearing individual was itself a demonstration of the very aporia at the heart of colonial rule. As Janaki Nair has put it, "There cannot be 'rights bearing subjects' where there are no citizens: the political conception of right, after all precedes the legal conception. Under colonial rule, this was an impossibility" (38–39).

If we focus on the kinds of texts that were seized, another kind of significance, not having entirely to do with an engagement with the government, comes to light. It is with a brief consideration of the rhetorical choices of texts such as "Come O Mother," and the implications of such choices, that I would like to conclude. The poetic text does more than state the message on which the prosecution and magistrate seized—a

fact that is acknowledged somewhat in the magistrate's separation of the poem into offending and unoffending sections (a literary violation if ever there was one, conducted in the name of legal reading). Thus although it is difficult to argue with the government's reading of the narrative part of the poem—which speaks the wretchedness of colonial rule, albeit obliquely—an approach that takes cognizance of the legally inoffensive section of the text and seeks continuity, rather than the disjuncture the prosecution finds, arrives at a supplementary reading.³³

In a switch from the genre of narrative to the genre of religious lyric, the speaker as supplicant requests the goddess's favor and confesses his inadequacy to the moral task required by the historical moment and of which the militaristic goddess is a reminder. Hence the following lines, "Thou, O Mother, having come and not having won my heart, you went away neglected" and "I have come with my heart and a sacrifice to be offered up at thy worship / I have brought my heart to place thee upon it" (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144). These lines anticipate a transformed subjectivity, an announcement that appears to be camouflaged by all the overt mythological references on which both prosecution and magistrate pounce, as Pinney's discussion of standardized governmental strategies of reading leads us to expect (114).

If we allow for the narrative in the text to be a multivalent one, we would conclude that one kind of historicizing in which it engages is of consciousness itself. Identifying a specific prehistory to the present, the narrative describes a pretransformation state of abjection in lines, such as "So long, deceived by enemies, and oppressed by ignorance, I was in a state of forgetfulness," and itself enacts the transformation into preparedness for the now envisioned utopia ("re-establish heavenly dominion"; prog. no. 144). In other words, encoded in the text is also an emotional history that alone makes the contemporary moment appear a revolutionary, even originary, one. Arguably, it is the poem's lyric exposure of the psychological state of the speaker—in itself undergoing a process of transformation from despair to joy attributed to an "awakening"—that is more threatening to rule than the narrative of war between the *devas* and *asuras*, colonized and colonial government, respectively. The latter was practically routinized as a culture of complaint in the NNRs. But the call to arms, targeting individual subjectivity, was relatively new and recent. You might say individual subjectivity, as a concept, gains in visibility as propaganda texts attempt to formulate, envision, and encourage in their readership the establishment of a desired political subjectivity.

As much as this section of the poem offers readers an example of political subjectivity, to which the other section is supplementary in that it

offers a counterimperial history and thus rationalizes resistance, it does so in the context of an announcement of an alternative and superior law in the form of the authoritative, divine "Mother." Thus both colonialism as history and divine law are pressed into service to persuade of the justice of the cause. This is the law that authorizes a pursuit of political freedom, which, in turn, makes resistance an injunction. In the many texts that invoke divine law, just as "Come O Mother" does, the dominance of popular Hinduism is difficult to miss. The text participates in a territorial nationalism in which the *other* is not the British but the other religious cultures of India, particularly Islam. Key anxieties and confusions about a countercolonial subjectivity (which you could describe as the struggle to emerge out of the category of the *native*) are thus coded in Hindu cultural values here.

To conclude, there is a very distinctive culture in which a text such as "Come O Mother" belongs, in which it participates, and in which it reproduces. By dismissing this kind of text as propaganda, with an allegorical antigovernmental theme at its *real* center, government denied the text any value, except a cheap, affective one. In other words, the government continued to deny the Indian public the capacity for political rationality. But, as I have attempted to show, the text of "Come O Mother," in its entirety, visualizes a *new* political subjectivity as a matter of a difficult but necessary choice. This it does catachrestically, by wresting vocabularies to its own use, making it appear as if they are logical choices given the argument that is to be made. But we note that while Goldsmith is considered a legitimizing force, as is the mother goddess, noticeably absent is, say, anything recognizably Islamic. The problem, as Sumit Sarkar has recently put it, was that there was not an "agnostic secularization" ("Indian Nationalism," 273) and "Come O Mother" is yet more proof, if one needed it, of this fact.

CONCLUSION

OF THE INDIAN PRESS AND THE COLONIAL GOVERNMENT

THIS STUDY HAS HAD THE MODEST AIM of probing one of the many spaces in which forms of anticolonial nationalism, other than the legislative, developed. In the Indian press, it developed as a structure of feeling. Here notions were intuited, negative states of emotion were made public and given historical explanations. They existed in tension with proleptic imaginings of a future of sovereignty. The decades of experimentation, in thought and feeling, laid the groundwork for a public, participatory nationalism. It was shot through with patriotism as much as it was shot through with the notion of the public, other histories of self determination, and rhetorical contests.

This history that, I have suggested, is well represented in Williams's notion of the structure of feeling, relates the painful process by which the subjugated accommodated themselves to the conditions of colonial rule even as they engaged in the process of practicing refusal. Complaint, as a full-fledged discourse in the Indian press of the 1870s, I have suggested, describes a post-1857 moment in which 1857 is narrativized in the Native Newspaper Reports as a traumatic moment, one that dealt the deathblow to the foundational practice of loyalty. To emerge from the set of values bodied in the discourse of loyalty was traumatic, judging by the decades the Indian press and reading publics spent denaturalizing, rupturing, questioning, critiquing, and subjecting to analysis the smallest of government's municipal decisions to the largest of political, legal, and administrative ones. In other words, I read the systematic dismantling of colonialism that takes place in the press, and is given much emphasis in the NNRs, as evidence of an internal self-examination by which the Indian public seeks to justify, to its satisfaction, that a refusal of constituted authority is an imperative. To this process, the many articles on

colonial law in which colonial rule is accused of inhabiting the concept of exceptionalism contributed greatly.¹

The fact that the press writes without any real sense of belonging to an organized resistance movement is evident. There is nothing like a long view of history contextualizing the writing. What is common to the decades between 1870 and 1910 is the fact that the press writes in the absence of a reassuring narrative, such as is implicit in the very notion of a movement. Not unexpectedly, then, constitutive of the political discussions in these early decades is another kind of unbearable knowledge—of the incommensurability of the political aspirations of the people with the real conditions of their existence under colonial rule. That what was an unbearable knowledge proved to be over time—an insurrectionary knowledge they could not have known. This is, of course, more true of 1870 than it is of 1910. It is not surprising that the discourse of the public takes hold at such a moment, best described, I think, as a moment of an unmooring of the familiar discourse of loyalty. The concept of the public is contemplated, its (Western) history scrutinized and assessed, its usefulness and applicability discussed, and so on. As I suggest in the introduction, imagining agency not through the failure of the sustaining notion of loyalty but through a concept that is untainted by this history of loss could not but have held much appeal. This is to say, recasting loss as the desire to be a public provides relief from negative states of experience. Nonetheless, “public,” as a framework for thinking a progressive and united political culture, was contextualized by the discourse of loss in which defeat and failure are themes.

There is, I will suggest here, another significant feature of early nationalist culture that contextualizes the emergence, and failure, of the concept of the public to maintain its very thin definition and its utopic generality. While the public was an enabling fiction, which produced exuberant texts, it was part of a flow of language for describing an emergent consciousness (or so it was claimed to be), which included, most importantly, the concept of patriotism, which was *differently* enabling. Since I have discussed the first in the introduction, I will limit myself here to making some remarks on the complications to which the already established discourse of patriotism was subject between the 1870s and 1910. There is no better proof of the availability of the discourse itself for languaging political desires, and evidence of its ability to draw on feelings of loss and defeat, than the history of a patriotic pamphlet of the 1880s. In 1886, a year after the formation of the Indian National Congress, a patriotic pamphlet, published by the *Amrita Bazar Patrika* on 8 October, was circulated throughout the country by the press. Introduced as “a patriot’s cry

of sorrow ending with an expression of hope, over the present lamentable condition of our country” (in *Voice of India*, Oct. 1886), the first stanza of the poem, titled “The Star in the East; or the Bengal National League,” with which the pamphlet purportedly opened read,

Robed in mourning, crowned with ashes,
Night-enshrouded, India weeps,
Rolls the storm, the lightning flashes,
Still the nation heedless sleeps.

The anonymous pamphlet was cited and reproduced in *The Tribune* (23 Oct.), *Sind Times* (23 Oct.), *Behar Herald* (19 Oct.), *Indian Chronicle* (18 Oct.), *Dnyan Prakash* (18 Oct.), *Indu Prakash* (18 Oct.), *Indian Mirror* (24 Oct.), *Indian Spectator* (24 Oct.), *Indian Union* (27 Oct.), *Jam-e-Jamshed* (10 Nov.), *Bombay Samachar* (10 Nov.), *Bakul* (7 Nov.), *Dacca Prakash* (14 Nov.), *Shom Prakash* (8 Nov.), *Bengalee* (30 Oct.), *Indian Echo* (1 Nov.), *Indian Nation* (1 Nov.), *Muslim Herald* (2 Nov.), *Native Opinion* (7 Nov.), *Hindoo Patriot* (8 Nov.), *Indian Courier* (13 Nov.), *The Mahratta* (14 Nov.), and *Kanada Suvarte* (19 Nov.). Some of these newspapers dealt with the subject of this pamphlet more than once. Its wide circulation—a perfect instance of what the government would describe as “contagion”—in all of these newspapers is noted by the *Voice of India* of October and November 1886 (my source of information), whose purpose, then, is less to do with the substance of the pamphlet and more to do with impressing on its readership the extent of the circulation of this patriotic text across the press of British India and the Princely States.

Clearly, patriotism, positioned here as a theme of (anticolonial) nationalism, had a kind of appeal that the “public” as subject may not have had. Aside from its obvious emotional appeal, as opposed to the intellectual construct that the “public” was, patriotism was a competing discourse from the very beginning that, on the surface, appeared to coexist with it in an amorphous and fuzzy imagining of counternarrative as the space of nationalism, patriotism, the public, and so on. The meanings patriotism acquired in this particular constellation of political common sense (in the Gramscian sense of the term) are best represented in the fact that it shapes the very notion of readership. In effect, it is not *readership* as a conceptual category, but *patriotic readership* that is identified as the only legitimate category of readership. When we take note of the fact that readership was promoted as a form of participation, in resistance of the government-as-state, the importance of patriotic readership, as a conceptual category, becomes evident.

Of course, patriotism cannot, in the Indian context, be easily dismissed as the jingoistic space of an undesirable performance of “nation.” In fact, Bayly, who challenges the claim that nationalism was a colonial invention, argues that anticolonial nationalism is properly attributed to a long and complex political history of “traditional patriotism” (*Origins* 4), which he defines as a “sense of attachment to the territory, custom, political and religious institutions” (4). To patriotism, Bayly attributes the formation of cross-community solidarity, which is demonstrated in the many revolts there were during Company rule. He writes, “resistance to the English East India Company and the early revolts against it constituted a series of patriotic rebellions which linked together many nobles, artisans and plebians” (*Origins* 63). One of the proofs he offers, of an actively patriotic culture, is the circulation of language describing the “solicitude of one’s own land” (3) in Indian languages.

So important is patriotism to an understanding of Indian nationalism’s early days that, in *Modern India*, Sumit Sarkar not only points out that patriotism needs to be factored into our understanding of the nationalist movement but notes that Bayly, of all the Cambridge historians, stands out in the attention he has paid to patriotism and ideology (7). Sarkar himself, however, remains more concerned with considering the limits patriotism posed for nationalist India. The fissuring of the concept takes place, he has argued, along linguistic-cultural lines starting in the 1870s. He writes, “As the examples of Bengali and Marathi make clear . . . the development of patriotic literature in the languages of the various Indian peoples contained certain ambiguities. It tended to foster, more or less at the same time, national, regional and communal consciousness” (*Modern India*, 84).

