REVIEW ARTICLE

COLONIALISM, CASTE AND CUSTOM IN INDIAN HISTORY: REVISITING GOVERNMENTALITY

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Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton and London: Princeton University Press, 2001), xiii + 372 pp.

This important book addresses a persistent theme in India's colonial and postcolonial history, caste. Dirks accounts for caste in Indian history as foregrounding the role of colonial governmentality in the production of caste as a discursive category. He documents how the Indian population was segregated into caste categories as part of the logic of the emerging bureaucratic state in the mid-nineteenth century. While colonialism certainly did not create caste, it was instrumental in reconstituting it as something that could encompass the diverse nature of Indian religious and cultural practices.

In the process, Dirks also produces a riposte to the Orientalist assertion made by Louis Dumont (1980 [1966]) that caste constituted the *essence* of a timeless community in India. But while Dirks refers to the marginalisation of local ritual under the colonial state, we fail to get a sense of its significance in the pre-colonial period (Thapar, 2004). This is because Dirks does not attend enough to the pre-colonial imagination and its constitution of caste and rituals, in a way that Robert Frykenberg (1993) and David Lorenzen (2004) have done. So the account of caste proffered by this study is a radical advance on Dumontian essentialism, which stressed the oneness of Hinduism through its over reliance on elite Sanskrit texts, but Dirks fails to capture properly the ancient and strongly localised nature of Hindu rituals and the continued diffuseness of Hindu legal traditions. As a comparative lawyer, I would argue that it is only by taking into account the diverse nature of pre-colonial Hindu ritual that we can challenge the essentialising moves by both the colonial and postcolonial state in India in its reconstruction of Hindu law, a problem that continues to raise its head in current Indian legal textbook writing, too.

Dirks basically connects the construction of caste to the colonial desire to map the land and the 'customs' of India, its 'marriage systems and kinship patterns, funeral rites, adherence to Brahmanical priesthood and principle, clothing, and the geographical distribution of different groups' (p. 46). Mapping the land enabled the colonial

state to reconstruct the religio-cultural contours of the subcontinent, which had a fundamental impact on how the bureaucratic state would reconfigure the framework of Hindu law.

Scholars interested in the genealogy of colonial practices can learn much from this compelling account of the extent to which customs around caste became positivised under the auspices of the dynamics of the colonial state. Customs were subjected to further positivisation under colonial legislation, which saw the Brahmin priests, the self-appointed guardians of Hinduism, assume new prominence. Dirks shows in detail how knowledge about caste was to manifest itself under the conditions of an increasingly taxonomic state.

Focusing on the colonial transformation of custom, this book is a reconstructive project. It takes the colonial archive and un masks the manner in which the multiple registers of cultural signification were reduced to a singular mode of signification, *caste*. Dirks documents the processes by which indigenous cultural forms were disarticulated from the specific social formations that gave rise to them and reconstituted within the imperatives of a bureaucratic-legal order, one that was in service to the unifying logic of capitalist modernity in India (Chakrabarty, 2004: 19). By arguing that the relation between the discourse of caste and history is one of discontinuity, Dirks adopts a Foucauldian position, stressing the disciplinary nature of objectifying practices in which the colonial state engaged in its creation of the colonial archive, an archive that haunts India's present.

This book studies the formation of the object of 'caste' in four distinctive fields in which it emerges, religion, culture, bureaucracy and law, interrogating the epistemological structures that underpin its emergence under colonialism. His main early target here is Dumont (1966) for whom in *Homo Hierarchicus* the religious domain encompassed political and economic life in India. In Dumont's Orientalist thesis it was through Indology that 'we learn in the first place never to forget that India is *one*. The very existence, and influence, of the traditional higher, Sanskritic, civilisation demonstrates without question the unity of India' (cited at p. 55, italics in original).

Dirks argues that caste as an idiom of individual and collective identification underwent significant transformation through the encounter with the British and claims that 'caste, neither exhausted the range of social forms, functions, and identities, nor provided underlying unity' (p. 79). He also documents how the 'shift from historical to ethnographic preoccupations—and the shift in turn from military conquest and soon thereafter revenue collection to concerns about political loyalty—changed the character of colonial knowledge in fundamental ways' (p. 311). Dirks links the discursivity of caste to the mechanics of colonial governmentality, as embodied in the growth of the enumerative state. The relationship between territory, population and wealth, classically embodied in the land survey (pp. 76–77, 95–99; Foucault, 1991: 90) opened up new techniques for the collation of data about caste. Dirks thus argues that the colonial state was as central to the positivisation of Hindu custom as

the decennial census on which Bernard Cohn (1987, 1996) has written so extensively. Dirks rightly notes that caste became the basis on which India was imagined. In the process of this bureaucratically inspired legal transformation, caste appears as that which constrains the possibility of change, and colonialism as that which embeds the promise of change, of modernity and progress. This promise of change came to be embedded specifically in the British transformation of customs and rites.

