

Introduction

Colonizing a Persianate Empire

In the spring of 1772, the new English East India Company governor in Calcutta, Warren Hastings, moved decisively to tighten the Company's grip over the regional state of Bengal. Between the Battles of Plassey (1757) and Buxar (1764), Company armies had conquered the territories of the Bengal *nawabs*, provincial governors who in the early eighteenth century carved out a semi-independent state in the eastern provinces of the fragmenting Mughal Empire.¹ Since 1765, the Company had officially styled itself as the Mughal *diwan* or chief imperial revenue officer for the three Mughal provinces of Bengal, Bihar, and Orissa, by a grant from the defeated and captive Mughal emperor, Shah 'Alam II.² The Company initially appointed Indian deputy governors (*na'ibs*), experienced high officials of the old regime, to manage the *diwani* territories from the old provincial capitals of Murshidabad (in Bengal) and Patna (in Bihar) under the Company's supervision. Now, in April 1772, acting under orders from the Company's directors in London to 'stand forth as Duan', Governor Hastings dispatched instructions to British officials in Murshidabad and Patna to send the two Indian deputy *diwans* under arms to Calcutta where they would face investigation on charges

¹ John Richards estimated that the territories ruled by the Company in Bengal after 1765 spanned about 378,000 square km and included a population of about thirty million inhabitants. John F. Richards, 'Fiscal States in Mughal and British India', in Bartolomé Yun-Casalilla and Patrick K. O'Brien, eds., *The Rise of Fiscal States. A Global History, 1500–1914* (Cambridge, 2012), pp. 419–20.

² Formally, the regional state of the *nawabs* of Bengal, later the Company's '*diwani*' territories, encompassed the *subas* (provinces) of Bihar, Bengal, and Orissa, though Orissa was conquered from the *nawabs* by the Marathas in the 1740s, and not reconquered by the British until 1803. Following historical convention, I will sometimes use the term 'Bengal' as a shorthand geographical referent for the *diwani* territories as a whole.

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of corruption.³ From now on, the Company would take direct control of the central government of the region into British hands.

Thanks to Ghulam Husain Khan Tabataba'i, a member of the Mughal aristocracy in Patna who wrote a massive Persian history of the period, we have a revealing close-up view of how this new assertion of British power was eventually communicated to elite political society in the city of Patna.⁴ In Ghulam Husain's Persian account, the Company's chief in the city, George Vansittart (referred to by his Persian title, *hushiyar jang*, or 'prudent in war'), called for all 'the notables of the city' (*a'yan-i shahr*) and 'pillars of the imperial court' (*arkan-i darbar*) to assemble in 'the royal fort' (*qal'a-i shahi*). Vansittart then met with the other British members of the Company's council in Patna in a separate 'chamber' (*hujra*), where a command from the governor and council in Calcutta (a document referred to by Ghulam Husain as a *hukmnama* – literally, a written order) was translated into Persian. After this, George Vansittart came out of the chamber, and his *munshi* (a scribe named as Siraj-ud-din Muhammad Khan) read the Persian version of the order in a loud voice to the assembled crowd in the public audience chamber (*darbar-i 'am*). The order proclaimed that Maharaja Shitab Rai – formerly the deputy *diwan* – was now dismissed from authority over the *khalisa* (the central office of revenue collection), including the work of assessing and collecting imperial revenues. From this point on all the lesser Indian officials concerned in the revenues, such as *'amils* or appointed collectors in the districts, were instructed to receive their commands from the English council (rendered as *kunsil* in Ghulam Husain's Persian text).⁵

³ For the directors' orders to President and Council at Fort William, 28 August 1771, see Bisheshwar Prasad, *Fort William-India House Correspondence, Volume VI* (New Delhi, 1960), p. 123. For the historical background to Hastings's orders, see P. J. Marshall, 'The East India Company's "Ancient Form of Government" and the Exigencies of Empire: Bengal from 1765–1773' in Robert A. Olwell and James M. Vaughn, eds., *Envisioning Empire. The New British World from 1763 to 1773* (London, 2020), pp. 173–96. A. M. Khan, *The Transition in Bengal, 1756–1775. A Study of Saiyid Muhammad Reza Khan* (Cambridge, 1969), pp. 294–320.