If one face of the experimental phase of early nationalism was the giddy discourse of “the public,” and a unity discovered through the collective work of discovering identity to be something other than subordinate, however tenuous, then, another was that of patriotism, described by Bayly, correctly I think, as an “attachment” not just to territory but “custom” and political as well as religious institutions (*Origins*, 4). The latter informed the seemingly *natural* mappings of “public” onto categories such as “Hindu” and “Muslim” with some newspapers seeking to describe a continuity of interest with (what is described as) the Muslim community of nations and others globalizing the Hindu community. It is a tension we see, for instance, in 1890 with the Age of Consent Bill. This bill led the *Bangavasi* to turn “violently cultural-nationalist,” as Sumit Sarkar puts it (*Beyond Nationalist Frames*, 115),² and also magnified existing tensions between Hindu-identified and Muslim-identified

newspapers—a fissure that appears as an anxiety in articles published in the *Bangavasi* prior to its prosecution in 1891.³ The crisscrossing of the space of a (desired) common political culture by existing tensions and frictions in late nineteenth-century India, has, of course, been exhaustively studied (see Sumit Sarkar, *Modern India*, 70–82; Thapar, “Imagined Religious Communities,” 984–85).⁴ Its inevitability, too, has been the subject of extensive debate. If Majeed is correct, the problem was bound to occur. As he sees it, a key difference between the formation of the public sphere in eighteenth- and nineteenth-century Europe and the one in late nineteenth-century British India is the fact that in the latter imagining a “formless public”—an imagining key to the formation of the bourgeois public sphere in nineteenth-century Europe—⁵ is experienced, from its earliest moments, as an impossibility. Imaginings of the public, he concludes, were riddled with an awareness, and indeed acceptance by many, of a rank-based social structure.⁶ I would suggest, however, that the constant presence in the press of articles claiming theirs is a representative opinion (commonly using “India,” “we,” “public” and so on) indicates the press was aware of a leveling formlessness, as a necessary fiction, for the production of the thing called representative opinion even as it published articles in which the naturalness of hierarchy, accepted social inequalities, the respect due to rank (as for instance in articles that protest the equal treatment of all classes in jails), and so on are asserted and, more often, simply assumed. In sum, the failure of the notion of the public has much to do with the longer history of patriotism in the subcontinent and the power of appeal of negative themes—of loss, mourning, and so on—which the thematizing of patriotism drew on, heavily.

The fact that whatever may have been the history of the press, its building of a countering social memory, it was the NNR that most determined government policy is intriguing to say the least. It is difficult to deny that this genre played a seminal role in the history that this study relates—the emergence of the press and the government as opposed communities in law. Quite literally, in its citational form—in which I include the ever more indirect forms of representation, such as the precis, paratextual and parenthetical remarks, and, of course, linguistic translation—the Indian press takes on a life of its own and has a distinct readership, the government. The hermeneutical community that the government develops into is no less fascinating. As much as the government depended on the belief that meaning inheres in text for its attempted policing of the Indian periodical sphere, we see the incredible expenditure of energy, which made such a belief possible. There was a veritable industry devoted to gathering and interpreting the press, now considered raw data. Stabilizing the

press, via the NNRs, the government produces in its documents a press whose meanings are fixed and knowable. Turning the Indian press into an image of a mob-making, rabble-rousing, propaganda machine, government documents, apparently successfully, rendered the political critique that came the government's way invisible and allowed for an ignoring of the questions the press persisted in asking of colonial rule.

The issue that most stands out in the history of government activity, I think, is of translation, particularly the politics of translation in the imperial context. It is a politics that the NNRs erase from view but which return to haunt legal view, or they would if the law had been something other than ideological. Some issues have to do with the activity of linguistic translation in the bureaucratic context while others are more philosophical. For instance, a question that the immense variation in the manner of "reporting" on the Indian press (including the fact that some purportedly cite while others summarize; some translate terms while others do not; some offer leading interpretive statements and others do not; and some, especially Bengal, are exhaustive while others, like Madras, are cursory) practically forces one to ask is: How did the civil service approach the issue of translation? After all, a major consideration was the development of technologies for accessing "real" or "authentic" native opinion. That civil servants were aware of the layers of intervening attitudes (including prevarication) has been demonstrated in the chapters of this study. Nonetheless, the fiction of the NNR as a site that captures "native opinion" appears to have remained intact. Possibly it was strategic, in which case, the NNRs served the crucial function of doing the otherwise impossible—squaring the very paradox on which British India was built (and, indeed, founded), of absolute rule with a (supposed) free press. Possibly, it was itself an effect of a century or more of imperial philology and cultural anthropology—believing that the European had developed the disciplines by which the native was better known to the European than he was to himself. In this case, Bourdieu's notion of the *habitus*—with its singling out of a "feel for the game" as the reason attitudes are so difficult to unseat—proves useful in understanding why the fiction was so firmly in place for as long as it was.

Given the fact that linguistic translation is the very ground of the NNRs, it merits further thinking too. I take my cue from Umberto Eco, who regards the debate over literal or denotative and metaphorical or connotative to still be the ground of translation studies (this, Paul Ricoeur has suggested, is better described using moral categories—faithfulness versus betrayal [14]). As Eco puts it, the very important issue at stake is getting the "deep sense of the story."⁷ This, of course, was never the

intention of imperial translation. Driven by the needs of empire—which in the case of the Indian press was quite simply to disenable it by criminalizing dissent, that too through a statute that identified emotional expression as a potentially seditious site—translation matched Indian newspaper articles with the language of the statute. This we see at play in the very fact that the attempt of the government translators is to depend on a literal translation. Sometimes it makes for very strange sentences either because the original is deliberately opaque (which proves that the Indian press was playing to the conditions intended to subdue it; it is the case in “Come O Mother” for which the *Pallichitra* was charged and, I suspect, is the case in Tilak’s “Shivaji’s Utterances,” for which the *Kesari* was prosecuted in 1897, the opening lines of which I have cited in the introduction) or because literal translations lose the sense of the cultural, making the original appear to be the “unmeaning jargon” they were not (Cheyfitz 39).⁸ I should note that at his 1897 trial, Tilak claimed that translation had distorted the meaning of the original.

The argument made by the Indian defendants of seditious libel trials, of the instability of (linguistic) translation since it was also cultural translation, is, of course, an argument that is commonly made in translation studies today. Writing in another language is to think in another language. In the context of colonialism, the activity of the NNR (linguistic and cultural translation of the Indian and English language press) brings opposing views of history (the “story” of British India) into conflict. Put simply, the many shades of political desire, and experience, there were in the press—including political freedom, self-determination, patriotism, economic redress, political unease, psychological devastation and distress, and mourning—were turned, in translation, into a directed anticolonialism. In other words, what is in the NNRs reductively anticolonial thought, or at the very least, the NNRs allow for such a reading (which I judge to be the case from reports in which the NNRs are “read” so by the government), could be much more nuanced and expansive—as my study has tried to demonstrate by offering readings against the grain of the typical government reading.

There is, however, yet another layer of complexity to the act of translation in the context of the NNRs. It has an even more situated history than is allowed for in the general, but important, insight that translation was a key technology of modern colonialism. The act of translation goes against the grain of the language of administration and reveals the figure of the translator. Certainly, in the case of British India, the civil service was trained to be as invariant as possible—ledger-like in its pursuit of the “literal.” Not surprisingly, metaphoric texts are always already

“excessive” by these terms. We know this to be the case from the ease with which officials dismiss Indian forms of metaphoric speech and writing as “excessive” (at least this is one possible reason, confirmed in Bourdieu’s notion of the habitus). The inadequacy of literal translation (or what they believed to be literal translation) is, surely, admitted in the frequent use made of paratext to either indicate that the word has not been literally translated, and the literal translation is provided parenthetically, or vice versa. In the case of legal text, paratext is sometimes extensive—an act of interpretation—as is the case in the *Pallichitra* trial. The same choices, of marginalia and whether to summarize or to cite the Indian press, reveal the intriguing figure of the translator. Whether and how race was constitutive of the activity is an intriguing question to consider. It is, for instance, strange to encounter, in entries in which the British translator summarizes rather than cites, a merging of the language of the resistance text—such as *swaraj* or trenchant critique of the government—and the language of the translator. As for Indian translators, whether and to what extent they felt compromised by their race on the one hand and their status as native informant on the other, it is difficult to know. Whether their decisions, regarding articles to include, what sections of articles to include, and so on, were informed by the same concern as, I have suggested, informs the testimonials produced by the regional civil servant in 1857, it is difficult to know but something to consider.

While these are interesting features of the Indian colonial bureaucracy, the fact remains that such instabilities did not interfere with the emergence of the NNR as a stable document, a substitute for the Indian press. Yet, because of the criminalizing of dissent, the government, ironically, globalized what was (only) an element of the Indian press, and then saw fit to complain that it, the press, was an infernal propaganda machine.⁹

NOTES

INTRODUCTION

1. Tapti Roy writes that the nationalist elite established its literary practices as the “normative literary practices” (54) by describing the practices of the nonelite as “popular.”[0]
2. Bayly offers a caveat: the emergence of a nationalist reading audience meant that, sometimes, government sponsorship led to the rejection of a newspaper by the “Indian public” (*Empire*, 342).
3. A dual language weekly (Hindi and English), printed in Bombay, the *Native Opinion* was started by Viswanath Narayan Mandalik. He was “almost the sole contributor” (16–17) according to Dasgupta. The paper had a circulation of around 550 in the year 1872 (Dasgupta 34).
4. The *Indian Spectator*, an English language paper of the Bombay Presidency, attracted “several journalists” (129), according to Natarajan. It was owned by B. M. Malabari and is described by Natarajan as a “progressive” leader (54).
5. Priya Joshi and Darnton remark that the act was a response to the request of the British Museum and India Office librarians, who “felt a need to keep track of the printed matter churned out by Indian presses” (Darnton 136). However, I argue, the act was much less innocuous. This Darnton admits when he notes that the act was part of a post-1857 political reality, in which government was absorbed by the need to “restore order” (136).
6. The phrase is borrowed from Eric Cheyfitz, who uses it in quite another context in *The Poetics of Imperialism* to describe the means by which Stephen Greenblatt, at one end, and Tzvetan Todorov, at the other shy away from acknowledging the imperial politics of translation in a colonial setting.
7. For an overview of the emergence of extremism in British India, starting in the 1890s, see Sumit Sarkar, *Modern India*, 96–100 and 111–37.
8. See “Repression and Reform” in Natarajan’s *A History of the Press in India* for an account of prosecutions, demanding of securities, and an overview of the productivity of the periodical press in the early decades of the twentieth century.
9. The statement informs that the act makes place for an appeal of the court decision: “the Bill provides for an application, within two months of the date of such declaration [of the forfeiture of a newspaper, book, etc.] to a special bench of three Judges of the High Court, on the question of fact whether the matter objected to is or is not of the description defined in the Bill. If the High Court finds that it is not of that description, it must cancel the order of

- forfeiture” (G. K. Roy 46). Of course, in the meantime, the forfeited material was already out of circulation.
10. Both these facts did not escape Indians serving on the select committee to consider the Indian Press Act. For instance, G. K. Gokhale and R. N. Mudholkar saw fit to object that the bill legalized “a certain amount of executive control at initial stages over printing-presses and newspapers to prevent serious abuses of the liberty of the Press” (G. K. Roy 48). Describing it as “exceptional legislation” (48), they remark that it should not form part of “the permanent Statute-book of the country” (48).
 11. The Calcutta based *The Indian Daily News* was owned primarily by David Yule (Natarajan 128). Natarajan states that it “pursued a middle policy” (128). Dasgupta describes it as one of the “lesser Anglo-Indian journals” (40) that employed “University graduates and printers as pressmen” (40).
 12. The Registration of the Press Act of 1835 described a broad jurisdiction: “no printed periodical work whatever, containing public news or Comments on public news shall be published within the territories of the E. I. Company, except in conformity with the rules hereinafter laid down” (quoted in Basu 118–19). The definition is maintained in the Press and Registration of Books Act of 1867. The preamble notes that “periodicals containing news” (G. K. Roy 1) are covered by the act. In the *Pallichitra* trial (1910), the defence argues that such a distinction needs to be maintained, claiming that the *Pallichitra* is a periodical, not a newspaper.
 13. James Long was an Irish missionary who arrived in India in 1846.
 14. *The Bengalee* was started by Surendranath Banerjee, who was also its editor (Natarajan 96). Banerjee was associated with the Indian Association and was a political moderate. For Banerjee’s reluctant acceptance of the policy of boycott of British goods and participation in the political scene around the time of the partition of Bengal (1905), see Sumit Sarkar, *Modern India*, 111–12. His paper was also the first Indian newspaper to use Reuters, starting in 1900 (Dasgupta 22). See also Peter Heehs, *The Bomb in Bengal*, 79 for a brief discussion of the *Bengalee* and the *Amrita Bazar Patrika* (*ABP*), the two most prominent moderate newspapers of 1905 Bengal. According to the Bengal NNRs of 1910, in that year the circulation of the *Bengalee* was six thousand and of the *ABP* four thousand.
 15. I should note that initially some welcomed the NNR, considering it to be a channel of communication with the government unmediated by the Anglo-Indian press, which routinely republished articles from the Indian press under the heading “Native Press.” Clearly, the mistrust was of an Anglo-Indian press’s mediation of native opinion for the benefit of government. See the *Hindoo Patriot*, 12 June 1861 (Benoy Ghose, *Selections from English Periodicals of 19th Century Bengal*, vol. 6, 19).
 16. After 1874, the circulation of the reports was limited to the rank of secretary to the government and above (Dasgupta 270).
 17. In *How to do Things with Words*, Austin describes the illocutionary as speech that is “doing something” (13). When it has its desired effect, the illocutionary is considered “successfully performed” (116) or has taken effect (117). In

