Constructing the "Extraordinary Criminals": Mappila Muslims and Legal Encounters in Early British Colonial Malabar

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In the year 1790, during the Anglo-Mysore wars in British colonial South India, General Abercromby, the governor of Bombay, who was supervising English East India Company (hereafter EIC) operations in coastal Malabar, reported that "from the repeated treachery and notorious infidelity of the whole Mappila race, rigid and terrifying measures are become indispensably necessary to draw from them the execution of their promises and stipulations. Lenity (towards Mappilas) has been found ineffectual."[1] Again in the year 1793, the joint commissioners of the EIC in British Malabar reported to the governor of Bombay that "along with the great and respectable body of Mappilas there are also very several numerous and peculiar bands of public robbers by profession in Malabar country who from their haunts and general residence are called Jungle Mappilas."[2] The commissioners continued to report that the Jungle Mappilas are

[1] William Logan, *Malabar Manual*, vol. 1 (Madras: Fort St. George Press, 1887; repr., Thiruvananthapuram: Kerala Gazetteers Department, 2000), p. 472.

[2] Malabar Commissioners to Bombay, *Report of a Joint Commission from Bengal and Bombay Appointed to Inspect into the State and Condition of the Province of Malabar in the Years 1792–93* (hereafter cited as *RJCM*), Foreign Miscellaneous Series (Madras: Fort St. George Press, 1862), pp. 116–117.

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> banded together under the chiefdom of Unni Moosa Muppan, who is an open avowed robber. He has several places of residences in the jungles. He kept with him four head Moopas (heads of the gangs) and two hundred armed men, besides many other inferiors, who infest the jungles and pay him tribute and acknowledging him as their chief, join him when required. They frequently assemble at night and to commit depredations as usual after which it was their customs to divide immediately and disperse. They were concerned with kidnapping children and to be sold to commanders of European vessels for exportation.[3]

The subject of the above British colonial reports of the late eighteenth century were the Mappila Muslims of Malabar, a community that arose as a result of the interactions and engagements between the Islamic Arab traders and coastal communities of western coast of India.[4] The above-mentioned reports not only differentiated the Mappilas but also assigned them the image of "extraordinary professional robber[s] and criminal[s]" with a hint at terrifying measures and legal procedures to control them. Key to this labeling of Mappila Muslims was the perception of the early British colonial state in India, which treated, as Sandria Freitag notes, "crime committed by individuals as ordinary crime and crime committed by collectivities as extraordinary crime."[5] The above-mentioned reports have also brought the Mappilas of Malabar within the legal framework of the British colonial state, ending the centuries-old reciprocal, flexible association and exchange of ideas between the Europeans and Muslims in the Indian Ocean region.

Before the arrival of Europeans on the western coast of India in the late fifteenth century, the Mappila Muslim merchants had stimulated a brisk trade with the local princes in the Malabar coast and also with a network of traders from the Middle East and the eastern coast of Africa.[6] Apart from being active merchants on the Malabar coast, the triumph of the Mappila Muslim settlements was also due to their intermarriages, immigration, and cultural assimilation in the coastal areas.

[3] Ibid.

[4] The name "Mappila" is the transliteration of the Malayalam word "Mapila." This has taken several different forms, the most common being "Mappila," "Mappilla," and "Moplah." For more details, see Roland Miller, *Mappila Muslims of Kerala: A Study in Islamic Trends* (Hyderabad: Orient Longman, 1992), pp. 30–36.

[5] Sandria B. Freitag, "Crime in the Social Order of Colonial North India," *Modern Asian Studies* 25, no. 2 (1991): 229.

[6] The rise of local kings in Malabar, especially the Zamorins of Calicut, was aided heavily by the Mappila Muslim merchants. For more details, see K. V. Krishna Ayyar, *The Zamorins of Calicut* (Calicut: Calicut University, 1938; repr., 1999).

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K. M. Panikkar notes that this maritime and local popular culture as a time when "different communities lived together without friction and absolute religious toleration existed."[7] However, it was their successful association with the Zamorin of Calicut, who incorporated Muslim ships and seamen as the potential military resources, that gave the Mappilas a role in the political sphere.[8] European encounters with the western coast of India started in 1498, when Vasco da Gama, the Portuguese traveler, anchored his fleet in Calicut on the Malabar coast.[9] The fragmented character of a Malabar polity with a large number of principalities and potentates enabled the Portuguese to establish a shadowy suzerainty in the coastal regions and impose their system of maritime control.[10] The imperial, commercial, and cultural ambitions of the Portuguese on the Malabar coast brought several concerns to both Zamorin and Mappila merchants of Calicut, who considered them a threat to their political, economic, and trading interests in the region.[11] The early decades of the sixteenth century were thus marked by several levels of clashes between the Portuguese and Mappilas, which resulted in the economic marginalization and gradual withdrawal of the latter into the interior of Malabar.