⁴ Ghulam Husain's career forms the main subject of Chapter 5 below. For the Persian text of his history, which was completed in the early 1780s, I have consulted Ghulam Husain Khan Tabataba'i, *Siyar-ul-muta'akhhirin*, 2 volumes in 1 (Calcutta, 1833) (henceforth, Ghulam Husain, *Siyar*). For a near-contemporary translation by Haji Mustafa, a Franco-Ottoman adventurer who settled in Bengal, see Ghulam Husain Khan Tabataba'i, *A Translation of the Seir Mutaqherin, Or View of Modern Times*, tr. Nota Manus, 4 vols. (1st edition Calcutta, 1789, reprinted Lahore, 1975).

⁵ Ghulam Husain, *Siyar*, vol. 1, p. 368. Ghulam Husain, *A Translation of the Seir Mutaqherin*, vol. 3, p. 43. According to Ghulam Husain, this proclamation was made a month or two after Shitab Rai had been summoned to Calcutta.

Thus, a political command originating several months before in discussions among the Company's Court of Directors in Leadenhall Street in London had worked its way around the world and was transformed on the shores of the Ganges into a Persian *hukmnama*. The Company was formalizing its take-over of power in Bengal and Bihar by attempting to colonize the personnel, protocols, and idioms of late Mughal governance – from the figure of the *munshi* (Persian scribe), to the rituals of public audience in the Patna fort, to the idea of a distinct branch of government dedicated to *khalisa* or revenue business (from which Shitab Rai was now being removed). The Persianized forms of the Company's growing dominance in eastern India, and Ghulam Husain's Persian recounting of it, reflected the deep imprint of Persian as a political language in Mughal administrative centres like Patna, which had long served as what Nile Green has called 'anchoring hubs' within larger networks of Persianate political culture in South Asia.⁶ Yet what is perhaps most noteworthy in Ghulam Husain's historical detailing of the Company's emergent empire in translation is his account of what happened next, after the dismissal of Shitab Rai. For the great Persian historian tells us that he himself approached the Company chief, George Vansittart, to give him advice about the proper protocols of rulership, and especially about the duty of the ruler to be accessible to the numerous petitions and representations of needy subjects.

Ghulam Husain explained to Vansittart that Maharaja Shitab Rai, the dismissed deputy *diwan*, used to devote two parts of each day to 'attending to decisions in matters of business' (*mutawajjih-i faisala-i mu'amalat*) and to 'listening to the petitions of the needy' (*mustami'-i multamasat -i arbab-i hajat*). Ghulam Husain asked what provision Vansittart would now make for attending to people's concerns. Vansittart apparently responded that he was not 'accustomed' (*mu'tad*) to sitting in the public audience chamber (*darbar-i 'am*), and becoming informed about 'the affairs of people' (*ahwal-i mardum*) as Shitab Rai had done; he would simply not be able to do this. Nonetheless, at Ghulam Husain's urging, Vansittart declared that he should be informed when anyone had a petition for him, so that he could summon the petitioner into his presence, hear, and understand the request and give an official response.⁷

⁶ Nile Green, 'The Frontiers of the Persianate World, c. 800–1900', in Nile Green, ed., *The Persianate World. The Frontiers of a Eurasian Lingua Franca* (Berkeley, CA, 2019), p. 29.

⁷ Ghulam Husain, *Siyyar*, vol. 1, p. 416. The Persian here reads: 'guft misl-i maharaja chun mu'tad nistam darbar-i 'am nishastan wa ahwal-i mardum shanidan wa fahmidan khwud az man namitavanad shud amma har kira gharaz wa arzi bashad mara itla' kunad talbida wa ahwalish ra shanida wa fahmida tadarukish khwaham namud.' Mustafa's eighteenth-century translation of this runs: 'He answered that, *being not accustomed, like Shytab*