- Austin, the term describing the completion of the illocutionary, its producing of an effect, is “perlocutionary” (117).
18. Ghosh asks: “in the broadest possible sense, could it not be said, that all *addas*, and indeed all (native) discourse in imperial India were shaped to a greater or lesser degree by the ever-present fear of intervention?” (149).
 19. Dasgupta’s figures for the total subscriptions in the northwestern provinces in the year 1874 (6,380), for instance, indicate that a significant number of subscriptions were of editor-proprietors, who subscribed to each other’s papers. There were 3,688 Indian subscribers, 1,329 government subscriptions, 534 European, and 829 internewspaper subscriptions (38).
 20. The divergence between the Indian response and the English coverage of the tour (for the English public) is evident when one compares the NNRs with, say, George Wheeler’s *India in 1875–76: The Visit of the Prince of Wales*. A special correspondent with the Central News, he was part of the entourage. Of the prince’s reception in Bombay, for instance, he offers the following Orientalist account, replete with effusiveness and hyperbolic language: “In no other part of India will the scene furnished by the people of Bombay be rivalled. In no other city will His Royal Highness see so brilliant a diversity of dress . . . Nowhere else in all the wide world are there to be seen so many shades and fashions together” (50).
 21. In his discussion of the key phrase of English treason law up to the 1790s, “imagining the king’s death” (42), Barrell writes of the struggle between the government and the “popular radical movement” and “parliamentary Opposition” (42) for control of the word “imagine” (44). The statute in which the term occurs, 25 Edward III, he states, was one by which the government, in the 1790s, “hoped the popular movement for parliamentary reform could be destroyed” (44). The claim made often by the English public and the periodical press as the 1794–95 treason trials took place, he establishes, was that it was the government that was “imagining treason” (41). In colonial India, a similar position was taken by the press in 1891, when the *Bangavasi* was tried for “disaffection.” Many newspapers argued that it was the government that was imagining the “disloyalty” of the people. This was, however, not a new argument. After the revolt of 1857, for instance, the periodical press made this same point repeatedly (judging by the 1870s NNRs), albeit obliquely, in protestations of loyalty and complaints of an undeserved suspicion.
 22. The *Nil Durpan* was an early dramatic text that drew attention to exploitative indigo plantation culture. It was translated into English and published by James Long. A case against Long was instituted by the Landholders and Commercial Association of British India in 1861. He was found guilty by a jury, sentenced to one month’s imprisonment, and had a fine of Rs. 1,000 imposed on him.
 23. Charles Paul, the advocate-general of Bengal at the time of the *Bangavasi* trial, in fact remarks that the 1878 Vernacular Press Act was an attempt to counteract the ambiguous Section 124A. In a memorandum addressed to the Bengal government, he states: “It is clear that Act IX of 1878 was passed because section 124A was considered impracticable and unworkable” (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 268). The Vernacular Press

- Act, he explains, was successful because “The dread of its provisions” was “sufficient to repress the evils against which it was directed” (prog. no. 268). Further, he notes that it “strengthened the hands of the Government” because it “deals with disaffection unfettered by an explanation” (prog. no. 268). The Vernacular Press Act of 1878, modelled on the Irish Coercion Act of 1870, was used to require securities of the *Sabachar* in April 1878 (Basu 231–32). The act applied to the vernacular press in all regions of British India other than the south.
24. For a mention of the trial of the *Bangavasi* (spelled “*Bangabasi*” in most government reports), see Sumit Sarkar, *Modern India*, 71; Natarajan 114; and Basu 270–75.
 25. Jackson distinguishes between the “story in the trial” and “story of the trial” (177). Whereas the former describes the trial’s concern with “those events in the outside world which are to be adjudicated in the trial,” the latter identifies “those actions and events in the trial process, which make sense as meaningful acts of enunciation” (177).
 26. Although some newspapers of the Bengal press, self-identified as Muslim, expressed approval of this decision of the Curzon government, the majority opinion was critical of it. Sumit Sarkar writes in some detail of the spread of the agitation to other parts of British India (see *Modern India*, 130).
 27. Sumit Sarkar states that a post-1905 resistance culture had begun to be called “the Vandemataram movement” (*Modern India*, 130).
 28. Literature was, in his view, “no longer restricted to the literati: it was spreading to the masses—that is, spreading disaffection, and disaffection meant sedition” (158). Darnton’s use of the term “literature” here is dictated by the Catalogue of Books, which did not place strict limits on the notion of literature. Column 16 of the Bengal Catalogue of Books recorded bureaucratic statements on popular literature as well as “serious Bengali fiction” (Darnton 141–43).
 29. I have borrowed Michael Billig’s phrase for describing everyday nationalism, “banal nationalism,” to describe the emergence, in 1905–10 of an everyday culture of patriotism and nationalism.
 30. For accounts of the emergence of Hindu and Muslim nationalisms in 1880s and 1890s Indian public culture, see Sumit Sarkar, *Modern India*, 43–100, and Rudolph, *The Realm of Ideas*, 292–94. As they and other historians have remarked, in addition to a fuzzy nationalism, which was normatively Hindu, the period was also defined by the emergence of the particularism of religious conceptions of patriotism and sovereignty that depended upon Hindu, and Muslim, worldviews for their legitimation.
 31. The Public and Judicial Department series is replete with correspondence between the governor general and the secretary of state for India in which the latter requests information (really government rationale) on trials, police actions, and other government actions reported in the press (Indian, Anglo-Indian, and English). These articles are produced by the parliamentary opposition in the House of Commons, apparently to dramatic effect, in 1907–10.
 32. In a 19 January 1910 memorandum addressed to the government of India, the secretary to the Bombay government reports an increase in “the number

- of plays of a seditious character which are performed before large audiences at all the larger centers of population” (Proceedings of the Public and Judicial Department, L/PJ/6/1003, file no. 1464) and complains of the inadequacy of laws in place for censoring such plays. He writes: “Some of the worst of them have from time to time been prohibited under the existing law, but the prohibition of a play which has already been produced is of little use, because the mischief has already been done, and it is easy to serve up the same stuff under another name” (file no. 1464).
33. Barrier reports that the government debated whether gramophone records made of Congress speeches could be assimilated to the term “document” as it was defined in the Emergency Powers Act (157) and concluded that “the records were documents and should be banned because they potentially reached large audiences” (157, note 4).
 34. Christopher Pinney writes of the use made of clothing to disseminate political views, and the legal quandary posed, for government, by a *dhobi* on which a song praising Khudiram Bose was printed and sold in Calcutta in 1910. He adds: “The appearance of this *dhobi* triggered a surreal debate as to whether it could be considered a ‘document’ under section 2(6) of the Indian Press Act 1910 (it was finally deemed to be so and Notification no. 1350-P was published in the *Calcutta Gazette Extraordinary*, declaring that all such *dhobis* should be ‘forfeited to His Majesty’)” (116).
 35. Denzil Ibbetson authorized the deportation of Ajit Singh and Lala Lajpat Rai, without trial, in 1907 when he was the lieutenant-governor of the Punjab. See Heehs, *The Bomb in Bengal*, 107, for an account of the protest in which the two participated and for Ibbetson’s response.
 36. In “Gandhi’s Trial,” Kaviraj ends his study of Gandhi’s superb ability to control the courtroom with the comment: “A more careful study of the trial would reveal the exact moves by which the trial of the rebel was turned into something that appeared more like a trial of the state” (308). It made me think that this, precisely, is what the periodical press, in its covering of political trials, accomplished.
 37. Madan Gopal writes: “the articles, poems and short stories published in books, which were later banned by the British Government, appeared first in periodicals” (24).
 38. Shaw and Lloyd advise that their catalogue is incomplete because they were unable to conduct the much more extensive research required (xi). They also suggest that the collections of the National Archives of India, the collections of the British Library, the Barrier collection, and the Indian State Archives are not fully duplicates of one another (xi).
 39. Chatterjee, and Kaviraj, argue that civil society—the society which controls and is represented in the bourgeois public sphere of which Habermas writes in *Structural Transformation*—was confined mostly to urban elite culture. See Chatterjee’s “On Civil and Political Society” and Kaviraj’s “In Search of Civil Society.”
 40. See U. Kalpagam’s “Colonial Governmentality and the Public Sphere in India” for another discussion of the Gandhian public sphere.

41. In *Political Ideas and Movements in India*, Sankar Ghose discusses the meanings claimed of the term *swaraj* by prominent figures such as Bal Gangadhar Tilak, Bepin Chandra Pal, and Aurobindo Ghose (32).
42. The reference in the *Indian Spectator* is to the Ilbert Bill controversy. See Nata-
rajan 100–101 for details regarding the bill and the outrage expressed by the
Anglo-Indian press.
43. The proposal to enlarge councils was a direct response to the demands of “early
nationalists” (Bipan Chandra, *India’s Struggle*, 115). The demand was for the
expansion and reform of legislative councils—for an increase in the number
of “elected Indian members” (115) and an expanding of the mandate of the
councils. The Indian Councils Act of 1892 increased the number of members
in the Imperial and Provincial Legislative Councils. Some could be elected but
the control in all councils was firmly within the hands of officials.
44. The report’s emphasizing of the function of text in its definition of propaganda
is accompanied by descriptions of propaganda’s (presumed) content. Charac-
teristics of seditious propaganda include “Slanders and misrepresentations of
the grossest character” of the government by “malcontent sections of the Press”
(prog. no. 319).
45. There are also moments in the document in which a more responsible public is
described or set apart from the rest. One reads, “We are aware that these sedi-
tious publications are deplored by large and influential classes of native society
and by none more than by the educated men of the advanced school whose
desire it is to influence opinion by legitimate and moderate methods” (prog.
no. 319).
46. In another part, for instance, the report claims that “the statements made in
them are repeated by readers or listeners to others” (prog. no. 319).
47. Vulgar was, Majeed writes, “an indication of their inability to become respon-
sible citizens” (*Ungoverned Imaginings*, 152).
48. Bayly has also written of the shift, after 1857, to public opinion as the arena
of contestation. He states: “The real struggle was now over the formation of
opinion, though few officials could yet see it” (*Empire*, 340).

CHAPTER 1

1. Interesting studies on the troping of 1857 in the English cultural imaginary
include Gautum Chakravarty, *The Indian Mutiny and the British Imagination*;
Sashi Bhusan Chaudhuri, *English Historical Writings on the Indian Mutiny, 1857–
1859*; Manu Goswami, “‘Englishness’ on the Imperial Circuit: Mutiny Tours in
Colonial South Asia”; Manjita Mukharji, “Violence in the Mutiny: Reading the
World of *Punch*”; Projit Bihari Mukharji, “Can the Subaltern Sing? The ‘Indian
War’ in Nineteenth-Century British Broad-sides”; Hyungji Park, “‘The Story of
Our Lives’: *The Moonstone* and the Indian Mutiny in *All the Year Round*”; and
Laura Peters, “‘Double-Dyed Traitors and Infernal Villains’: *Illustrated London
News*, *Household Words*, Charles Dickens and the Indian Rebellion.”

