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LAWS AND ORDERS



INTRODUCTION
Ordering “Chaos”: Administering the Law

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IGHTEENTH- AND NINETEENTH-CENTURY orientalist scholarship, represented here by the works of Robert Orme, William Jones, and Lord Thomas Babington Macaulay, depicts India as a lawless and chaotic land, inhabited by various despotic governments and roving bands of thugs and bandits; characterized by myriad superstitions and contradictory religious beliefs; and troubled by a history of bribery and corruption, which served as poor imitations of civil jurisprudence. Orme concluded that no existing Indian codes of law could amend the nation’s elaborate disorder. Jones’s work continued this strain of thought while simultaneously marveling at the intricacy, antiquity, and “curious matter” of the legal ordinances of Menu, the son or grandson of Brahma. Jones’s scholarship functioned as a double translation: a transcription of Sanskrit and Brahmanic codes into English, and a means of translating Hindu tradition into British legal discourse. The linguistic accessibility of the Indian legal traditions enabled the implementation of “well-mannered” British forms of government, that is, those in accordance with Indians’ “ancient usages” and “religious prejudices.” Jones described the logic of the ordinances as childish, absurd, and incomprehensible; however, he admired the style in which they were detailed and respected the democratic nature of their admonitions. He reminded his European audience that these imperfect and mystifying beliefs were genuinely and sincerely upheld by the inhabitants of India, which was of vital economic interest to the British Empire. In other words, some incorporation of Indian “superstition” into British law was felt to be potentially profitable, if not wholly rational.

Macaulay, on the other hand, described the pre-existing laws of India as having been implemented by supersuccession; the Indian legal system, he argued, had been imported, put into place by the nation’s various conquerors. He suggested that a more aggressive, precise, and consistent penal code be

implemented to amend the colonial nation's motley inherited legal traditions. Macaulay declared that the British penal code would be the superior in juridical import; its enlightened qualities would be immediately recognized when translated into native languages.

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