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According to Ghulam Husain, Vansittart was true to his word, personally inquiring into such petitions without simply relying on subordinate Indian officials. But as was often the way in the Company service, Vansittart would not remain long in his post as chief of Patna. Soon, according to Ghulam Husain, it became more difficult for subjects to have their requests and grievances heard, and people suffered many ‘troubles’ (*azarha*).⁸

Ghulam Husain’s recounting of the transition of power in Patna in 1772 provides a vivid entry point into the process of colonial state-formation in a Persianate world that forms the subject of this book. In late eighteenth-century Bengal, as East India Company officials sought to appropriate the tax revenues of a South Asian regional state, British officials came face to face with a dynamic late Mughal political culture, a product of more than two centuries of interactions between Mughal emperors, regional governors, and Mughal imperial subjects. While the British could dismiss high officials like Shitab Rai, they could not so easily dispense with the broader infrastructure of late Mughal governance through which taxes were collected and justice administered. Indeed, the British in India would retain Persian as an official language of government and bureaucracy until the 1830s.⁹ British officials like George Vansittart were quickly made aware, including by the historian Ghulam Husain, that Persian was not only a language of imperial command but a language also of supplication and complaint, of demands for justice and legal redress, of historical recounting and political critique. The notables who assembled in the Patna fort were not merely silent witnesses to the Company’s takeover of power, but active participants in regional politics, with a strong sense of their claims to patronage and protection from central government. At the same time, while Vansittart and other British officials knew that they could not safely ignore the demands for justice of their new subjects, they also understood (as

Ray, to sit in public amongst hundreds of people, nor to listen to complaints, and to determine causes, he could not believe that he would be able to comprehend one half of them, but that had any business with government might apply to him privately, as he conceived that in the recess and silence of a closet he would be more recollected and better able to give a decision. Ghulam Husain, *A Translation of the Seir Mutaqherin*, vol. 3, p. 198. While Mustafa added several words here about the ‘recess and silence of the closet’ that are not in the original Persian, his translation seems to capture the implication of a retreat from earlier practices of public audience.

⁸ Ibid.

⁹ Green, ‘The Frontiers of the Persianate World’, pp. 42–3. See also Bernard S. Cohn, ‘The Command of Language and the Language of Command’, in Cohn, ed., *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, 1996), pp. 16–56.

did their subjects) that the new system of corporate governance under British control would inevitably be substantially different from the old order.¹⁰

The history of colonial state-building in eastern India needs therefore to be situated in the context of internal dynamics of state-formation in a late Mughal regional state, including a vibrant culture of petitioning rulers for justice. Previous histories of the early colonial period have tended to emphasize the rapid erosion of the Persianate political culture of eastern India under a colonial state that soon discontinued older forms of political and military patronage, and which loudly trumpeted its own ‘enlightened’ advancement over allegedly ‘despotic’ Indian rulers.¹¹ Ghulam Husain’s famous history, with its invocation of an earlier Mughal golden age, and its pointed critique of the alien forms of British rule, has often been used to reinforce this narrative of the inexorable supercession of Persianate forms of politics under early colonial rule.¹² Yet, Ghulam Husain’s history also contains a different narrative thread interwoven with his lament for the lost golden age of the Mughal Empire: it shows how the Company’s efforts to adapt Mughal administrative practices for their own uses drew British officials into constant, unequal forms of negotiation, contestation, and exchange with Indian officials, and also with a diverse array of petitioners well practised in representing claims and grievances to state authorities. Meanwhile, government officials as well as petitioning subjects constantly invoked the historical memory of Mughal and *nawabi* rule to justify their own

¹⁰ In a later letter to Hastings, George Vansittart explicitly compared his own capacities with those of Shitab Rai. While Shitab Rai, he mused, had a more ‘exact knowledge’ of government business, he imputed to himself ‘a more steady impartiality, a greater desire to realize the revenue and a more earnest solicitude for the country’. See Vansittart to Hastings 23 May 1772, cited by Marshall, ‘The East India Company’s “Ancient Form of Government”’, pp. 184–5. The idea that Indian officials were by definition ‘partial’ compared to the supposed ‘impartiality’ of British officials became an important axiom in the racialized political economy of British India.