2. Chakravarty writes that the “shrill call,” as well as the call for “more sober policy debates,” that followed the revolt “bear similarities with the spectrum of public reactions to a series of nineteenth-century colonial conflicts” (32).
3. Clearly, Canning believed there was an influential press culture in place. After the Press Act was passed, on 13 June 1857, several Indian newspapers were issued a warning. The odd comment made in trials informs us of the informal networks of exchange that were in place at the time. For instance, at the trial of Bahadur Shah Zafar, a “news-writer” (with a paper of his own) states that he took the manuscript around in person and read it out to his subscribers. See *Proceedings on the Trial* (W 5767). See Taylor, 336–338 for a list of Indian-owned newspapers in 1857.
4. Bayly writes that while appearing on the surface to be no different from the Anglo-Indian press, the Indian press “Slyly . . . also reported on ‘panics’ among the European residents, concerning supposed links between the Russians and dissident Indian princes, in much the same way as the older Anglo-Indian papers used to report ‘wild rumours’ amongst the natives” (*Empire*, 344). He also points out that “direct attacks on the government in Indian newspapers were rare” in the 1860s and 1870s (*Empire*, 340).
5. Probably the best known was Charles Theophilus Metcalfe’s *Two Native Narratives of the Mutiny in Delhi*.
6. See Ball, *The History of the Indian Mutiny*, vol. 2, 524–525 for the text of an address to the Queen delivered publicly by Baboo Ramgopal Ghose, “a native merchant of high position” (524), in 1858 Calcutta. After noting that the rebellion resulted from an absence of knowledge of the true English character (“They do not understand the English character; they do not understand the generosity, the benevolence of the governing power” [vol. 2, 525]), Ball enthusiastically claims a new era of improved relations. Of the proclamation, he states, “A nobler production it has not been my lot ever to have met with in my life. The justest, the broadest principles are enumerated therein. Humanity, mercy, justice, breathe through every line; and we ought all to welcome it with the highest hope and the liveliest gratitude” (vol. 2, 525).
7. In *A Companion*, Taylor mentions an 1869 book, *Travels of a Hindoo*, by Bhola-nath Chunder, which deals with the revolt and considers the reasons for its failure (245). This would appear to be the first published work by an Indian on the subject. Sir Syed Ahmed Khan had written on the subject in 1858, in a memorandum titled “The Causes for India’s Revolt” (Rajmohan Gandhi 25). It was published in English in 1873 as *Causes of the Indian Revolt*. English accounts, of course, began to be written almost simultaneously with the revolt itself. Charles Ball’s *The History of the Indian Mutiny* (2 vols.) was published in 1858–59. Narratives of the events filed by officials between 1857 and 1859 were collected and published in 1881 by the Foreign Department Press in 1881 as *Narrative of Events Attending the outbreak of Disturbances and the Restoration of Authority in all the Districts of North-West Provinces in 1857–58*.
8. The Bombay and Madras presidencies, especially the latter, were much less involved than was the northwest province and the Indo-Gangetic plain in

- general. For an overview of the civilian revolt, see Sashi Bhusan Chaudhuri's *Civil Disturbances* and Bipan Chandra, Amales Tripathi, and Barun De's *Freedom Struggle* in which a breakdown of civilian participation by occupational group is provided (41).
9. In *Origins of Nationality in South Asia*, Bayly observes, "The popular patriotic imperialism of the mid-eighteenth century emerged at the same time as the making of the English working class" (6). Of the function of (English) patriotism, which was both royalist and racialist, in the "age of imperialism," Hugh Cunningham observes, "The call for loyalty to the state rather than to any section of it was seen as a way both of reducing class conflict and of facilitating the imposition of greater demands on the citizen by the state. Patriotism, that is, became a key component of the ideological apparatus of the imperialist state" (77).
 10. The 1857 Press Act applied to Indian and Anglo-Indian press alike and was criticized severely by the latter, which felt the act should have applied only to the Indian press.
 11. E. A. Samuels, the commissioner of revenue for Patna, observes in a 6 October 1857 memorandum: "The English papers have for many years past formed the source to which the native news writers and the native papers looked for their intelligence of our movements and intentions. Since this revolt commenced the greatest anxiety has been manifested to learn what the English papers say, and every one fortunate enough to get hold of an English paper is called upon to translate it for the edification of large circles of listeners, who again retail the news and comments of the journals in their villages" (Consultations of the Home Department, P/188/48, 13 Nov. 1857; prog. no. 35, appendix E).
 12. The offences mentioned in the preceding section include the following: "and whoever intentionally causes or endeavours to cause, any other person [other than officers and soldiers in the 'pay of the East India Company'] to commit any such offence" (Harlow and Carter 459). For the extent of the legal apparatus put in place to deal with the civilian population, see Sashi Bhusan Chaudhuri, *Civil Rebellion*, 263–64.
 13. Government marginalia on a letter submitted by the Christian inhabitants of Calcutta and Fort William for delivery to the Queen spell out the responsibility of officials in 1857–58: "the Civil Officers shall, as a general rule, deal only with those who are found with arms in their possession, or are charged with a specific act of rebellion, or who belonged to a Regiment which killed its Officers, or committed any other sanguinary outrage. All other mutineers and deserters apprehended by the civil power are to be made over for trial to the Military Authorities" (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 35, appendix D).
 14. Government's marginalia to the letter by the Christian inhabitants (see note 13) observes that the public circulation of the circular was accidental: "[t]he orders were not published by the Government, but circulated in the usual official manner for the guidance of public Officers. They were published

- without authority in a Calcutta newspaper” (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 35, Appendix D).
15. The sentence reads as follows: “[t]he Governor General in Council is anxious to prevent measures of extreme severity being unnecessarily resorted to, or carried to excess, or applied without due discrimination, in regard to acts of rebellion committed by persons not Mutineers” (prog. no. 35, appendix D).
 16. Canning raises the difficult subject of official participation in the violence at the very end of the Resolution, stating, “Another point to be noticed in conjunction with this subject is the general burning of villages, which the Governor General in Council has reason to fear may have been carried too far by some of the Civil Officers employed in restoring order” (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 35, appendix D). The mild official caution is followed by a sanctioning of extreme violence, if required. Canning writes, “A severe measure of this sort is doubtless necessary as an example, in some cases where the mass of inhabitants of a village have committed a grave outrage, and the perpetrators cannot be punished in their persons, but any approach to a wholesale destruction of property by the Officers of Government, without due regard to the guilt or innocence of those who are affected by it, must be strongly reprehended” (prog. no. 35, appendix D).
 17. For the Queen’s proclamation, see Panchanandas Mukherji, *Indian Constitutional Documents (1600–1918)*, vol. 1, 431–434. Some of the key promises made are consonant with Canning’s general strategy of dealing with the revolt and read, “We desire to shew Our Mercy, by pardoning the Offences of those who have been thus misled, but who desire to return to the path of Duty” (433); “Our Clemency will be extended to all Offenders, save and except those who have been, or shall be, convicted of having directly taken part in the Murder of British Subjects. With regards to such, the Demands of Justice forbid the exercise of Mercy” (433–434). The statement directed at the majority of the civilian population is a more formal restatement of Canning’s resolution: “To those who have willingly given asylum to Murderers, knowing them to be such, or who may have acted as leaders or instigators in Revolt, their lives alone can be guaranteed; but in apportioning the penalty due to such Persons, full consideration will be given to the circumstances under which they have been induced to throw off their Allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in too credulous acceptance of the false reports circulated by designing Men” (434).
 18. Gautum Chakravarty, who offers a good reading of Ball’s *History*, reiterates the view that a significant cause of the rage in 1857 was the refusal of Christian civilization the Anglo-Indian and English publics saw in the forms the revolt took—attacks on the symbols of British rule (38). While Chakravarty downplays what I would suggest is a key cause of the calls for vengeance—the belief that government had betrayed “its own” by being judicious in its policy toward the colony—he does serve to point out that the Anglo-Indian and English publics read the revolt as proof of the civilizational arrest of the Indian.

19. The full impact of the policy announced in the resolution is felt, and its immediate function is made clear, in the company's effort to avert the threatened take-over of its possessions by the Crown. In his communication with Viscount Palmerston (31 December 1857), the chairman of the Court of Directors claims that "the heads of all the native states and the mass of the population, amidst the excitement of a mutinous soldiery, inflamed by unfounded apprehensions of danger to their religion, have remained true to the Company's rule" (Ball, *The History of the Indian Mutiny*, vol. 2, 446). In the subsequent petitioning of the Parliament, the Court of Directors describes the Company government as "not only one of the purest in intention but one of the most beneficent in act, ever known among mankind" (448), and claims it is representing the interests of the "people of India."
20. In a 12 September 1857 article, the *Bombay Times*, somewhat courageously, if guardedly, remarks on the Anglo-Indian press's irresponsible reporting over the first few months of the revolt. "We are met," it states, "on all hands with the most incessant invective against native character. It is stigmatized as a compound of all that is treacherous and vile, fiendish and beastly in the character of men; and the strongest disposition is manifested to include the whole Eastern race, high and low, learned and illiterate, in the same deadly condemnation," adding, however, that this tendency was understandable, given the situation. The time had come, the paper adds, to "stem the torrent of passion, which set so fiercely against the whole native population."
21. The letter proceeds to criticize the Anglo-Indian press for its racializing of the revolt while pointing out, in no uncertain terms, the irrationalism of this press in general: "we have simply condemned as impolitic and unjust, the conduct of a portion of the English Press and British-born inhabitants of this country, who, like yourself, express the most blood-thirsty feelings, make no distinction between the rebels and the loyal Indians, indulge freely in wholesale vituperation, and seek to wreak vengeance against whole nations, whose utter extermination they in their unreasoning exasperation recommend."
22. In *Empire*, Bayly writes of the shift in information gathering that took place in the 1840s and 1850s, which made the government report the primary source of information, not the informant. He states, "There had been a subtle change in the quality of information coming in to colonial officials in the 1840s and 1850s. Human intelligence gathered by resourceful *harkaras* and influential *munshis* had been replaced by more programmatic material derived from statistical surveys, the courts and reports on the vernacular press" (316).
23. In his comment on the situation, Grotke dismisses the landowner's concern, claiming that "the letter has been composed and dispatched with the object only of alarming the old man, but the effect of such attempts at annoyance is mischievous on a community which depends on gossip for their knowledge of what is going on out of the Lower Provinces" (Consultations of the Home Department, P/188/48, 13 Nov. 1857, prog. no. 121). From the table of contents for the 17 November 1857 Consultations of the Home Department, we learn that the letter was sent to some landowners of Baraset.

24. Ranajit Guha had, most famously, asserted in *Elementary Aspects* that it is possible to discern “the insurgent’s will” (16) in government record. Direct reports of “rebel utterances” (15) that are intercepted by the authorities are, he claimed, stable sites of information. As much as it served imperial interests, such rebel utterance “testifies no less to the consciousness of the rebel peasantry than to the intention of their enemies, and may quite legitimately serve as evidence for a historiography not compromised by the latter’s point of view” (16).
25. Stoler states, “We need to read for its [imperial archive’s] regularities, for its logic of recall, for its densities and distributions, for its consistencies of misinformation, omission, and mistake” (272). This, she claims, is necessary: “How can we brush against them [the archives] without a prior sense of archival texture and its granularity?” (272).
26. Volosinov explains that the “dynamic interrelationship” ought to be “the true object of inquiry” of reported speech because “the two actually do exist, function, and take shape only in their interrelation, and not on their own, the one apart from the other” (119).
27. Jenkins forwarded the memorandum along with his own cover letter to A. R. Young, secretary to the government of Bengal on 28 November 1857. Young in turn forwarded the entire correspondence to J. W. Dalrymple, undersecretary to the government of India on 9 December 1857. Many depositions, and the layers of interpretation to which they were subject, even made their way into the Parliamentary Papers as a special volume, titled *Mutinies in the East Indies* (published in 1858 as vol. 49, part 2 of the *Parliamentary Papers: Thirty Volumes*).
28. Other sources of information corroborate the account provided in these reports. Sashi Bhusan Chaudhuri’s account of insurrectionary activities in Assam indicates that the local ruler participated in the insurrection with the help of local militia (*Civil Rebellion*, 204).
29. Hayden White writes that a constitutive feature of the chronicle is the “absence of a principle for assigning importance or significance to events” (11).
30. Hayden White cites Hegel on history: it is that which “comprehends not less what has *happened*, than the *narration* of what has happened” (emphasis in White; 12).
31. Ally is careful to include an explanation for his presence at the assembly of the rebels: “That evening [29 August when the order arrived for fifty sepoy to go to Seesagar] Himut Ally Khan was dining with me; after dinner he took his leave and went to the lines and I retired to rest—this was at 9 o’ clock. In about a quarter of an hour he came again to my house and called me; I enquired what he wanted, he said, the men were about to rise: they are collected at the Subadar’s hut, and were going to sound the bugle, and the loot will at once commence. He said he had come at once to tell me in great fright that he had not well heard what they were saying, and wanted me to go with him and see what they were about. I said perhaps they would not let me go there; he said that everyone had gone and that they would not stop me, so I went with him” (Consultations of the Home Department, P/188/48, 18 Dec. 1857, prog. no. 57).