Histories of European encounters with the Mappila Muslims of the Malabar coast have largely concentrated on examining the political, economic, and sociocultural aspects and interactions in the pre-British period.[12] While pondering issues like political clashes, cultural assimi-

[7] K. M. Panikkar, *Malabar and the Portuguese* (New Delhi: Voice of India, 1929; repr., 1997), pp. 24–25.

[8] For details of the relationship between Zamorin and Mappila seamen, see O. K. Nambiar, *The Kunjalis: Admirals of Calicut* (Bombay: Asia Publishing House, 1963). See also M. T. Narayanan, "Kunjalis: The Muslim Admirals of Calicut," in *Kerala Muslims: A Historical Perspective*, ed. Ashgar Ali Engineer (Delhi: Ajantha Books, 1995), pp. 91–102.

[9] For more details of the premodern phase of European encounters in the coastal regions in India, see Rila Mukherjee, ed., *Oceans Connect: Reflections on Water Worlds across Time and Space* (New Delhi: Primus Books, 2013).

[10] For more details of the conflicts between Portuguese and Arabs in the Indian Ocean region, see Yogesh Sharma, "Facets of Ecology and Society in Coastal India in the Pre-Modern Phase," in *Coastal Histories: Societies and Ecology in Pre-Modern India*, ed. Yogesh Sharma (New Delhi: Primus Books, 2010), pp. xiii–lxi.

[11] See, for example, Pius Malekandathil, *Portuguese Cochin and the Maritime Trade of India, 1500–1663* (New Delhi: Manohar, 2001); Hussain Randathani, *Mappila Muslims: A Study on Society and Anti-colonial Struggles* (Calicut: Other Books, 2007), pp. 76–88.

[12] See, for example, Ashin Das Gupta, *Malabar in Asian Trade, 1740–1800* (Cambridge: Cambridge University Press, 1967); K. N. Ganesh, "Trade Networks and the Process of Production in Medieval Kerala," in *Cannanore in the Maritime History of India*, ed. M. O. Koshy (Kannur: Kannur University 2002), pp. 30–42; K. K. N. Kurup, *The Ali Rajas of Cannanore* (Trivandrum: College Book House, 1975).

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lations, religious rivalries, trading competitions, and so on, these studies, however, make little or no reference to the ways in which Muslim society was defined or portrayed during the European encounters in Asia.[13] Ever since the beginning of European trade encounters with the Malabar coast, there were attempts to distinguish the Muslim mercantile communities differently. An account of one such early European encounter was mentioned in the *Narratives of Eastern Travel* by Poggio Bracciolini and Ludovico de Varthema.[14] In the sixteenth century, the Muslim communities of the western coast of India were divided by the Portuguese into two groups: the Moors of the Land and the Moors from Arabia.[15] This practice was mainly meant to distinguish the Mappila Muslims from all Middle Eastern Muslims. These distinctions were mainly because of the European quest to control and dominate the Malabar coastal trading sphere. The differentiated treatments of the Muslim mercantile communities developed into a more hostile sphere when the European traders became colonial masters in the Indian subcontinent by the middle of the eighteenth century. In other instances, historians who work on the early European encounters with Muslims in Asia have attempted to illustrate them under the rhetoric of "frontier people" and "religiously defined militancy."[16] Some scholars who acknowledge the importance of a sociolegal perspective of the European encounters with Muslims in Asia, particularly in India, however, have examined the British colonial encounters with Muslims on the

[13] Sebastian R. Prange, "A Trade of No Dishonor: Piracy, Commerce and Community in the Western Indian Ocean, Twelfth to Sixteenth Century," *American Historical Review* 116, no. 5 (2011): 1269–1293. This work has illuminated the case of Malabar's pirates "as exemplars of, and vectors in, the negotiation, constitution, and variation of these global zones of commercial interaction, political contestation, and legal reordering that came to define the early modern world."

[14] The *Narratives* say, "The Portuguese naval men in the Indian Ocean considered their being called or compared to a Muslim as the greatest insult and their narrators refers to the *Mappilas* only as 'dogs.'" See *Travelers in Disguise: The Indies Rediscovered by Poggio Bracciolini of the Itinerary of Ludovico de Varthema*, tr. John Winter Jones (Cambridge, Mass.: Harvard University Press, 1963), pp. 215–216 (quoted in K. N. Ganesh, "Structure of Political Authority in Medieval Kerala" in *Perspectives on Kerala History: The Second Millennium*, ed. P. J. Cherian (Trivandrum: Kerala Gazetteers, 2000), p. 239.

[15] The Moors from Arabia, the so-called Paradesi Muslims, in fact, came from a wide variety of regions besides the Arabian Peninsula and settled in the trading towns of the Malabar coast. The Paradesi Muslims dominated in the western arm of the overseas trade from Malabar, and hence the Portuguese initially perceived a conflict of interest in particular with this group. For more details, see Sanjay Subrahmanyam, *The Political Economy of Commerce, Southern India, 1500–1650* (Cambridge: Cambridge University Press, 1990), pp. 116–120.