¹¹ Richard Eaton ends his magisterial survey of the Persianate era in South Asia in 1765, with the growth of the Company state, though he notes that ‘the entry of Europeans as political actors was built upon long-established Indian institutions’, including ‘well-established revenue-extracting bureaucracies’, and an ‘extensive military-labor market’. Richard M. Eaton, *India in the Persianate Age 1000–1765* (Berkeley, 2019), p. 379. For studies emphasizing the decline of Persianate political culture in early colonial Bihar, see Kumkum Chatterjee, *Merchants, Politics and Society in Early Modern India 1733–1820* (Leiden, 1996) and Anand Yang, *Bazaar India. Markets, Society and the Colonial State in Gangetic Bihar* (Berkeley, 1999). For an intellectual history of the colonial ‘dismantling’ of earlier conceptions of ‘Hindustan’ found in precolonial Persian histories in South Asia, see Manan Ahmed Asif, *The Loss of Hindustan. The Invention of India* (Cambridge, MA, 2020), p. 21.

¹² For a fuller discussion, see Chapter 5 below.

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arguments and claims.¹³ The Mughal Empire thus continued to cast a long historical shadow over British rule, both as source of materials for British constructions of their own imperial state and as a kind of counter-imperial discourse of lost imperial virtue in the hands of Persian writers.

The particular focus of this book is on the way the Company built its new state by co-opting and transforming late Mughal practices of administering justice to petitioning subjects.¹⁴ Judicial processes, especially in relation to disputes over land and taxation, were a crucial mechanism by which the Company converted military dominance into regularized forms of legal authority. Whereas most histories of the period have viewed the early Company government's emergent system of law courts retrospectively, as the origin point for a new system of modern, colonial law, this study shows how British judicial reforms consciously adapted late Mughal protocols for adjudicating disputes among taxpaying subjects, and for distributing fiscal jurisdictions among officials and landholders (*zamindars*). The different chapters of the book show how the Company gradually assembled its new system of 'civil law' in Bengal by drawing selectively on the representations of Indian officials and litigants about the legal forms of Mughal government. While Company rule substantially changed the process of investigating and deciding local disputes, gradually interposing new ideas of where and what law was, the elaboration of a colonial judicial state occurred through the gradual reworking of late Mughal infrastructures of state-oriented claims-making.

¹³ For a pioneering study of Persianate cultures of history in early modern eastern India, and how Persian histories were used by early British rulers to construct a genealogy of empire in eastern India, see Kumkum Chatterjee, *The Cultures of History in Early Modern India. Persianization and Mughal Culture in Bengal* (Oxford, 2009). For historicist conceptions of rights as rooted in prescription and ancient custom in the early modern Maratha territories, see Sumit Guha, 'Wrongs and Rights in the Maratha Country: Antiquity, Custom and Power in Eighteenth Century India', in Michael R. Anderson and Sumit Guha, eds., *Changing Conceptions of Rights and Justice in South Asia* (London, 2001), pp. 14–29. Historians often use the Persian term *nizamat*, deriving from *nazim* (an official title of Mughal provincial governors), to refer to the system of regional government under the *nawabs*. See, for example, Tilottama Mukherjee, 'The Coordinating State and the Economy: The *Nizamat* in Eighteenth Century Bengal', *Modern Asian Studies*, 43, 2 (2009), pp. 389–436. Under British rule *nizamat* came to refer to a narrowed sphere of 'criminal justice', as distinguished from the *diwani* (referring to the administration of 'revenue' and 'civil justice'). See especially, N. Majumdar, *Justice and Police in Bengal, 1765–1793. A Study of the Nizamat in Decline* (Calcutta, 1960). I have generally used *nawabi* to refer to the precolonial state in eighteenth-century Bengal to avoid confusion with the term *nizamat* as it was repurposed and redefined by the Company after 1765.

¹⁴ See also Robert Travers, 'Indian Petitioning and Colonial State-Formation in Colonial Bengal', *Modern Asian Studies*, 53, 1 (2019), pp. 89–122.