32. The account opens with the following: "In the beginning excitement caused by story of defiled cartridges; this turned all the sepoy's hearts to disobedience, and to destroy all Christians" (Ball, *The History of the Indian Mutiny*, vol. 1, 323). Later, the entry for 5 June describes rebel activity: "He [Nana Saheb] opened the armoury, and gave every prisoner any arms he wanted, on condition of remaining with him. Crowds of men armed themselves from the armoury; very many sent arms, &c., to their homes" (Ball, vol. 1, 324). See also pages 326–329 of Ball (vol. 1) for extracts from a diary by a "native writer" (326).
33. N. Krishnaswamy and Archana Burde write that the most noticeably feature of Indian writing between 1813 and 1857 was "the emerging bureaucratic register with its officialese and the formulaic use of English within and outside the bureaucratic domain" (96). The formulaic is usefully discovered in moments of crisis as a place of retreat from official gaze.
34. White does describes narrative as only the most complete realization of 'historical' consciousness. Thus he distinguishes himself from the traditional, and evolutionary, view of history, in which the annal and chronicle emerge as expressions of a premodern historical consciousness. He writes, "In what follows I treat the annals and chronicle forms of historical representation, not as the imperfect histories they are conventionally conceived to be, but rather as particular products of possible conceptions of historical reality, realizations that are alternatives to, rather than failed anticipations of, the fully realized historical discourse that the modern history form is supposed to embody" (5–6).
35. Loyalty, as practice, had expansive ethical and political dimensions such that the term had a range of meanings, a range in which political subjectivity was grounded. This is extensively discussed in Bayly's *Origins of Nationality*.
36. The proclamation announced, "We hold Ourselves bound to the Natives of Our Indian Territories by the same obligations of duty which bind Us to all Our other Subjects; and those Obligations, by the Blessing of Almighty God, We shall faithfully and conscientiously fulfil" (Mukherji 432).
37. The actual title was chosen, according to Balfour, because it was a "title familiar to the natives of the country, and an impressive and significant one in their eyes" (Mukherji xxviii).

CHAPTER 2

1. I am drawing on Foucault's discussion, in "Two Lectures," of emergent history as an "insurrection of subjugated *knowledges*" (81), a "set of knowledges" that are "disqualified" for a number of reasons, including the fact that they are considered "naive knowledges . . . beneath the required level of cognition or scientificity" (82).
2. In "Mourning and Melancholia," Freud describes the similarity, as well as difference, between mourning and melancholia. Mourning (which he describes using the example of "the reaction to the loss of someone who is loved" [252]), shares "traits" with melancholia. Both describe "the same painful frame of mind, the same loss of interest in the outside world" (252). The difference

- lies in the fact that in mourning “the disturbance . . . of self-regard is absent” (252). The melancholic, that is, displays “an extraordinary diminution in his self-regard . . . He abases himself before everyone” (254). For a discussion of Freud’s rethinking of the absolute division he posits in “Mourning and Melancholia,” see Judith Butler’s *The Psychic Life of Power: Theories in Subjection*.
3. The *Sabachar* (13 March 1876) offers a typical response, judging by the NNR’s extract: “The . . . paper remarks, that Government has not been wise in publishing the recent ordinance anent certain dramatic performances. This has been a most arbitrary measure . . . Government should seek to suppress obscenity, while keeping itself free from the charge of arbitrary conduct. It is the general impression, that in the recent prosecution of some actors of the Great National Theatre, Government had other motives besides the punishment of obscene representations” (Bengal NNR, week ending 18 Mar. 1876, para. no. 28).
 4. Sumit Sarkar writes: “The recurrent criteria . . . for immoral behaviour” prescribed by precolonial Indian social norms includes “being ‘untrue to one’s salt,’” which, as he notes, is the “violating” of “obligations of loyalty and obedience” (*Writing*, 7).
 5. Paragraphs are not numbered in the Madras NNRs of 1876. I have, therefore, noted the page number of the issue.
 6. In the chapter titled “Rethinking the State” in *Practical Reason*, Bourdieu writes, “The recognition of an entity transcending the agents in charge of its implementation—whether royalty or the state—thus insulated from profane critique, no doubt found a practical basis in the dissociation of the king from the unjust and corrupt agents who cheated him as much as they cheated the people” (44).
 7. Indians continued to submit formal petitions to the Queen, complaining about various forms of oppression, including that of the landowners, an act that the government claimed was evidence of the premodernity of Indian political culture. But there is at least an argument to be made that the recourse to petitioning the Queen had something to do with the desperation of a people who felt they could not, and did not, get redress when they complained of conditions. Such petitions were usually returned to the presidency government for “disposal,” as one memo puts it (Proceedings of the Home Department, P/517, June 1875, prog. no. 174).
 8. A note at the foot of the poem informs readers that those named are the “Good Governors like the Hon’ble Mountstuart Elphinstone, also known as Lord Minto.” Elphinstone Minto was the governor-general between 1807 and 1813. Law is the subject of many stanzas, not just this one.
 9. The occasion that the article addresses is the introduction of the Mofussil Municipality Act.
 10. In this essay, Rawls sets out to establish that the obligation to obey law is not due to “a special principle” (4) that is law’s own but on the grounds of principles such as the common good. It is therefore a “moral obligation” conducted in the name of “the duty of fair play” (17). The place and role of morality in law, as Rawls introduces it here, is the subject of much critique and comment in many

of the articles in *Law and Philosophy*. I have invoked Rawls here only because his opening position on the subject appears to reflect the more common of positions taken in the periodical press on its own engagement with the subject of law—a conversation by which it distinguishes between law and law in the colony.

11. Bayly writes, “Many editors in north India were suspected of sympathy with the rebels and their sour criticism of the authorities throughout the fighting was generally regarded as bordering on sedition” (*Empire*, 340).
12. At the 25 November 1870 meeting, Stephen said, “The object of this section was this. In connection with the preceding section it embodied, and, he hoped, improved and condensed the existing English law on the subject to which it related. It might be said of the Indian Penal Code in general, that it was the English Criminal Law freed from the defects which from a variety of causes had affected it” (1312).
13. Natarajan notes that Stephen offered another rationale, one that was, presumably, persuasive. Stephen “clinched his argument by pointing to the Wahabi rising in some Bengal districts which had just taken place and for which 26 arrests had been made” (90), he writes.
14. The first attempt to prosecute an Indian newspaper was made in 1873 (the *Halishabar Patrikar*) and the second in 1875 (the *Amrita Bazar Patrika*). See Dasgupta 272 and Natarajan 91–95 for a discussion of this history.
15. “Words of art” are “words whose legal interpretation has been fixed so that the legal effect of their use is known” (Elizabeth Martin and Jonathan Law).
16. For an interesting countering of the rationale offered by the government and a rehearsing of history leading to the amendment of the section, see J. Chaudhuri’s footnotes in “Appendix II” of *The Principles of the Law of Sedition*.
17. In cases of seditious libel in England, the limits placed on “reasonable” speech in public debates were not seamlessly folded into law. J. Chaudhuri discusses key cases of the 1840s–1870s in which “allowance for an excited state of public feeling” (9) is successfully argued in court (7–13).
18. From about 1906 to 1947, government attempt to control antigovernmental literature led to the proscription of all kinds of printed material. After 1910, the Indian Press Act of 1910 was the statute by which a majority of texts were proscribed. Graham Shaw and Mary Lloyd note the ebb and flow of the production of propaganda literature: Jallianwalla Bagh (1919) and the execution of Bhagat Singh (1931), as well as Gandhi’s noncooperation movement, were followed by much literary production (viii).

CHAPTER 3

1. The *Sanjivani* (a weekly with a circulation of four thousand) is described by Sumit Sarkar as a “pro-reform Brahma journal” (*Modern India* 71).
2. The “age of consent” refers to “the legal age at which sexual relationships were deemed to have been consummated with the concurrence of the female” (Sen 366). Sumit Sarkar writes that the government was pressured by emergent reform movements in India to initiate reform (*Modern India* 71). For the

politics surrounding the bill, and its impact (Sen writes that the “fury of the Hindu orthodoxy” was such that it “made social reform legislation extremely difficult to enact for the next three decades or so” [365] and simultaneously “marks both the summit and defeat of orthodox ambitions” [365]) see chapter six of Sen’s *Hindu Revivalism*.

3. For other examples, see the Bengal NNR, weeks ending 15 August 1891 and 22 August 1891, respectively.
4. The *Dacca Gazette* is described in the Bengal NNR as a dual language (English and Bengali) weekly published in Dacca.
5. This meant that local governments did not have to get the sanction of the government of India before taking action against newspapers. Complaints about the press were regularly filed by local governments, especially of Bengal and Bombay, and later Punjab and the United Provinces. An almost identical report was filed in 1878, and it was followed by the Vernacular Press Act (Basu 226).
6. Other newspapers that are mentioned are the *Banganivasi*, the *Dainik-o-Samachar*, the *Chandrika*, the *Bengal Exchange Gazette* (identified in the report as Hindu newspapers), and the *Sudhakar* (identified as a Muslim newspaper devoted to “the Mahomedan revival, and as bigoted on the Mahomedan as the *Bangavasi* is on the Hindu side” [Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 261]). The report identifies English language newspapers such as the *Amrita Bazar Patrika*, the *Indian Mirror*, the *Hindoo Patriot*, and the *Bengalee* as the source of the hostility of the ‘vernacular’ press. The *Amrita Bazar Patrika* is described as the “worst offender.” “Almost every issue,” the report states, “contains some dishonest or scurrilous attack upon the Government or the English people” (prog. no. 261).
7. Progression 271 does not have a date affixed to it. However, from John Edgar’s memorandum to the government of India dated 28 July 1891, it would appear that the joint report was filed on 28 July, a few days after individual reports were filed by the three legal advisors (between 17 July and 19 July; Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 267).
8. This is not to suggest, however, that Paul was a champion of the Indian-owned press. In correspondence between John Edgar and the secretary to the government of India dated 20 April 1891, the former describes at length the opinion offered by Paul on articles from the Bengal press submitted to him for advice. While Paul states that the section (124A) would not allow for a successful prosecution, he does say that the majority of the articles are “defamatory” but again adds that that since the government is not a “person,” it is unlikely that the newspapers could be successfully charged with defamation (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 260). This opinion leads the Bengal government to impress on the government of India that the law needs reforming (prog. no. 260).
9. Given the views expressed by Evans and Woodroffe, it is not surprising that the Bengal government recommends that the two serve as counsel for the prosecution. The memorandum from John Edgar to the secretary to the government of India, apprising the latter of the situation, mentions: “[I]n view of this doubt

- [the uncertainty regarding a conviction of the *Bangavasi*], and the great importance of the matter the Lieutenant-Governor thinks it desirable to retain both Messrs. Woodroffe and Evans for the prosecution" (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 267).
10. In his communication to the government of India dated 28 July 1891, John Edgar writes: "The views of the Government of India were laid before Sir Charles Paul who was asked to reconsider his opinion in consultation with the Honourable Mr. Evans and Mr. T. J. Woodroffe" (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 267). In the next paragraph, Edgar reports that the three had held "more than one consultation" and on 19 July had "furnished this Government with separate opinions." Edgar draws attention, specifically, to the fact that Paul "adhered to his original opinion that none of the articles quoted in my letter of 13 April are liable to prosecution" (prog. no. 267).
 11. Tejaswini Niranjana notes the repeated use of the terms "*wild, barbaric, savage, and rude* in connection with the 'Hindus'" made in James Mill's influential *History of India* (1992, 22).
 12. The "implied reader," Wolfgang Iser writes, is a feature of text, and describes "the reader's role as a textual structure" (1978, 34–35). The "intended reader," on the other hand, is "the idea of the reader which the author had in mind" (1978, 32–33), a "sort of fictional inhabitant of the text" who can "embody not only the concepts and conventions of the contemporary public but also the desire of the author both to link up with these concepts and to work on them" (1978, 33). By "characterizing this fictitious reader," he claims, "it is possible to reconstruct the public which the author wished to address" (1978, 33). This, of course, is exactly what is assumed in the reading exercise conducted by the legal advisors and, in the trial, by the prosecution.
 13. The government spent a few months (April–August 1891) considering the implications of prosecution. The preliminary hearing at the magistrate's court is not covered in government reports but is extensively reported in the periodical press, including speeches made by Pugh, for the government, and Hill, for the defense (Bengal NNR, week ending 15 Aug. 1891).
 14. A confidential memorandum sent by John Edgar to the secretary to the government of India dated 28 August 1891, that lays out the history of the charge, notes: "On the objection of the Counsel for the defence, the Chief Justice struck out the charges under section 500, Indian Penal Code, ruling that Government could not be defamed" (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 274). This was a point Paul had made in his report.
 15. Judging by the *Hitavadi* of 5 September 1891, Paul and Woodroffe "kept themselves in the back ground" (Bengal NNR, week ending 12 Sept. 1891, para. no. 17).
 16. The Proceedings of the Home Office, in which the *Bangavasi* case is archived, records government deliberations preceding the trial, especially the views of the three legal advisors, individual and collective, and reproduces in full the text of the articles that were charged under Section 124A. However, of the trial itself, it records only the chief justice's charge to the jury, the plea entered by the accused