[16] Stephen Frederic Dale, *Islamic Society on the South Asian Frontier: The Mappilas of Malabar, 1498–1922* (Oxford: Clarendon, 1980).

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backdrop of Mappila rebellion of 1921, in which representations have been focused on the construction of the figure of the "fanatic."[17] Overall, these studies relied heavily on Eurocentric archives and have given rise to a historical perception of Muslims in Asia as passive victims of European encounters to their domains.

In this essay, I propose to bring an alternate non-Western discourse of European encounters with Muslims in Asia by examining and transcending the master narratives to a more indigenous sociolegal history of the marginalized in India. More precisely, I intend to study the British colonial legal encounters and processes involved in the identification and categorization of criminal types and offensive behaviors among the Muslims in colonial India. In articulating this aspect of European legal encounters with Muslims, I wish to follow a case study approach by focusing on the sociolegal constructionist question of how Mappila Muslim identity and criminality were defined under the early British colonial state in India.

Ever since the rise of postcolonial criticisms in the works of Edward Said, Homi Bhabha, and the Subaltern Studies Group, colonialism, law, criminality, and the marginalization of indigenous social strata have become the subjects of increasing scholarly interest.[18] While

[17] It would be interesting to note the significance of the term "fanatic" in this context. There were scholarly attempts to see the activities of these Mappila entrepreneurs as "outrages" and "outbreaks" against the Hindu landlords and the British during the mid nineteenth century. Conrad Wood, *The Moplah Rebellion and Its Genesis* (New Delhi: People's Publishing House, 1987). However, the agitations during 1921–1922 in Malabar were always portrayed as "revolts" and "rebellions" with a blind Islamic faith. Dale has analyzed the activities of the Muslims as the attempts to create a Mappila raj and traces the growth of the Muslim identity back to 1498 and 1921 rebellion as its culmination. Against this Eurocentric understanding of Mappila resistances in Malabar, nationalist scholars like K. N. Panikkar and E. M. S. Namboodiripad have attempted to describe Mappila rebellion (especially 1921) as a peasant struggle in the context of nationalist awakening. See K. N. Panikkar, *Against Lord and State: Religion and Peasant Uprisings in Malabar, 1836–1921* (New Delhi: Oxford University Press, 1989); E. M. S. Namboodiripad, *Kerala, Yesterday, Today and Tomorrow* (Calcutta: National Book Agency, 1967). Also see D. N. Dhanagare, "Agrarian Conflict, Religion and Politics: The Moplah Rebellions in Malabar," *Past and Present* 74 (1977): 112–141. For a critical evaluation of the "figure of the fanatic and 1921 rebellion, see M. T. Ansari, "Refiguring the Fanatic, 1836–1922," in *Muslims, Dalits and the Fabrications of History*, ed. Shail Mayaram, M. S. S. Pandian, and Ajay Skaria, Subaltern Studies 12 (New Delhi: Permanent Black, 2005), pp. 36–77.

[18] Edward Said, *Orientalism* (Harmondsworth, U.K.: Penguin Books, 1978); Homi K. Bhaba, "The Other Question," *Screen* 24, no. 6 (1983); Ranajit Guha, ed., *Subaltern Studies: Writings on South Asian History and Society*, vol. 1 (Delhi: Oxford University Press, 1982); Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford: Oxford University Press, 1984); Anand Yang, ed., *Crime and Criminality in British India* (Tucson: University of Arizona Press, 1985); David Arnold, *Police, Power and Colonial Rule: Madras, 1859–1947* (Delhi: Oxford University Press, 1986); Bernard S. Cohn, *Colonialism and Its*

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there is much to comment about this expanding area of research, I would like to point out three important concerns within this developing historiography. First, most of the works on the British colonial construction of crime and criminality in India have explained it either through the dominant colonial discourse of Sansi tribal classes in the British province of Punjab or through a wider Victorian discourse on surveillance and segregation of criminals in late nineteenth-century England. This scholarship, on the one hand, explained the colonial scientific perceptions of crime that traced the criminal propensities of Sansi tribal class as a result of irreversible heredity or genes.[19] On the other hand, some studies on criminality have attempted to place the Thugee sects and British criminal classes into a single frame of analysis through an evaluation of the 1871 Criminal Tribes Act in India and the 1869 Habitual Criminal Act in England.[20] The emphasis on scientific reasons for criminality in much of these works constitutes a potential obstacle to developing more comprehensive understanding of the sociohistorical context of criminality in India.