As Zoltan Biedermann has argued in his study of Portuguese and Habsburg imperialism in sixteenth-century Sri Lanka, the history of European imperial expansion in early modern Asia involved both a ‘profound interaction and hybridization’ between European and non-European imperial structures, and also at the same time the production of new civilizational and racial hierarchies that gradually coalesced into ‘a European project to dominate the world’.¹⁵ From a global historical perspective, the British conquest of Bengal marked a step change in European imperialism in Asia, an epochal tipping-point between the polycentric world of early modernity and the increasingly Europe-centred world system of nineteenth-century colonial empires.¹⁶ Yet, these broader political transformations are impossible to explain without understanding the connections between British colonial state-formation in Bengal and processes of Persianate imperial state-formation in early modern South Asia.¹⁷

The East India Company built a new type of military-fiscal and fiscal-judicial state in Bengal by coopting and transforming dynamic late Mughal infrastructures of political and legal mediation. This study

¹⁵ Zoltan Biedermann, *(Dis)connected Empires: Imperial Portugal, Sri Lankan Diplomacy, and the Making of a Habsburg Conquest in Asia* (Oxford, 2018), pp. 216, x.

¹⁶ For broader global historical perspectives on the transition between early modern and modern empires, see C. A. Bayly, *The Birth of the Modern World* (Blackwell, Oxford, 2004), John Darwin, *After Tamerlane. The Rise and Fall of Global Empires 1400–2000* (London, 2010), and Sujit Sivasundaram, *Waves across the South. A New History of Revolution and Empire* (Chicago, 2021). For a pioneering essay in the ‘connected history’ of early modern Eurasia, see Sanjay Subrahmanyam, ‘Connected Histories: Notes towards a Reconfiguration of Early Modern Eurasia’, *Modern Asian Studies*, 31, 3 (1997), pp. 735–62. And for an account emphasizing the metropolitan political context of eighteenth-century British imperialism in India and beyond, see James M. Vaughn, *The Politics of Empire at the Accession of George III. The East India Company and the Transformation of Britain’s Imperial State* (Yale, 2019).

¹⁷ For an important study situating global British imperialism in the context of political and social transformations in western and South Asia, see C. A. Bayly, *Imperial Meridian. The British Empire and the World, 1780–1830* (Harlow, 1989). For a study of the British adaptation of paper-oriented Mughal revenue systems in north India, see Hayden Bellenoit, *The Formation of the Colonial State in India, 1760–1860* (New York, 2017). For a focus on colonial infiltration of South Asian information systems, see C. A. Bayly, *Empire and Information. Intelligence Gathering and Social Communication in India, 1780–1870* (Cambridge, 1996), and Michael H. Fisher, ‘The Office of Akhbār Navīs. The Transition from Mughal to British Forms’, *Modern Asian Studies*, 27, 1 (1993), pp. 45–82. For a broad survey of British Indian history in India, emphasizing the early colonial state’s expropriation of Mughal political infrastructures, see Douglas M. Peers, ‘State, Power and Colonialism’, in Douglas M. Peers and Nadini Goopu, eds., *India and the British Empire* (Oxford University Press, 2012), pp. 16–44. For an important study of late precolonial and colonial state-formation in Rajasthan, see Norbert Peabody, *Hindu Kingship and Polity in Precolonial India* (Cambridge, 2003).

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argues that a colonial rule of law was built not just through programmatic, top-down schemes of legal reform enacted by British rulers but also on a case-by-case basis, through contested historical reconstructions of earlier *nawabi* procedures and precedents, and through the gradual redrawing by British decrees and regulations of the approved boundaries of imperial legality. Between the Company's assumption of the *diwani* of Bengal in 1765 and Governor General Charles Cornwallis's 'Permanent Settlement' of the Bengal revenues in 1793, a new judicial state was constructed in eastern India that would profoundly transform the political and legal history of South Asia. Even as Company law was being used to enforce unprecedented and inflexible tax demands on landlords and peasants, British officials loudly trumpeted the colonial state's commitment to the rule of law and property as a radical break with the 'despotic' Mughal past. Yet, this racialized rhetoric also covered over the tracks of a history of the deep entanglements, and tense, power-laden encounters, between British and South Asian ideas of imperial justice and law which animated the first decades of Company rule.¹⁸ By resituating colonial state-formation in a late Mughal world of petitioning subjects, this book tells a history of imperial law in transition between Mughal and British 'empires of complaints'.