- posttrial, and the exchange between the Bengal government and the government of India following the trial.
17. Judging by the *Hitavadi*'s reporting of the trial (which is discussed later in the chapter), the public was fully represented in the courtroom when the defense (Jackson) made its case in court. The extract included in the NNR describes the attention paid to the response of the public to the defense (one of overwhelming approval) but not to the prosecution.
 18. Jackson argues that the offense as described in Section 124A is restricted to the "writing a seditious libel," not the publishing or causing it to be published (Indian Law Reports, Calcutta Series, V/22/19, 41). Since the prosecution could not find the writer ("admit that they have been unable to discover who is the writer of these articles"), he argues, there is no individual to be tried. Petheram overturns the objection on the grounds that the meaning of Section 124A is not what Jackson has argued. He rebuts: "The offence is attempting to incite disaffection by words intended to be read, and I think that whoever the composer or the writer might be, by whomsoever the writing of the printing was composed, the person who used them for that purpose within the opinion of the Jury was guilty of an offence under section 124A" (41).
 19. The *Uluberian Darpan* is described in the Bengal NNR as a Bengali fortnightly with a circulation figure of seven hundred.
 20. In criminal trials conducted at the high court, the opinion of the majority was acceptable (*Imperial Gazetteer*, 149).
 21. In "Indian Nationalism and the Politics of Hindutva," Sumit Sarkar stresses the need to notice the complexity of the middle class in colonial India. He writes: "The colonial middle class . . . has been generally studied in terms of its prominent or successful men (and a few women) alone: well-known writers, lawyers, journalists, doctors, scholars, officials, politicians. But it also included an increasing number of humbler, though still overwhelmingly upper-caste folk, remnants of the traditional literati who had lost patronage in the new era, obscure hack writers, humble teachers, clerks in government offices or predominantly British-owned mercantile firms, unemployed educated youth, high school or college dropouts with highly uncertain job prospects" (2002, 281).
 22. It is possible that the *Hitavadi* is more slyly, rather than openly, melodramatic because of the limits placed by the government on the press for reporting the trial. In fact, the *Indian Mirror* was given a warning for its reporting. See memo sent by John Edgar to the government of India dated 28 August 1891 (Proceedings of the Home Department, P/3880, Oct. 1891, prog. no. 274).

CHAPTER 4

1. Ellul describes the "propaganda of agitation" as "subversive propaganda" (71). It is "led by a party seeking to destroy the government or the established order" (71). Jowett and O'Donnell offer a useful distinction between the propagandist and what they call the "persuader," which allows us to resituate resistance writing, and its rhetoric, in the category of persuasion. As they describe it, the

- persuader shares with the propagandist the intent of “response shaping” (41). Both use evidence (information) to do so. The key distinction, they argue, is that the persuader “makes the purpose as clear as possible if he or she hopes to bring about attitude or behavior change” (41) whereas the propagandist conceals purpose (41). If there is a moral distinction to be drawn here between the two forms of communication, it lies in intent. Jowett and O’Donnell suggest that the persuader is not engaged in a manipulation of opinion so much as in an interactive attempt to communicate and persuade her/his readership. Evidence (information) in the speech of the persuader functions only to secure the “persuader’s credibility” (41). The propagandist, on the other hand, has a different objective in mind—to control “the flow of information, manage public opinion, and manipulate behavioral patterns” (41). Not surprisingly, they describe government departments of information as sites of propaganda.
2. The *Yugantar* identifies the cultural realm as a key space for the production of a transformed public in an article it published on 3 February 1907. “To form public opinion,” it proposed, what is required are “(1) Newspapers, (2) songs, (3) literature, (4) *jatras*, theatres etc.” (Bengal NNR, week ending 9 Feb. 1907, para. no. 52). The *Yugantar* was an important Bengali weekly started in 1906 by Barindra Kumar Ghosh, Bhupendranath Dutt, and other radicals. Heehs states that the paper was “unquestionably . . . the most important single factor in the development of revolutionary thinking in Bengal between 1906 and 1908” (Heehs, *Nationalism, Terrorism, Communalism*, 19). The circulation was limited for the first year or so (two hundred according to Heehs) but within two years the circulation had increased to 50,000 (19). The *Yugantar*, along with other papers published by the extremists (as they are usually described), the *Sandhya*, and the *Bande Mataram* called for *swaraj* (see Sumit Sarkar, *Modern India*, 113; Heehs, *Nationalism*, 3, 19, for a discussion of the term *swaraj* and its use by extremists). The *Yugantar* was prosecuted repeatedly in 1907 and early 1908 (six times by Heehs’s account) before it was finally suppressed in 1908 (see Heehs, *The Bomb in Bengal*, 102).
 3. Sumit Sarkar, for instance, writes: “Territoriality remains the starting point in developed Hindutva ideology, as epitomized above all in V. D. Savarkar’s *Hindutva—Who is a Hindu?* (published in 1923), in which *pitribhumi* (fatherland) is immediately equated with *punyabhumi* (holy land), and the latter is unambiguously identified with the ‘cradle-land of . . . religion’ (Savarkar 1923, iii, 95). Only Hindus, therefore, can be true patriots, not Indian Muslims or Christians with their holy lands in Arabia or Palestine. The edge of the entire argument is clearly directed against Indian Muslims and Christians, and not against British rulers, who never claimed India to be either fatherland or holy land” (“Indian Nationalism,” 273–74).
 4. The NNRs of the period are full of extracts in which newspapers express frustration at the extent to which the Indian press was under threat from the government. The following is a typical extract on the subject: “The last annual report of the administration of the United Provinces shows that the Lieutenant Governor warned the editors of four newspapers, and as the result of this they

- are doing their work now very carefully. When only a warning is sufficient to produce the desired effect without any difficulty, what is the use of squandering away so much money on prosecution in sedition cases?" (*Hindi Bangabasi*, 21 Feb. 1910, Bengal NNR, week ending 5 Mar. 1910, para. no. 16).
5. Kate O'Malley writes that the connection between Irish radicals and Indians in the early twentieth century was such that in the early 1930s there was talk of setting up an "Indian-Irish Independence League"(4).
 6. Benton states that a prominent view of the law of colonial regimes holds that nineteenth century codification and "other state-directed legal reforms," by which the colonial state claimed "paramount legal authority" (9), is what led "nationalist movements everywhere" to identify "the law as a crucial arena for the struggle for political control in the twentieth century" (9).
 7. The *Daily Hitavadi* was a Bengali daily published in Calcutta.
 8. What he actually says is: "Indian society and politics were thus full of complexities and contradictions. From 1919 onward, all-India nationalism under Gandhi would begin to plumb with varying success some of these lower depths" (164).
 9. The piece is a variation on a practically formulaic oral practice of referring to the overlords as gods. The use of this practice to "speak" a critique of colonial rule was hardly unusual either and had an established history. In its 14 August 1891 issue, for instance, the *Banganivasi* (considered by the Bengal government to be a scurrilous paper) describes Hindu political culture (globalized as usual as "we" and "us") as follows: "The gods we worship are of dreadful appearance, but it is those very gods again whom we call upon in times of danger. We worship *Maha Sakti* (the Great Power) once every year, but it is every day that we worship *Prabhu Sakti* (the Ruling Power). Mother *Maha Sakti* never hates us or suspects our *bhakti*, because we are unworthy sons of hers. But to whom shall we express our sorrow at the fact that the *Prabhu Sakti* doubts the genuineness of our *bhakti*, because we are its incapable sons?" (Bengal NNR, week ending 22 Aug. 1891, para. no. 34).
 10. The *Sandhya* was an evening daily started by Upadhya Brahmabandhab in November 1904 (Basu 292). It was a radical newspaper. Along with B. C. Pal's *New India* and Aurobindo Ghose's *Bande Mataram*, it called for a struggle for *swaraj*. (Sumit Sarkar, *Modern India*, 113).
 11. Gokhale and Malaviya served on the select committee formed to consider the bill to enact the 1910 Press Law. Gokhale, along with R. N. Mudholkar, signed the select committee report subject to an official noting of his dissent. He objected: "the existing law is sufficient to punish actual sedition as also to deal effectively with incitement to violence" (G. K. Roy 48). Malaviya did not sign the report, citing as reasons the fact that the council should have been given more time to debate the bill given its importance and that laws for ensuring that printing presses and newspapers did not promote sedition were already in place (Section 108 of the Criminal Procedure Code; 49).
 12. The *Punjabee* was Lala Lajpat Rai's newspaper (Gopal 68). Government opinion of this paper is indicated in a report filed by M. W. Fenton, officiating chief

- secretary to the Punjab government, to the secretary to the government of India dated 11 August 1909. The *Punjabee* is lumped together with other nationalist papers, all of whom are described as advocates of Hindu nationalism. The relevant part of the report reads: “There are spiteful effusions in the *Punjabee* and other nationalist organs, but these are directed quite as much against Muhammadans and their Hindu opponents as against Government. On the whole, however, there is nothing to which much exception can be taken in the tone of the vernacular and Anglo-vernacular press, with the exception of organs started by Ajit Singh’s gang from time to time as will be noticed later on” (quoted in Ganda Singh 20). The *Punjabee* was prosecuted in 1907 for “its comments on a case of begar or forced labour which was supposed to have led to the death of two villagers compelled to work for an official” (Basu 292). Madan Gopal provides details: “A Muslim constable of police in Rawalpindi, who refused to remove the carcass of a pig—on religious grounds—was shot dead by the British Superintendent of Police. Lala Lajpat Rai’s paper, *The Punjabee*, asked for a judicial enquiry” (68). Gopal also states that Rai generally took extra care to proof all articles to ensure “that legally the paper did not get into trouble” (68) but that he was not able to do so this once. The editor, K. K. Athvale, and the printer, Jaswant Rai, were arrested and charged with inciting unrest (Gopal 69).
13. The *Bharat Mitra* was one of the preeminent Hindi papers of Calcutta.
 14. As many have commented, the symbolic force of the image of the jail extended to a positive endorsement of the notion of equality. In *Political Prisoners in India*, Ujjal Singh observes that “political prisonerhood” was critical to the developing of a notion of equal (male) citizenship as a notion. He writes: “The idea of ‘jail-going’ in the nationalist dictum, and the attendant notion of political prisonerhood, combined the language of equality/modernity with the notion of sacrifice. The idea of sacrifice or renunciation inheres in the Indian tradition as a supreme act of morality” (8).
 15. The *Jhang Sial* is one of many periodicals and newspapers mentioned in Valentine Chirol’s *Indian Unrest* as a paper supportive of the extremists (Natarajan 143–44). It was one of the prosecuted newspapers.
 16. Interestingly enough, the post-Bengal partition press makes space for monumentalizing individuals, ascribing to them the status of leaders of public opinion while biography emerges as an important genre. Both project nationalism as a *reality* (rather than a desire).
 17. Sumit Sarkar writes that that radicalism was associated primarily with Bengal (*Modern India*, 125) and did not make much of an impact on the United Provinces (125), with extremism only developing in Benaras (attributed, by him, to its large Bengali and Marathi communities; 126), nor in Gujarati-speaking parts of the Bombay presidency. Of the Punjab he writes that it had a short-lived extremist movement between 1904 and 1907 (127). Finally, the Madras presidency, he writes, had extremist politics in two separate areas—the Andhra Delta region and the Tirunelveli district (129). Worth noting is Sarkar’s discussion of radical journalism in Maharashtra between 1905 and 1908 (132).