The second area of concern reflects the fact that construction of criminality in other parts of India, particularly in the southern Madras Presidency in the British colonial state, remains comparatively unstudied.[21] As the records state, the tribes in Punjab were not the only groups who were suppressed and criminalized by this act; it was also used

Forms of Knowledge: The British in India (Princeton, N.J.: Princeton University Press, 1996); Radhika Singha, *A Despotism of Law: Crime and Justice in Early Colonial India* (Oxford: Oxford University Press, 1998); N. B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, N.J.: Princeton University Press, 2001); Anindita Mukhopadhyay, *Behind the Mask: The Cultural Definition of the Legal Subject in Colonial Bengal 1715–1911* (New Delhi: Oxford University Press, 2006).

[19] Sandria Freitag, "Collective Crime and Authority in North India," in *Crime and Criminality in British India*, ed. Anand Yang (Tucson: University of Arizona Press, 1985); Sanjay Nigam, "Disciplining and Policing the Criminals by Birth, Part I: The Development of the Disciplinary System, 1871–1900," *Indian Economic and Social History Review* 27, no. 1 (1990): 131–162; Sanjay Nigam, "The Making of a Colonial Stereotype Part II: The Criminal Tribes and Castes of Northern India," *Indian Economic and Social History Review* 27, no. 2 (1990): 257–287; R. J. Tolen, "Colonizing and Transforming the Criminal Tribesmen: The Salvation Army in British India," *American Ethnologist* 18, no. 1 (1991): 106–125; A. Major, "State and Criminal Tribes in Colonial Punjab: Surveillance, Control and Reclamation of the 'Dangerous Classes,'" *Modern Asian Studies* 33 (1999): 657–688; Tom Lloyd, "Thuggee, Marginality and the State Effect in Colonial India, circa 1770–1840," *Indian Economic Social and History Review* 45, no. 2 (2008); Henry Schwarz, *Constructing the Criminal Tribe in Colonial India: Acting Like a Thief* (Oxford: Wiley-Blackwell, 2010).

[20] Preeti Nijhar, *Law and Imperialism: Criminality and Constitution in Colonial India and Victorian England* (London: Pickering and Chatto, 2009).

[21] Stuart Blackburn, "The Kallars: A Tamil Criminal Tribe Reconsidered," *South Asia* 1 (1978): 38–51.

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against many other smaller communities, the wandering and nomadic tribes and gypsies who did not conform to a pattern of settled labor. Later, in 1911, this act was extended to the Madras Presidency with modifications. Apart from Meena Radhakrishna's brilliant work on the effect of Criminal Tribe Act on the trading communities of Madras presidency, information on the impact of this act on the other communities in the regions, such as Malabar, Coorg, and Mysore, remains obscure.[22] In other instances, scholars working on the colonial forest policies in the Madras Presidency have examined the ways in which the British administration intruded into tribal areas to bring their abundant forest resources under its sole control to further commercial interests.[23] Missing from these histories are references to the minor but most influential community of Mappila Muslims of the Malabar coast, who were differentiated and criminalized in the British colonial records that began during the last decade of eighteenth century and continued well into the twentieth century.

A final area of concern stems from the tendency of scholars working on the issues of colonial law, criminality, land, and identity, particularly in the case of Malabar in South India, to focus considerably on the later years of British colonial rule.[24] In order to examine the European legal encounters on the Mappila Muslims of Malabar, I argue for investigating the early British colonial period in India more closely than has hitherto been explored. A closer look at the early colonial rule would also expose a critical departure from the liberal framework of the British Empire in India. This departure of the British in India, however, was justified on the presumption of preserving law and order and its being for the general good of the colonized region. Unlike the late nineteenth-century scientific explanation of crime as a hereditary professional activity, this essay traces the native criminality of the Mappila Muslims to the disruption of prevailing social and economic patterns of livelihood, consequent to the new colonial arrangements in the region of Malabar after the Srirangapa-

[22] Meena Radhakrishna, *Dishonoured by History: "Criminal Tribes" and British Colonial Policy* (New Delhi: Orient Longman, 2001).

[23] See, for example, Velayutham Saravanan, "Colonial Commercial Forest Policy and Tribal Private Forests in Madras Presidency: 1792–1881," *Indian Economic and Social History Review* 40, no. 4 (2003): 403–423. For a larger picture of the "violence of colonial environmentalism," see Ajay Skaria, *Hybrid Histories: Forests, Frontiers, and Wilderness in Western India* (New Delhi: Oxford University Press, 2001).

[24] G. Arunima, *There Comes Papa: Colonialism and the Transformation of Matriliny in Kerala, Malabar c. 1850–1940* (New Delhi: Orient Longman, 2003).

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tinam treaty of 1792.[25] In order to inquire into British colonial construction of criminality of the Mappila Muslims of Malabar, I would like to focus on some specific questions: What was the sociocontext in which the Mappila Muslims became rebels? Was it the first resistance from the people of Malabar against the new colonial form of judicial-legal and revenue order? If it was a form of resistance, what led to the categorization of this band as criminal? Of course, it was a question of administrative convenience from the part of British. But how did the movement reach to its rebellious character? What was the role of the new colonial legal codes and the new colonial judicial institutions in it? However, at the end, the "criminalized" section of Mappilas of Malabar does not remain in this essay as struggled victims of colonialism, but as argumentative subjects who reacted and challenged the introduction of new colonial legality and disciplinary regime of the British state in India.