Military-Fiscal State-Formation and Fiscal-Judicial Governance

In the historiography of colonial South Asia, law has long been understood as a critical weapon of colonial domination, and colonial law courts as important venues for generating new regimes of political subjecthood, together with new forms of individual and community identity.¹⁹ Even as an authoritarian colonial state wielded its legal powers violently to impose new systems of extractive governance and racialized social ordering, it justified its exercise of sovereign power by reference

¹⁸ 'Entanglements' between different imperial systems have become a major theme in historical writing about European empires in the Atlantic. See Jorge Caizares-Esguerra, *Entangled Empires. The Anglo-Iberian Atlantic, 1500–1800* (Philadelphia, 2018). For an extension of the metaphor of 'entanglement' to explore the interpenetration and mutual influence between British and Maori culture in early colonial New Zealand, see Tony Ballantyne, *Entanglements of Empire. Missionaries, Maori and the Question of the Body* (Durham, NC., 2014).

¹⁹ For a classic essay on early colonial law, see Bernard S. Cohn, 'Law and the Colonial State in India', in Cohn, ed., *Colonialism and Its Forms of Knowledge. The British in India* (Princeton, 1997), pp. 57–75. For a useful collection of recent essays, see Aparna Balachandran, Rashmi Pant and Bhavani Raman, eds., *Iterations of Law. Legal Histories from India* (Delhi, 2018).

to an apparently transcendent, universalist, and supra-political idea of the ‘rule of law’.²⁰ Histories of early colonial ‘civil law’ have often focused on the British codification of ‘classical’ or ‘scriptural’ forms of Muslim and Hindu law, *shari‘a* and *dharmashastra*, feeding eventually into a colonial system of ‘personal laws’ that tended to privilege ‘religious’ forms of legal identity.²¹ These works have explored how colonial law courts, centralized legislation, and ‘orientalist’ projects for codifying and standardizing indigenous forms of law, gradually supplanted more fluid, decentred practices of legal pluralism and layered sovereignty in the precolonial era.

The focus on the colonial production of new discourses of legality highlights how judicial institutions were themselves important venues for the growth and consolidation of colonial power, as colonial state-building intersected with extant forms of dispute resolution and legal ordering within South Asian states. Lauren Benton’s pioneering work on global regimes of legality situated early colonial Bengal within a larger transition from early modern to modern

²⁰ For the use of emergency powers as a pervasive feature of the colonial rule of law in India, see especially Nasser Hussain, *The Jurisprudence of Emergency. Colonialism and the Rule of Law* (Ann Arbor, 2003); and for a wider view of imperial policing and prerogative powers in colonial settings, see Lisa Ford, *The King’s Peace. Law and Order in the British Empire* (Cambridge, MA, 2021). For the development colonial forms of criminal law in India, see Radhika Singha, *A Despotism of Law. Crime and Justice in Early Colonial India* (Oxford, 1998), and Elizabeth Kolsky, *Colonial Justice in British India. White Violence and the Rule of Law* (Cambridge, 2009). For the imagined transcendence of law in British conceptions of imperial sovereignty David Gilmartin. ‘Imperial Sovereignty in Mughal and British Forms’, *History and Theory*, 56, 1 (2017), pp. 80–8, and Jonathan K. Ocko and David Gilmartin, ‘State, Sovereignty, and the People: A Comparison of the “Rule of Law” in China and India’, *The Journal of Asian Studies*, 68, 1 (2009), pp. 55–100. For an important study of legal and political thought in colonial South Asia, see Mithi Mukherjee, *India in the Shadow of Empire. A Legal and Political History (1774–1950)* (New Delhi, 2012).