For Dirks, the documentation of Hindu customs and rites and the overarching relation of both to the economy of occupation carried out by the early colonial state exemplified the yoking of sovereignty with bureaucratic rule (pp. 83–99). Thus, the colonial archive was created through a Foucauldian architecture of power in which colonial knowledge became far more significant than the colonial state ever was and colonial governmentality represented a 'different balance of power from that which existed in metropolitan forms of governmentality' (p. 123).

Dirks also demonstrates how the colonial state positivised caste customs into written form and thereby disarticulated them from the specificity of society and location. This is another central contribution of the book. Hindu diversity was eviscerated in the name of a highly positivised uniformity. Dirks demonstrates how under the bureaucratic state diverse and heterogeneous practices and beliefs, a basic feature of pre-British India, were transformed into manifestations of an all-encompassing Hindu community. The bureaucratic order played a significant role in re-formulating caste 'as a Brahmanical ritual system in which the most esoteric forms of social distinction became the basis for administrative knowledge' (p. 218). Central to this process was the way anthropology became not only an 'administrative tool' but also an 'administrative episteme' (p. 221). It delimited what constituted Hinduism and thereby excluded certain rites associated with low caste Hindus from the official colonial record of Hinduism. As a result of the official fascination of the enumerative state, caste 'began to spin a career of its own' (p. 43) so that by the late nineteenth century anthropology had become 'the history of the colonised' (p. 194). Anthropology became a major vehicle for the positivisation of Hinduism, organised around three registers, the cultural, the normative/conceptual and the biological. Unsurprisingly, in this task, Dirks notes that the state was assisted by high-caste Brahmins (pp. 154–69).

At the cultural level, the British—strongly aided by Brahmins—began to redefine an autonomous domain for religion. This reinforced British hostility to low caste practices such as hookswinging, a ritual associated with the Goddess of Rain. It consisted of passing hooks through the muscles at the back, 'attaching a rope to the hooks, and...swinging the victim to a height several feet above the heads of the people' (*Madras Mail*, 23 October 1891, cited on p. 151). When current scholarship in various fields of South Asian Studies discusses other 'weird' cultural practices such as 'forced marriages', 'dowry-related deaths' and now 'honour killings', such earlier eurocentric positivisations appear to become reinforced in new contexts.

Second, at the normative level, Dirks stresses that positivisation was also justified on the basis of indigenous *stasis*. It was the attribution of rigidity and inflexibility to

caste classifications and practices that marked out India as ripe for the dynamism of European modernity, notwithstanding the Indologist valorisation of Vedic, specifically North Indian, civilisation (p. 210). As Dirks argues, the perceived fixed nature of caste rendered impossible any 'meaningful exchange between social and political developments' (p. 52).

Third, positivism witnessed the articulation of *race* as a marker of civilisational development. Max Müller had stressed that the colonial construct of caste, as something delineating rigid social and occupational boundaries, had no sacred origin (p. 132). Dirks argues that it was the Brahmin priests rather than Orientalists who 'grafted religious principles onto social prejudice, thus sanctifying forms of caste exclusion in ways that made questions of intervention sensitive at best' (p. 133). The ethnographic state then formed the basis of this intervention.

Dirks shows that at the forefront of this history of positivism was the first Chief Justice of Bengal, Sir William Jones who had translated the *Mānavadharmasūtra* (since then misguidedly portrayed as 'The Laws of Manu') in 1794. Dirks rightly stresses that this particular text acquired importance as a privileged site of knowledge 'beyond its place in the delineation of personal law' (p. 34), while recent specialist Sanskrit scholarship by Patrick Olivelle (2004) re-claims an exceptional place for the *Manusmṛiti* as a consolidated and carefully crafted ancient legal compilation centred on *dharma*. The ancient *smṛiti* texts expounded on topics as diverse as the social obligations between various castes, ritual practices of various kinds, sexual relations between men and women of different castes, as well as dispute resolution mechanisms. In the Manu-centric work of Jones, a Hindu legal tradition was born and, Dirks claims, the text became the very condition for the possibility of formally recognising Indian law.

Dirks' claim here is consistent with that of the handful of scholars working on Hindu law. Menski (2002: 115–26) has argued that there never was one conceptually unified Hindu law, but that rather like Islamic law in India, 'Hindu Law' came to be read through the positivism of the common lawyers (see earlier Derrett, 1968). Side by side, the Hinduism that emerged was Brahmanic in belief and practice (p. 163), famously described by M.N. Srinivas as the result of a process of 'Sanskritisation' (p. 251). In British India, increasingly, Brahmanical codes of conduct set the standard for the regulation and the production of knowledge which 'collaborated in the fixing of tradition' (p. 170).