Making of Mappila Rebels: Sociohistorical Context

To the British, the resistance of rebel Mappilas in the late eighteenth century was primarily against colonial legal authority, and as a counterinsurgency measure they labeled these movements as "rebellious" and "troublesome" activities. Scholars working on the "rebellious" character of Muslim communities on the Malabar coast have attempted to locate the Mappilas of Malabar within the broader pan-Islamic framework of Asia. For historians like Stephen Dale, Islamic ideology perpetuated a distinct sociopolitical identity that invariably put the Mappilas in the position of a distinctive "religious community" as opposed to Hindus and Christian Europeans. Dale further argued that the resistance during the British rule in India was the culmination of the character of "religiously defined militancy" of the Mappilas, which emerged in the early sixteenth century as part of Portuguese commercial competition in the region.[26] As a response to this, Dilip Menon has pointed out that the resistance of the Mappila chieftains was carried out well within the region as the inheritors of the authority of those they had displaced,

[25] The rulers of Mysore, Hyder Ali (1725–1782) and Tipú Sultán (1750–1799), had made repeated attempts to gain control over Malabar between 1766 and 1792. By the treaties of Srirangapatinam with the British, Tipú was forced to yield "one half of the dominions including Malabar which were in his position at the commencement of the war." For details, see Logan, *Malabar Manual,* pp. 399–473.

[26] Dale, Islamic Society on the South Asian Frontier, p. 32.

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and hence there was no attempt to expand beyond the frontiers of the area of authority.[27] What is most important at this juncture is the examination of the sociohistorical context of the Mappila agitations in Malabar. The following section of this essay examines the ways in which the Mappilas were formed as rebel groups in Malabar.

The pre-British land system in Malabar was based on *Janmam-Kanam* relations, a term generally indicating landlord-tenant relations. The upper-class Hindu Brahmins exercised *Janmam* right or birthrights over the land, which was leased out to mostly the Nayar community for cultivation without infringing the ownership rights.[28] Such lands were called *Kanam* lands, and the Nayar Kanakkars usually redistributed the lands among the cultivating peasants, landless laborers, and fishermen for cultivation. The majority of such peasants in Malabar who held the land for cultivation were Mappila Muslims who were economically marginalized and had withdrawn to the interior after losing the control of trade in the coastal regions. This dominant socioeconomic position held by the Hindu upper class in Malabar came to be shaken by Mysorean invasions and the subsequent introduction of new revenue administrative measures in the region between 1766 and 1792. K. N. Ganesh has pointed out that the land revenue system imposed by Mysore rulers in Malabar was heavy on the cultivators, and the new system forced even the landlord to pay revenue.[29] However, an interesting aspect of the Mysorean land setup was the recognition of the right of the cultivator, which in turn was seen as favorable to Mappila cultivators and tenants in Malabar. As a result, the customary authority over the land by the landlords was on the wane, and land control in Malabar passed into the hands of the Mappila Muslim cultivators and tenants. In addition, the Mysorean settlement in Malabar identified some of the Mappilas within the localities who assisted Tipu's officials in collecting revenue and providing soldiering support in troubled times.[30] The Hindu landlords in Malabar now could sur-

[27] Dilip M. Menon, "Houses by the Sea: State-Formation Experiments in Malabar, 1760–1800," *Economic and Political Weekly* (July 1999): 1995–2003.

[28] The term *Janmi* translates to "landlord" in academic discussions, and in a popular sense *Janmam* means the hereditary right or birthright that the landlord comes to occupy by descent from his predecessor. For more details, see K. N. Ganesh, "Ownership and Control of Land in Medieval Kerala: *Janmam–Kānam* Relations during the Sixteenth and Eighteenth Centuries," *Indian Economic and Social History Review* 28, no. 3 (1991): 299–321.

[29] Ibid., p. 321.

[30] Under the Mysorean plan, the central administrative responsibilities in Malabar were entrusted to Islamic officials like *subhadars* and *foujdars* sent from Srirangapatinam. Also, the Mysorean divisions of the state and village system were instituted in Malabar. See

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vive only by seizing real control over the lands or face extinction in Travancore.[31]

Scholars who worked on the Mysorean interlude in Malabar provided differing views on the change in customary land relations in Malabar. K. N. Ganesh has pointed out the formation of a new landholding class that occupied the intermediary position in the politico-economic order in Malabar during this period.[32] Dilip Menon has analyzed this new kind of formation as the emergence of Mappila entrepreneurs and functionaries within the rudiments of revenue administration of Mysore rulers.[33] As a result, a number of Mappila entrepreneurs began to control the networks of trade and also established links with the merchants on the coast. Moreover, they had gained control over an incipient labor market as military contractors or by access to men through their connections with the coast. It was the EIC's decision to take over the administration of Malabar that brought the Mappilas of Malabar into direct collision with the colonial administrators.