²¹ For an important essay on the early colonial origins of religiously defined jurisdictions, see Nandini Chatterjee, ‘Reflections on Religious Difference and Permissive Inclusion in Mughal Law’, *Journal of Law and Religion*, 29, 3 (2014), p. 408. For examples of recent histories focused on colonial-era personal laws, see: Mitra Sharafi, *Law and Identity in Colonial South Asia. Parsi Legal Culture 1772–1947* (Cambridge, 2014); Nandini Chatterjee, *The Making of Indian Secularism. Empire, Law and Christianity 1830–1960* (New York, 2011); Iza Hussin, *The Politics of Islamic Law: Local Elites, Colonial Authority and the Making of the Muslim State* (Chicago, 2016); Julia Stephens, *Governing Islam. Law, Empire and Secularism in Modern South Asia* (Cambridge, 2018); and Rachel Sturman, *The Government of Social Life in Colonial India. Liberalism, Religious Law and Women’s Rights* (Cambridge, 2012). For a study of early colonial law in Bengal focusing on practices of gender, slavery, and the politics of the household, see Indrani Chatterjee, *Gender, Slavery and the Law in Colonial India* (Delhi, 2002). For a broad survey of the legal history in relation to the colonial economy, see Tirthankar Roy and Anand V. Swamy, *Law and the Economy in Colonial India* (Chicago, 2016).

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colonial forms of legal pluralism.²² She emphasized the role of indigenous litigants and legal intermediaries, acculturated to advancing their claims within the pluralistic legal orders, in appealing to early colonial tribunals. Indigenous claims-making in turn pushed colonial authorities into strategies of containment, working to solidify the previously fluid boundaries between different jurisdictions, eventually producing a more ‘state-centered’ pattern of legal pluralism. This emphasis on the role of South Asian litigants, and on extant cultures and languages of claims-making, has also animated legal histories of European coastal settlements in the seventeenth and eighteenth centuries. In ‘presidency’ towns under the English East India Company, Company Councils and Mayor’s Courts became sites of appeal by diverse inhabitants seeking patronage, protection or redress, making claims on the basis of English law but also by referencing the customs of different communities.²³

As the Company’s military conquests extended its sway outwards from the coasts into large agrarian territories, the Company’s authorities often tried to co-opt and adapt what they understood to be the extant judicial forms of South Asian states. In Bengal, after the grant of the *diwani* in 1765, the Company branded its own law courts (named using the Persian term ‘*adalat*’ or ‘*adawlut*’) as reconstituted versions of Mughal courts, administering a modified form of *shari’a* or Muslim law in its criminal courts, and basing its *diwani* or ‘civil law’ on the customary usages of late Mughal revenue administration as well as the ‘religious’ or scriptural law of Muslims and Hindus.²⁴ As I argued in a previous work, Company high officials in late eighteenth-century Bengal continued to legitimize their reforms of the Bengal state by invoking ‘an ancient Mughal constitution’, imagined as the historical basis of the Company’s own system of

²² Lauren Benton, *Law and Colonial Cultures. Legal Regimes in World History* (Cambridge, 2001); see also, Lauren Benton, *A Search for Sovereignty. Law and Geography in European Empires 1400–1900* (Cambridge, 2010), and Lauren Benton and Richard Ross, *Legal Pluralism and Empires, 1500–1850* (New York, 2013).

²³ Niels Brimnes, *Constructing the Colonial Encounter. Right and Left Hand Castes in Early Colonial South India* (Richmond, Surrey, 1999); Mitchell Fraas, ‘Making Claims: Indian Litigants and the Expansion of the English Legal World in the Eighteenth Century’, *Journal of Colonialism and Colonial History*, 15, 1 (2014); Mattison Mines, ‘Courts of Law and Styles of Self in Eighteenth-Century Madras: From Hybrid to Colonial Self’, *Modern Asian Studies*, 35, 1 (2001), pp. 33–74; Aparna Balachandran, ‘Petition Town: Law, Custom and Urban Space in Colonial South India’ and Philip J. Stern, ‘Power, Petitions and the “Povo” in Early English Bombay’, in Balachandran et al., eds., *Iterations of Law*, pp. 147–67, and 187–209; Lakshmi Subramanian, *The Sovereign and the Pirate. Ordering Maritime Subjects in India’s Western Littoral* (New Delhi, 2016).

²⁴ Roy and Swamy, *Law and Economy*, pp. 15–6.