18. This is admitted by Sumit Sarkar, even if he is dismissive of the significant investment self-styled revolutionaries, individuals, and groups had in inventing and disseminating a radical vocabulary, finding the activity to be a waste of energy ("In practice, Bengal Extremism wasted a lot of energies in purely verbal or literary violence" [*Modern India*, 114]).
19. As Sumit Sarkar and Heehs have most recently noted, many radicals openly addressed and rejected a communal agenda. Sarkar observes that "in Bipin Chandra Pal's ideal of composite patriotism, 'Hindus, Muslims, Christians and tribals would each preserve distinctive features and by cultivating them contribute to the common national life'" ("Indian Nationalism," 273; he is citing Pal).
20. Sumit Sarkar writes, "Contacts with Irish radicals were particularly close—the New York *Gaelic American* of G. F. Freeman, for instance, was being constantly seized by Indian customs along with journals like *Indian Sociologist*, *Bande Mataram*, Chattopadhyay's *Talwar* (Berlin), Taraknath Das' *Free Hindustan* (Vancouver), and the *Ghadr*" (*Modern India*, 146).
21. Matilal argues that the Indic tradition was "very self-conscious about moral values, moral conflicts and dilemmas, as well as about the difficulties of what we call practical reason or practical wisdom" (5). It is a consciousness that, he writes, "found its expression in the epic stories and narrative literature which can, therefore, be used for any illuminating discussion of moral philosophy in India" (5).
22. Matilal and D. D. Kosambi are among the many who have noted this use. Matilal writes: "It is interesting to note that, towards the end of the nineteenth century, there was an important dispute on this very issue between Bankinchandra Chatterjee and Rabindranath Tagore wherein Bankinchandra supported the ethics of [Krishna] and commented that truth-telling cannot be an unconditional value. Young Rabindranath, however, protested and said that this only showed how devious a follower of [Krishna] would have to be. The arguments and counter-arguments of these two stalwarts rolled on for a while in the pages of the contemporary Bengali periodicals" (18). Whereas Kosambi writes of the centrality of the *Gita* to the Congress leadership: "We know that the *Gītā* exercised a profound influence upon Mahātma Gāndhi, [and] B. G. Tilak" (13). It was also an influential text for Ghose: "Aurobindo Ghose renounced the struggle for India's freedom to concentrate upon study of the *Gita*" (14).
23. Brooks writes: "The origins of melodrama can be accurately located within the context of the French Revolution and its aftermath. This is the epistemological moment which it illustrates and to which it contributes: the moment that symbolically, and really, marks the final liquidation of the traditional Sacred and its representative institutions (Church and Monarch)" (*Melodramatic*, 14). Claiming that melodrama is constitutive of the (European) "modern imagination" (xi), Brooks describes it as "the principal mode for uncovering, demonstrating, and making operative the essential moral universe in a post-sacred era" (15).
24. In his words, melodrama "rehearses their conflicts and combats, it re-enacts the menace of evil and eventual triumph of morality made operative and evident" (*Melodramatic*, 15).

25. Apparently, the same refusal was expressed by the accused in the *Yugantar* case, which had just concluded (Heehs, *The Bomb*, 102). Upadhyaya was arrested on 3 September 1907 and his case was heard on 23 September 1907. He died a month later in a hospital. The outcome of his case was pending when he died (102).
26. The *Swarajya* was an Urdu weekly published in Allahabad with a circulation of one thousand.
27. The *Karmayogi* was a bimonthly published in Allahabad.
28. Weber describes this kind of law as “a featureless conglomeration of ethical and legal duties, moral exhortations and legal commandments without formalized explicitness” (251) and its result is “a specifically *non-formal* type of law” (251). This type of law he states is historically found in “Asiatic” civilizations (252).
29. The *Leader* was an English-language daily published in Allahabad.
30. As I have mentioned in the introduction, religious spiritualism was not an unusual feature of protest culture in colonial India. Although, arguably each time use has its own history and thus religious spiritualism is not to be dismissed as simply a trope. In addition to William Gould’s *Hindu Nationalism*, also see Bayly’s *Origins of Nationality* and Sekhar Bandyopadhyay’s *From Plassey to Partition* for discussions of the rhetorical place of religious vocabulary in political protest.
31. Perhaps it was not so much a matter of missing as one of indifference: government memoranda show a remarkable absence of interest in the substance of the critique directed at government and much more concern with the English Parliament’s opinion on the government’s handling of a restive public culture.
32. Herbert Hope Risley is most identified with his work, in India, as an ethnographer. He undertook a classification of the castes for the 1901 census. He joined the Indian Civil Service in 1873. In 1910, he was appointed secretary to the judicial department of the India Office.
33. As Jim McGuigan points out, Bakhtin’s notion of the carnivalesque made Habermas rethink his early dismissal of the plebian public sphere as a sphere with any force at all in eighteenth- and nineteenth-century France, England, and Germany (244). In “Further Reflections on the Public Sphere,” Habermas states: “I must confess, however, that only after reading Mikhail Bakhtin’s great book *Rabelais and his World* have my eyes become really opened to the *inner* dynamics of a plebian culture. This culture of the common people apparently was by no means only a backdrop, that is, a passive echo of the dominant culture; it was also the periodically recurring violent revolt of a counterproject to the hierarchical world of domination, with its official celebrations and everyday disciplines” (427).
34. Hirschkop warns that heteroglossia “orders rather than reflects the diversity of modern language” (258).
35. Bakhtin states of the “heteroglot national language”: “A common unitary language is a system of linguistic norms. But these norms do not constitute an abstract imperative; they are rather the generative forces of linguistic life, forces that struggle to overcome the heteroglossia of language, forces that unite and centralize verbal-ideological thought, creating within a heteroglot national

language the firm, stable linguistic nucleus of an officially recognized literary language, or else defending an already formed language from the pressure of growing heteroglossia” (270–71).

36. It is important to remember that Bakhtin’s different imagining does not make social and economic class irrelevant to the constitution of national public culture but offers more porous boundaries between different vocabularies for the situating of identity. Bakhtin’s “heteroglot national language” (271) is a language that is constituted of all its users. It bears the signs of its many and conflicting usages, registers traces of the various places it has been, and is thus as inexhaustible and varied as is social life itself. Bakhtin’s attempt at definition itself attests to this inexhaustibility, yielding as it does only the following incomplete list of attributes of what he calls “national” language: “The internal stratification of any single national language into social dialects, characteristic group behavior, tendentious languages, languages of the authorities, of various circles and of passing fashions, languages that serve the specific socio-political purposes of the day, even of the hour [each day has its own slogan, its own vocabulary, its own emphases]” (262–63).

CHAPTER 5

1. The *Shakti* was a Gujarati weekly published in Surat. According to the Bombay NNRs, the paper had 1200 subscribers.
2. For a list of the newspapers and presses that were seized or required to pay securities, which often meant they were unable to remain in business, between 1910 and 1914, see Natarajan 171–72.
3. The first time that the *Pallichitra* trial is mentioned in the Bengal NNRs is in August 1910 and newspapers speak only of the appeal. For instance, both the *Bengalee* and *The Telegraph* (a Calcutta weekly, edited by Satyendra Nath Bose and with a circulation of three thousand) express satisfaction with the decision of the appellate court. The *Bengalee* writes on 19 August 1910, “the final judgment in this case [*Pallichitra* appeal] will give satisfaction to the people” (Bengal NNR, week ending 27 Aug. 1910, para. no. 1248). *The Telegraph* of 20 Aug. 1910 writes “that the judgement of Mr. Justice Mukerjee setting aside the order for the forfeiture of the *Pallichitra* press, has given satisfaction to the public” (Bengal NNR, week ending 27 Aug. 1910, para. no. 1249). A few others commend Mukherji. Typical formulations are found in the *Sanjivani* (a Calcutta weekly with a circulation of seven thousand) and the *Basumati* (also a Calcutta weekly with a circulation of 15,000) and also in rural newspapers, such as the *Tirhut Samachar*, a Hindi-language Muzaffarpur weekly with a circulation of 142 (see Bengal NNR, week ending 3 Sept. 1910, para. no. 17). The *Sanjivani* of 25 August 1910, the reporter notes, “bestows high praise on Mr. Justice Mukherjee for the able judgment he has delivered in the *Pallichitra* case, and gives credit to His Lordship for his independence” (Bengal NNR, week ending 3 Sept. 1910, para. no. 18). The *Basumati* of 27 August 1910 writes, “henceforward his remarkable judgment [Justice Mukherji] ought to make all Magistrates

keep in mind this construction of the law. Nobody can dispute the fact that by delivering this judgment Mr. Justice Mukherjee has shown his great impartiality, his love of justice, his fearlessness and his acute intelligence” (Bengal NNR, week ending 3 Sept. 1910, para. no. 19).

The Bombay NNRs for the week ending 3 September 1910 include a lengthy excerpt from the *Indu* (1 Sept. 1910) in which the paper comments extensively on the disagreement between Teunon and Harrington over the poem, whether it “contained incitement to violence of the nature mentioned in the Act,” and on Mukherji’s decision to revisit the issue of the *Pallichitra*’s status as a “newspaper” and rule that it was not a newspaper but a “periodical magazine” (para. no. 44). Finally, the United Provinces NNR for the week ending 16 September 1910 reports the *Advocate* (Lucknow) of 11 September as expressing “the opinion that the Government loses none of its present powers through Mr. Justice Mukherji’s definition of a newspaper in his judgment on the *Pallichitra* sedition appeal” (para. no. 24).

4. It is worth noting that the Criminal Law Amendment Act of 1908 allowed for an original criminal trial without jury to take place at the high court (Bengal). The reason given was the need to make provision for “the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace” (G. K. Roy 39).
5. There is much internal debate, judging by India Office records, over the genre of the *Pallichitra*. In a memorandum he sent to the secretary to the government of India, the secretary to the Bengal government (F. W. Duke) indicates that the decision to reconsider the classification of the *Pallichitra* had everything to do with the content of articles that had begun to appear in the magazine. Duke states, “It was only when the violence of its articles led to a careful examination that it was found to be as much a newspaper as a literary magazine” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 146). Reclassifying it as a newspaper meant the *Pallichitra* was easier to prosecute because it then fell under the 1908 Newspapers (Incitement to Offences) Act.
6. The Newspapers (Incitement to Offences) Act of 1908 allowed for a conditional order and seizure of an offending press with the hearing being held later to determine whether the conditional order should be made absolute or not. See Section 3 (1) of the act (G. K. Roy 36).
7. The judgment states: “The poem was published so far as he [the magistrate] gathered, about the middle of July last, there had previously to its publication been a series of murderous attacks upon English men and women in India, upon British officials especially” (prog. no. 152).
8. The case against the author, Nagendra Nath Chandra, was postponed as he was an accused in the Nangla political dacoity case (prog. no. 152).
9. The written statement provided by Harrington and Teunon, on 22 July 1910, lists a few reasons why Nagendra Nath Chandra is not definitively proved to be the author, including the fact that the “manuscript of the poem” was not “produced at the trial” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 159).

10. Kinsley writes that Kali emerges as a prominent deity in “late medieval Bengali devotional literature” (125).
11. In some Tantras, Kali is identified with time (Kala). Kinsley cites from one in which Siva praises Kali as Kala: “Because Thou devourest Kāla, Thou art Kāli, the original form of all things . . . though Thyself without beginning, multiform by the power of Mayā. Thou art the Beginning of all, Creatrix, Protectress, and Destructress that Thou art” (Kinsley 123).
12. *Chandi*, it would appear, is not the title of a book but an epithet applied to Durga and Kali (Kinsley 117) since the seventh century. The *Chandīpātha* (which is probably the reference here) is a lengthy poem (seven hundred verses) that forms part of the Markandeya Purana, which celebrates Durga’s victories over the *asuras*. The text is also called the *Devī Māhātmya* (Dowson 66).
13. For a good discussion of Bankim Chandra Chatterji and his formative influence on the cultural nationalism of Bengal in particular, see Tanika Sarkar’s *Hindu Wife, Hindu Nation*. See also Uma Chakravarti’s “Whatever Happened to the Vedic Dasi?” for a discussion of the novel and Janaki Nair’s *Women and Law in Colonial India* for a discussion of the solidification of this image of the Indian woman in nationalist propaganda (36–37). Finally, see Ashis Nandy’s study of Aurobindo Ghose in *Intimate Enemy* for an account of the centrality of Chatterji’s mythological image in Ghose’s thinking (92).
14. Kinsley, for instance, writes of the ambiguity, toward violence, of which Kali is an expression as follows. Although she is a restorer of order, in her role as slayer of demons, “more often than not she becomes so frenzied on the battlefield, usually becoming drunk on the blood of her victims, that she herself begins to destroy the world that she is supposed to protect” (120).
15. Pinney writes: “Popular anticolonial interventions appear to have created an increasingly congested circulation of signs continually available to public recall in this semiotically saturated domain of the everyday. In this circulation, events and their representations criss-crossed media—from lithograph to theatre, from theatre to cinema, from cinema to leaflet” (115).
16. The opaqueness of the text of “Come O Mother” is noted more than once by the prosecution and judges at the original trial and at the appellate court as well. In allowing the appeal of the alleged author to proceed, the two high court judges comment, “On the first question it is to be observed that read without any explanation the poem is quite unintelligible” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 159).
17. The judgment of the high court, however, does provide a definition: “the essence of an allegory is that it is a figurative representation conveying a meaning other than and in addition to its literal meaning” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 161).
18. In fact, this historical event is described in more than a few resistance texts of 1907–10, where it is intended to shame Bengalis by reminding them of a history of abjection. *The Statement Exhibiting the Moral and Material Progress and Condition of India During the Year 1906–07* reports on the uses to which this historical moment was put, slanted of course in its approach to the subject: “in

Poetry the character of Seraj-ud-daula is portrayed in a favourable light and the English held up to opprobrium” (161); and “A new history of the Province whitewashes Seraj-ud-daula and describes the Black Hole of Calcutta as a myth invented by Holwell and resuscitated by Lord Curzon” (162).