Dirks stresses that such Sanskritisation had a deleterious impact on the legal scene as the British increasingly 'resorted to priestly and textual' sources in order to effect a sanskritisation 'of custom and convention' (p. 73). With this was born Hindu 'personal law' as constructed by the British, though it had of course existed much earlier. In the area of property and inheritance, this new construct operated to further marginalise the rights of women as well as low caste groups. This was hardly a testament to Brahmanic autonomy, rather Dirks notes that the Brahmins were in turn emulating 'procedures that had been introduced' by the British in Madras (p. 73).

In my view, this particular dynamic of positivisation stands in sharp contrast to the emphasis on *sadâcâra*, the centrality of 'custom as a source of law' (Menski, 2002: 121). Historically daily practices were 'placed higher than religious authority in the form of any holy man laying down the law, or state law in any form' (Menski, 2002: 121). The *Hindutva* fundamentalism which the *Bharatiya Janata Party* (BJP) have exploited since the mid-1990s represents thus a thoroughly fetishised and positivised 'neo-Hindu growth that violates the basic norms of traditional Hindu society in misrepresenting the power of male-focused authorities' (Menski, 2002: 121–22).

In its classic form, Hinduism was only a source of law to the extent that it legitimated, according to Menski (2002: 122) 'the state's non-intervention in the substantive legal rules that people have been creating for themselves' for generations. All forms of Hindu religious authority only had the authority of being mere guidelines for the simple reason that no two people have the same *dharma*. Menski (2003) shows in some detail that developments in Indian law since independence have remained imbued with Hindu values that are often rather localised in nature.

What Dirks fails to analyse, then, is the place of a pre-colonial and particularly pre-British Hindu pluralist consciousness that under the auspices of the British was transformed into official or state-sanctioned 'Hindu law'. The failure by Dirks (pp. 19–28) to draw on both Mughal and pre-British missionary accounts of Hindu customs and kinship relations, as well as on vernacular accounts of Hinduism as a means of presenting an account of pre-British religious consciousness represents the limits of a post-Orientalist approach to caste. Dirks' approach contrasts with that of Lorenzen (1999) who utilises vernacular accounts of Hinduism in order to present a complex picture of religious consciousness in the pre-British period. Pre-European accounts of caste are not just testament to an 'authentic' Hinduism; rather they attest to a different epistemological frame from that of the colonial state.

Oral traditions, which were diverse and highly localised, constituted part of the rites of the Hindus, but receive little analysis in the account produced by Dirks. Frykenberg (1989: 29) stresses that there never was a single or unified Hindu community and neither was there a single Hinduism. The vernacular literature also indicates that a Hindu identity did in certain areas emerge in relation to a distinct Muslim 'other' (Lorenzen, 1999: 648).

The failure to give adequate space to pre-colonial accounts of religious consciousness, a potential lacuna in post-Orientalist accounts of religious movements in South Asia, renders Dirks' discussions of law problematic (pp. 34–37). He does not tell us that the 'Hindu Law' which emerges in British India was Anglo-Hindu law, a positivist accretion of Indology, which owes its presence mainly to a combination of Brahmanical authority and the British legal reformers of the Raj, Lord Macaulay, Sir Henry Maine, H.T. Colebrooke and Fitzjames Stephen. Their legacy was purposive inexactness in the process of translation (Dhavan in Galanter, 1989: xiv–xvii).

The colonial accounts of Hindu law that emerge in the nineteenth century were produced with administrative purposes in mind, but even H.T. Colebrooke's *Digest*

of 1796 represented the fusion of *shastric* values with the principles of equity developed by the Chancery Division of London's High Court. Dhavan (in Galanter, 1989: xv) stresses that *shastric* values themselves were highly diverse, but during the British 'discovery' of *shastric* law, some principles were privileged over others, the result being the growth of a corpus of Anglo-Hindu law, far removed from the *dharmaśāstra*, the ancient guidance on social mores compiled by the Brahmin sages.

Importantly, formal Anglo-Hindu law did not completely efface the myriad customary practices of the Hindus. Scholarly administrators such as J.H. Nelson (1886), writing in the late nineteenth century, notably took issue with the Orientalist obsession with Sanskrit texts, suggesting that customary practices should instead be enforced as well as be the object of inquiry (see also Dhavan in Galanter, 1989: xiv). Nelson's main concern was that customary practices were often at variance with *shastric* principles and that the obsession with the latter was complicit with the interests of Brahmanism. Today, indeed, we can recover a non-positivised Hinduism and Hindu law which suggests a hybridity that is more in tune with India's present socio-legal realities.

In spite of the failure to do justice to pre-colonial accounts of Hindu consciousness, Dirks has produced a seminal account of how caste became the basis on which India was imagined. The ongoing cultural productivity of caste in post-colonial India is indeed testament to the manner in which colonialism continues to haunt the post-colonial nation in India (pp. 304–06). Caste is destined to remain the traumatic split at the core of the Indian nation, which will keep it in the waiting room of modern history. It is precisely this waiting room that remains the site of historical contestation in the Indian imaginary (Chakrabarty, 2004).

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