The colonial administrative reports of the period claimed that the Mappila entrepreneurs became "rebels" particularly due to the British decision to restore the Hindu local elites in Malabar.[34] According to Conrad Wood, "the establishment of British rule in Malabar gave rise to apprehension among the Malabar Mappilas, since Mysore hegemony had provided them with unique opportunities to advance their interests at the expense of the high-caste Hindu hierarchy."[35] It is also said that in the colonial history of Malabar, "British rule with its insistence of landlord rights had re-established and vastly enhanced the position of the Hindu upper caste Nambuthiris and Nair Janmies (many of whom had driven out by Tipú Sultán), and correspondingly worsened the condition of the largely Muslim leaseholders and cultivators."[36] With respect to the collection of revenue, the British decided

Margret Frenz, *From Contact to Conquest: Transition to British Rule in Malabar, 1790–1805* (New Delhi: Oxford University Press, 2003), p. 92.

[31] Scholars have different views on the exile of the rajas to Travancore during Mysorean invasion. While Dale claims an exile of around thirty thousand Brahmins, Panikkar does not see any mass Hindu movement out of Malabar. See Dale, *Islamic Society,* p. 85; Panikkar, *Against Lord,* pp. 55–56.

[32] Ganesh, "Ownership and Control," p. 321.

[33] Dilip Menon, "Houses by the Sea," p. 2001.

[34] For details, see Thomas Munro, *Report on the Revision of Revenue and Judicial System in the Province of Malabar, July 4, 1817* (Calicut: Calicut Collectorate Press, 1912).

[35] Conrad Wood, "The First Moplah Rebellion against British Rule in Malabar," *Modern Asian Studies* 10, no. 4 (1976): 543–544.

[36] Sumit Sarkar, *Modern India, 1885–1947* (New Delhi: Macmillan, 1983), p. 49.

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to use the restored rajas and Janmies as the land revenue agents in their old territories and at the same time sharing revenues with them on an "equitable" basis. According to Margaret Frenz, the British colonial state, in an attempt to fulfill the political and economic ambitions of the EIC, signed treaties with the local elites "to refuse all claims of sovereignty made by the Malabar princes, to ensure their long term dependence on EIC, to have the tax collections guaranteed for the British."[37] In this way they could both ensure the collection of revenue and bind to themselves the traditional leaders of Malabar society. In the process, the British recognized the traditional landlords as statutory owners of the land, and new privileges, like the right to enhance rent and legal eviction, were given to them.[38] As a response to the colonial act of restoration of local elites and landlords in the region, the Mappila entrepreneurs, led by Attan Gurukal, Chemban Poker, and Unni Musa, began to challenge the British. It is at this juncture, as part of declaring the sovereign authority of the colonial state and controlling the "rebels" in Malabar, the British constructed the stereotypical images of Mappila Muslims as "Jungle Mappila Bandits" and "criminal brigands."

The challenge of Mappila "entrepreneurs" and the colonial portrayal of them as "criminals" in the early British period are the major subjects of this essay. While the coastal Mappilas of Malabar were regarded as "well-behaved" in colonial reports, the inland Mappilas were labeled as "professional robbers." This colonial classification of the Mappila community was along the same line as that of initiatives that the Bengal governor-general Lord Warren Hastings took in 1772.[39] The colonial portrayal of Mappila Muslims as "Jungle Mappilas" and "professional robbers" was also part of the British intention to marginalize and criminalize certain groups in India who resisted colonialism.

[37] Margaret Frenz, "'A Race of Monsters': South India and the British 'Civilizing Mission' in the Later Eighteenth Century," in *Colonialism as Civilizing Mission: Cultural Ideology in British India*, ed. Harald Fischer-Tiné and Michael Mann (London: Wimbledon Publishing Company, 2004), p. 54.

[38] Cornwallis to Dundas, 17 March 1792, *Bombay Commercial Proceedings*. This policy in Malabar was in fact on the same lines as that of the "Cornwallis Plan" in Bengal territories.

[39] In 1772, Governor-General Warren Hastings in Bengal enacted laws (Article 35) to punish dacoity and robbery from the individual offender to his family and village. For more details, see John William Kaye, *The Administration of East India Company* (London: Richard Bentley, 1853), pp. 380–416. These laws were enacted on the argument that Indian criminals were such by profession and heredity, that they were members of like-minded fraternities, robbers by profession, and even by birth, and that they formed regular communities.