19. This is a position taken by the appellate court as well, although its expression is much less insulting to the defense. The judgment in the appeal filed by Bidhu Bhusan Bose and Abani Mohan Deb states: “To sum up the evidence on one side there is an explanation of the allegory which gives the poem an intelligible meaning, on the other side an explanation which does not cover the dominating idea of the poem” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 161).
20. Other lines in the translation Mukerjee submits, however, do make the allegory claimed by Hamilton easy to see (and Mukerjee does agree that the poem is allusively seditious). For instance, lines that are translated thus in the original trial—“I do not know when the bands of Gods will fire up like the worldly destroying flame, for the same of the Mother, the Native land, to destroy the power of the demons,—will, relying on their own strength and seizing their own weapons, re-establish heavenly dominion, making an offering of blood. The six enemies coming into my heart like demons sit (waiting) at the door of the temple of my heart in order to make (me) sink in sin” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 144)—in the translation produced by Mukerjee read as follows: “The Suras (gods) who have conquered death, see all this before them and like cowards shut up their eyes for hatred and shame. O, mother, I do not know when for the Swadesh, the Gods will rise up in a body, and burning with rage as fierce as the world-destroying fire kill the force of their adversaries, and relying on their own strength, and taking up their own arms re-establish the throne of the Heavens by offering drinks of blood to the manes” (Proceedings of the Home Department, P/8431, Oct. 1910, prog. no. 163). The reference to the *swadeshi* movement gives the otherwise prevariatory text a direct historical referent.
21. A typical article is one that appeared on 5 June 1907 in the radical paper, the *Sandhya*. It comments on a recent resolution introduced to enable local governments to deal with the publication of “seditious” texts. The article reads, in part, “Lord Minto has issued clear orders giving the Local Governments full discretion to *challan* the newspaper *wallas*. It is doubtful if he can legally issue such unconditional general orders. But then the *feringhi* does not wait upon the law; it is the law which waits upon the *feringhi* and that makes everything possible” (Bengal NNR, week ending 8 June 1907, para. no. 45).
22. Consider the following article, one of many that appeared comparing Ireland’s struggle to gain concessions from England with India’s relative apathy. The political context for these articles appears to be William Ewart Gladstone’s announcement of his Irish scheme. The *Bharat Mibir* (a Bengali weekly printed in Calcutta) writes on 15 April 1886, “Mr. Gladstone is trying to grant a separate Parliament to Ireland. Ireland is not like India. The Irish enjoy the same privileges in all matters as the Englishmen do. Who is there to explain the mystery that the author of

- a separate Parliament for that country has not been able to order the formation of a Committee of Inquiry into Indian affairs?" This excerpt was printed in the *Voice of India* (April 1886), which is the source of my information.
23. The judgment in the case against Bidhu Bhusan Bose (editor) and Abani Mohan Deb (printer) states: "Both accused deny that the poem is, to put it shortly, seditious, while accused Abani disclaim [sic] responsibility and denies that he is the printer" (prog. no. 155).
 24. Noorani's study of political trials suggests refusal to participate was common practice by 1910. See *Indian Political Trials*, page 139. Shaw and Lloyd note that although there is evidence of some use of pseudonyms, publishers, printer, and authors made little attempt to disguise their identities (ix). This is due in large part, I would think, to the fact that they were already identified because the 1867 Registration of Books Act required information about proprietors, printers, and editors to be recorded (as Shaw and Lloyd point out, authors were usually publishers and vice versa).
 25. Pamela Price has, for instance, suggested that some characteristic forms of legal participation such as "tricks and treachery" (196; an unfortunate choice of term, perhaps), as well as "buying great numbers of witnesses" (196) were part of political culture ("political relations") in eighteenth-century Madras. There is, of course, also the commonplace in legal and social history circles that Indian legal culture was built around conciliation and compromise whereas the Western legal culture was much more adversarial. See Marc Galanter, *Law and Society*, 20.
 26. It is not unlikely, I would suggest, that the gap in this staging of the defense in the magistrate's judgment is an accusation that the defense's participation can be summed up in one word: prevarication. But since Hamilton does not accuse the defense openly of prevarication—choosing instead to string together instances of their courtroom participation that are, apparently, out of keeping with court protocol or procedure in one way or another—the text of his judgment offers a defense that is illogical or inexplicable, or inadequate in its observance of court protocol or all three.
 27. Mookerjee states (and I should note that his name is spelled differently in the Indian Law Reports than it is in Proceedings of the Home Department, P/8431, Oct. 1910), "After anxious consideration of the matter, I am constrained to adopt the view that the *Pallichitra* is not a 'newspaper' within the meaning of the Act" (Indian Law Reports, Calcutta Series, V/22/38, 208).
 28. See Timothy Mitchell's "Introduction" and "The Stage of Modernity" in *Questions of Modernity*, for a thoughtful summary of the debate around European modernity and the history that underwrites it (colonialism in particular).
 29. In "Force of Law," Bourdieu identifies the judgment as the text in which we best witness law's performativity at work. He writes, "The judgment represents the quintessential form of authorized, public, official speech which is spoken in the name of and to everyone. These performative utterances, substantive—as opposed to procedural—decisions publicly formulated by authorized agents acting on behalf of the collectivity, are magical acts which succeed because they

have the power to make themselves universally recognized” (838). In the context specifically of an incipient nationalism, the endeavor precisely is to describe a fundamental disconnect between law and the public of which it is supposedly a realization and expression. Thus the dehegemonizing of law begins even as it, law, begins to be vigorously enforced against the public.

30. In *How to Do Things with Words*, Austin describes performative utterance as “not, or not merely, saying something but doing something, and as not a true or false report of something” (25).
31. In “Laying Down the Law in Literature,” Hillis Miller describes the performative power that attends counterhistory in ways that share with Foucault’s description of emergent histories in “Two Lectures” as an “*insurrection of subjugated knowledges*” (Foucault 81). Miller writes: “‘Rewriting history,’ even in the sense of getting given historical events into a form accepted by the community as ‘right at last,’ may have decisive performative, statute-making power in that community” (310).
32. The colonial courtroom figures prominently in discussions of the force of colonial law. This is where, Sally Engle Merry states, problems are “reinterpreted in the language of these new institutions, judgments are rendered in these terms, and penalties are imposed or withheld” (892).
33. Darnton would disagree because he finds the poem too opaque to allow for any kind of definitive meaning. He writes: “To read sedition into such a poem was . . . to get it wrong” (158). In an e-mail conversation I had with the late Dr. Meenakshi Mukherjee, she stated that she had no doubt of the poem’s “anti-British” intent (22 July 2006).

CONCLUSION

1. The critique of colonial law describes the latter in the terms that Giorgio Agamben has claimed of the modern world. The state of exception, he writes, is itself a luminal legal state, neither outside of it nor inside it. It is “neither external nor internal to the juridical order” (23) since the “suspension of the norm does not mean its abolition” (23).
2. Sumit Sarkar references *Hindu Wife, Hindu Nation* in which Tanika Sarkar states in a note that the *Bangabashi* (her spelling of the *Bangavasi*) was in the forefront of “militant nationalism.” In “a moment of absolute and violent criticism of foreign rule” by a group of Hindus in the 1880s and 1890s, the newspaper took “the lead in mobilizing protest, organizing mass rallies, and provoking official prosecution” (191). “Soon,” she writes, militant groups “withdrew from the scene of confrontation” (191). The example she offers is of the *Bangavasi*, which, “In the Swadeshi Movement of 1905–8 . . . would remain quiescent, even loyal to the authorities” (191).
3. In a 31 January 1891 article, the *Bangavasi* claims it has consulted eminent members of the Muslim (Mahomedan) community and asserts that all of them have expressed their opposition to the bill on the grounds that “it will, if passed, interfere with the Mahomedan religion” (Bengal NNR, week ending 7 Feb.

1891, para. no. 35). Later in the year, it somewhat anxiously describes the noncontradiction between conservative Hinduism and a collective constituted of the Indian people. I cite from an article that appeared on 15 August 1891, just before the date set for the trial: “Though the *Bangávási* is in a special sense a servant of the Hindu dharma and Hindu society, it really wishes the protection and prosperity of all religions and all societies . . . it is its wish that Hindu, Mussalmans, all should respect their respective religions. Under these circumstances, all persons, true to their respective religions, whatever their castes and creed, are now showing kindness to the *Bangávási* . . . It is a matter of good fortune that nearly all respectable newspapers are favourably disposed towards the *Bangávási*. The *Bangávási* differs in a great many matters from the views of a great many newspapers, and such difference of opinion is to be expected as a matter of course. It is superfluous to say that the *Bangávási* will for ever remain grateful to those who, forgetting at this time all quarrels caused by difference of views, are giving evidence of their nobleness” (Bengal NNR, week ending 22 Aug. 1891, para. no. 37).

4. In “Imagined Religious Communities,” Thapar weighs in on the much-discussed issue of a hardening of identities along “communal” lines in nineteenth-century British India. She writes, “The need for postulating a Hindu community became a requirement for political mobilization in the nineteenth century when representation by religious community became a key to power and where such representation gave access to economic resources” (984–85). In the periodical press, the retrenching of identity into the religious that she describes is played out, as it is in the cultural scene in general. The Bengal NNRs of 1907, for instance, devote much space to producing within their pages a “record” of an active conflict played out between newspapers and periodicals that identify themselves as representative of a Hindu or Muslim opinion. Judging by these reports, Hindu papers routinely complained that anti-Hindu articles were appearing in the *Mihir-o-Sudbakar* and *Moslem Subrid* among others and Muslim papers were discussing the circulation of a “red paper” advising Muslims to cut off relations with Hindus (see Bengal NNR, week ending 11 May 1907).
5. Majeed writes, “Part of Habermas’ critique of the notion of publicity consists in showing how the public of eighteenth- and nineteenth-century Europe was imagined to be formless (he calls it the ‘fiction of the *one* public’), although in practice it was structured by qualifications of property and education” (“Narratives of Progress,” 151).
6. Majeed states, “In the Indian periodicals examined here the public is imagined as having a clear hierarchy based on rank, and this further complicates the press’s own sense of critical publicity, in so far as it was easier for the European press to take on a representative role on the basis of an imagined formless public. Here the whole issue of public representation becomes fraught with questions of difference, not just vis-à-vis the British, but also with reference to ranks and distinctions within one’s own community” (“Narratives of Progress,” 151).
7. What he actually says is in the context of a discussion of an Italian phrase and its translation into other languages. Eco comments on the English translation,

which appears to vary significantly from the original: “Only by this manoeuvre can the translator suggest what seems to be the ‘deep’ sense of the story, that is, a psychological feature of the character” (16).

8. Cheyfitz is quoting Frederick Douglass who in his autobiographical account (*Narrative of the Life of Frederick Douglass, an American Slave* [1845]) described the language of the songs the slaves developed into a system of communication that evaded the overseers. Douglass describes the words of such songs as “words which to many would seem unmeaning jargon, but which, nevertheless, were full of meaning to themselves” (quoted in 39). Cheyfitz offers the following comment: “For, as Douglass tells his story, he bears witness to the slaves’ most profound language, the language that escapes the overseer’s translations, the language, that is, of their songs, structured by tropes of irony and aenigma” (39).
9. I have borrowed, and altered, a term that is used in a memorandum sent to the secretary of state for India on 11 March 1909. The subject is identified as: “Infernal Machine sent to Mr. Kingsford while Presidency Magistrate, Calcutta” (Proceedings of the Public and Judicial Department, L/PJ/6/928, file no. 1147). The infernal machine was a book (ironically, on law) with a bomb placed inside. It was sent to Kingsford, in late 1907, by one of the accused in the Alipore Bomb Case (so the report states). The magistrate, believing it to be a book he had lent to a colleague, “put it away and did not unfasten the tapes with which it was bound” (file no. 1147). Eighteen months later, the plot was discovered and a telegram message was sent to Kingsford, who no longer held the position of presidency magistrate. The chief inspector of explosives who arrived to detonate the bomb discovered that the springs of the mechanism had rusted in the meantime and the “infernal machine” did not represent a threat.

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