

BOOK REVIEWS

KOLSKY, Elizabeth. *Colonial Justice in British India*. Cambridge: Cambridge University Press, 2010. 252 p. ISBN 978-0-521-11686-2.

The present book, published as the 17th monograph in the series Cambridge Studies in Indian History, belongs among works devoted to the examination of the period of the East India Company and British colonial rule in India. However, it does not describe a sequence of historical events that step by step helped the British gain control over a large part of the Indian subcontinent. Rather, it focuses on the history of racial violence and its relationship to law in British India. The author argues that anybody who wants to understand the character of British rule in the Indian subcontinent cannot only focus their attention on key and notoriously known events such as the Battle of Plassey, the Uprising of 1857 or the Jallianwallah Bagh massacre, but must get also acquainted with everyday practices of violence committed against Indians not only by official representatives of the British empire but especially by many non-officials – white planters, vagabonds, paupers, soldiers, sailors and others. Although the British did not form a monolithic society in India, they all considered themselves as superior to native people and entitled to treat Indians with disdain and brutality. Their attitude was supported by colonial law and the whole colonial legal system and colonial structure that enabled them to stay above the law and to avoid punishment for tyranny and even murdering Indian subjects. The author analyzes an abundance of archival evidence and shows that racial violence in India was nothing extraordinary. To the contrary, physical violence by whites was an everyday and constant part of British rule in the subcontinent. Although the British officials proclaimed legal equality, in practice they tolerated racial violence in many forms. Elizabeth Kolsky tries to provide some frameworks to explain and account for this violence. She finds an answer in the matter of race, in British imperial ideas about the inferiority of “others” (p. 14) that had its precedence in the treatment of slaves by planters in Britain’s slave plantations. Indian natives were equally considered as inferior “blacks” by the British.

In Chapter 1, E. Kolsky traces how the East India Company developed an unequal legal system which brought an absence of law in the early colonial period. She points to ways in which the Company tried to deal with white lawlessness, which was narrowly connected with the movement and settlement of various non-official Europeans within India. Among others, it was the licence system that prevented Europeans from coming to or residing in India without a licence from the Court of Directors, or regulations restricting the ability of Europeans to hold long-term leases on land in the subcontinent. However, these steps were not aimed at the protection of native people but at the protection of power and profits of the Company.

In the subchapter named *Captors: European misconduct in early colonial Bengal*, E. Kolsky introduces cases illustrating the relationship between violence, law and empire in India. In this phase of the presence of the East India Company in the Indian territory, white criminals caused serious problems not only to natives but also to the Company. This brought about Macaulay's efforts to codify law "to which all inhabitants of India (including non-Indians) would be made subject" (p. 70). Naturally, the codification of law was strongly opposed by the non-official community, which gradually became a powerful lobbying group in the subcontinent. The Code of Criminal Procedure which followed granted European British subjects race-based privileges that actually enabled them to commit violence with impunity.

The author also discusses methods developed in order to elicit reliable evidence from native people who were considered deceptive and untrustworthy by white colonizers. Special attention has been paid to the law of evidence and the law of oaths. The medical jurisprudence "operating at the crossroads of medicine and anthropology" (p. 135) and medical experts that helped to free white criminals in murder trials with claims that Indians had weak insides and hidden causes of death present a special chapter in the history of the colonial legal system.

Chapter 4 is devoted to the situation on the tea plantations of colonial Assam where "the politics of law and violence appeared in their barest and darkest forms" (p. 25). E. Kolsky describes the brutality of white planters who were aware of their absolute power and also the rather rare attempts of tea labourers to resist violence. Her account serves as further evidence of the different and racially conditioned treatment of British and Indian defendants in British India.

The last chapter named "*A judicial scandal: the imperial conscience and the race against empire*" introduces further cases of colonial injustice in India (e.g. the brutality of British soldiers) and points to the fact that there were many articles published in the Indian press which brought public notice to the racial discrimination in colonial courtrooms. The negative publicity led to anti-colonial criticism in India and abroad. E. Kolsky examines how the British tried to deal with the situation (a review of the jury system, establishing the Racial Distinctions Committee and the Criminal Law Amendment Act). But racial discrimination in criminal procedure was abolished from the Code of Criminal Procedure only after independence with the passage of the Criminal Law Act of 1949 (p. 228).

This well-written and finely designed book is completed with contemporary photographs and pictures, maps of the territory under British control in 1765, 1857, of India in 1909, and of Assam under the jurisdiction of the Chief Commissioner in 1875. It also includes four tables which illustrate and complete the text well, an index and a short glossary of Indian terms used in the work.

This monograph completes the reader's knowledge of an unequal relationship between the colonizers and colonized in British India. It will be of interest to all who study the history of India in general and the history of the East India Company and British rule in India in particular.

Anna Ráková