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Throughout British rule in India, whenever new economic regulations, interpretations, and legislative enactments were brought in, the structure of society was affected, and much resistance and many uprisings were reported. "The major cause of all these civil rebellions taken as a whole was the rapid changes the British introduced in the economy, administration and land revenue system."[40] Many such movements were often led by deposed rajas and *nawabs* or their descendants, uprooted and impoverished *zamindars*, landlords and *poligars* and ex-retainers and officials of the conquered Indian states.[41] In response to this resistance, the British employed many counterinsurgency tactics, which resulted in construction of several stereotypical remarks on the rebels like "effeminate Bengali,"[42] "martial races,"[43] "untrustworthy Arabs," "dangerous," "immoral," "barbaric," "primitive," and "fanatic Muslim." Generally such nomenclatures were invented to describe those groups that reacted against the colonial invasion, and they were an important tool in delegitimizing such local uprisings. In the words of Ranajit Guha, "the colonial state in India, often projected peasants, not as peasants but as insurgents, not as Musalman but as fanatic; their actions . . . as the most daring and wanton atrocities on the inhabitants; their project . . . as defying the authority of the state and as disturbing the public tranquillity."[44]

The classification of Muslims as Jungle Mappilas and the construction of their criminality was also part of the British strategy to gain control of the region, as the Mappila resistance was the major hurdle to extend colonial rule in Malabar. These types of categorizations and the debates arising from them in the following decades in colonial India established the British principles of law and control over the natives and justification of them by constructing the image of dangerous and criminal classes in northern India. Similarly, colonial representations

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[40] Ibid.

[41] Bipan Chandra, *India's Struggle for Independence, 1857–1947* (New Delhi: Penguin Books, 1988), p. 41. Also see Sumit Sarkar, *Modern India*, p. 43.

[42] Mrinalini Sinha, *Colonial Masculinity: The Manly Englishman and Effeminate Bengali* (Manchester, U.K.: Manchester University Press, 1995), pp. 1–32. Sinha shows how frequent references to the effeminacy of Bengali men helped secure a fragile British self-image and simultaneously helped to justify a continued British presence in India.

[43] For the details of "martial races" in colonial employment, see David Arnold, "Bureaucratic Recruitment and Subordination in Colonial India: The Madras Constabulary, 1859–1947," in *Subaltern Studies IV: Writings on South Asian History and Society*, ed. Ranajit Guha (New Delhi: Oxford University Press, 1985), pp. 1–53.

[44] Ranajit Guha, "The Prose of Counter-insurgency," in *Selected Subaltern Studies*, eds. Ranajit Guha and Gayatri Chakravorty Spivak (New Delhi: Oxford University Press, 1988), p. 57.

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of a certain section of the Mappila Muslims became deeply embedded in later colonial perceptions of Mappilas as a community during the period of the Indian national freedom movements. However, unlike the evidences of perceived "criminality" of mobile groups in northern India in the late nineteenth century, this essay argues that the construction of the "criminality" of the Mappilas during the early British colonial period was not simply of convention.

The colonial illustrations of the "criminality" of the natives found in the Malabar Joint Commissioners' report in 1793 were the primary resources from which later administrators drew and constituted many ways to narrate the inhabitants of the region. All the reports, diaries, and political and judicial documents that followed this report in Malabar continued with the classification of "criminality" of the Mappilas until the second decade of the nineteenth century. Following the Joint Commissioners' report, John Wye's report identified the Mappilas as "very turbulent, prone to robbery and the revenue always more difficult to uncover where the Mappilas prevail."[45] Spencer's report on the administration of Malabar also continued with the same categorization of Jungle Mappilas and with the very same propensities.[46] Another description of a Mappila as a "robber" and "bandit" is found in Board of Revenue Consultations correspondence in 1802.[47] However, the stereotypical term "fanatic," which later colonial administrators used to address the Muslims in India and their resistance, was nowhere mentioned in the early British reports.[48] Interestingly, John Wye's report also had identified the Nairs (another caste group) of Malabar along with the Mappilas as "criminals." The report said, "the Nairs of Malabar are the hereditary military group . . . always proceeded whether on business or for pleasures with arms in their hands and the Mappilas, since the Muhammadan invasion, being more independent have done the same."[49] The primary objective of such discourses and categorizations, according to Homi Bhaba, "is to construe the colonized as a population of degenerate type on the basis of racial

[45] John Wye, *Report on the Southern Division of Malabar,* 4 February 1801 (Calicut: Calicut Collectorate Press, 1907), p. 13.

[46] J. Spencer, J. Smee, and A. Walker, *A Report on the Administration of Malabar,* 28 July 1801 (Calicut: Calicut Collectorate Press, 1910).

[47] Board of Revenue Consultations, "Collector of Malabar to the President and Members of the Board of Revenue," 28 June 1802 (Madras: Fort St. George, 1806), section 12.

[48] *Report of T. L. Strange in Correspondence on Moplah Outrages in Malabar 1849–52 (Madras)*, p. 445.

[49] Wye, *Report on the Southern Division of Malabar*, p. 16.

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origin, in order to justify conquest and to establish a system of administration and instruction."[50]

The early colonial discourse on Mappilas and indigenous criminality in Malabar is problematic and significant for multiple reasons. Certain observations need to be emphasized. First, the Malabar Joint Commission had observed that only a small population of the "great and respectable body of the Mappilas" were reported to be the "criminals." Second, stereotypical terms like "criminal" and "bandits" were not used for Mappilas alone. The troublesome labels were also applied to the Nairs, converted Mappilas, and members of lower-caste communities. Third, the evidence of crime in the reports was assumed rather than established. The Mappilas of Malabar were not associated with crimes; rather the "criminality" of the so-called Jungle Mappilas was due to the disruption of the prevailing social patterns of agriculture by the dominant and hegemonic colonial state structures. The construction of Mappila "criminality" was as an imperial act of delegitimizing local resistance by representing and fixing the resistive groups as troublesome. This understanding of the colonial construction of criminality is different from the notions of dominance, authority, power, and shifting representations of the state in the mid and late nineteenth century. While concentrating on colonial stereotypical construction of the Mappilas as Jungle Mappilas and "criminals," the next section of this article examines the nature of their resistance and the ways in which the colonial state attempted to control and to identify their activities as native crimes.

Mappila Resistance and British Counterinsurgency Legal Measures

Through the admiration found in the Malabar Joint Commission report as "the great and respectable body of the Mappilas," the British proclaimed the need to reconcile and attach as far as possible body of the Mappilas to the EIC's government. This agenda was part of the early British colonial policy of collaboration and the transparent framework of state structure in the region. In the process of establishing its juridical authority in Malabar soon after the acquisition of the region, the British created numerous courts and recruited natives in to the colonial

[50] Homi Bhaba, *The Location of Culture* (New York: Routledge, 1994; repr., 2005), p. 101.

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system. Different branches of tribunals, including provincial courts, faujdari courts, local and subordinate courts, and native courts, were established in Malabar. The recruitment and appointment of natives in these new establishments was the important feature of this new setting, and this new administrative setup often looked like a collaborative network. However, it was through this constructed structure of collaboration that the British were projecting the "transparent" image of the colonial state in the region of Malabar.[51] Nevertheless, even in this "transparent" nature of the colonial state, the ultimate control was with the British, and this was the occasion where the Western masters were slowly gaining control and authority through penetrating into indigenous domains.[52] In this context, this article suggests that it was through the disciplined administrative structure and the punitive legal procedural innovations and "transparent" image of the colonial state that the British tried to declare and maintain their sovereign authority in India.

As part of the larger policy of collaboration and attaching the natives to the new order, the British proclaimed a general amnesty for all crimes committed by the natives of Malabar up to 1 February 1793.[53] By this colonial act of proclaiming pardon to the native "criminals" of Malabar, British rule is projected itself as representing the "impartial rule" of the enlightened over the primitive people. However, the objective was to gain the allegiance of the Mappilas and to show off the colonial notion of "humanitarian concerns" toward the colonized. This was the colonial attempt to create an illusion of a just and benevolent judicial system and to claim that the British state was not based on any kind of abstract principle of rule. Along with this call for general pardon, in an attempt to remold the recalcitrant colonial public into "useful" participants and collaborators in the operations of the colonial state in Malabar, the Mysorean plan was adopted in the region. As in the Mysorean plan of administration, the British continued with the appointment of *moopas* (headmen) to various districts with a proportion of armed Mappilas to assist them. These *moopas* who were entrusted

[51] For more details of a "transparent colonial state" in early British Malabar, see Santhosh Abraham, "Colonial Law in Early British Malabar: Transparent Colonial State and Formality of Practices," *South Asia Research* 31, no. 3 (2011): 249–264.

[52] Ibid., pp. 254–255.

[53] From the Malabar Joint Commissioners' Diary, "A Proclamation of General Amnesty," 8 February 1793, in *A Collection of Treaties, Engagements and Other Papers of Importance Relating to British Affairs in Malabar, Malabar Manual*, vol. 2, ed. William Logan (New Delhi: Asian Educational Systems, 1891), pp. 176–177.

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with the collection of revenue and the preservation of peace were to be subordinated to the British superintendent of each division.[54] The objective of the British at this juncture was to gain the allegiance of the southern Mappilas "even by scarifying to them, if necessary, some part of what might be the justifiable claims of government."[55] However, Roland Miller has pointed out that these conciliatory gestures toward the Mappilas, whether genuine or politically motivated, fell afoul of the major direction of the British policy.[56]

The offer of general pardon was directed to all the natives of Malabar, especially those in the section of Mappila who were branded as Jungle Mappilas and their chief Unni Musa. Unni Musa was prominent among the Mappila chieftains who took up arms against the British authority in Malabar. Musa reportedly participated in the war against the EIC with Tipú Sultán of Mysore.[57] Musa was also reported to have become effective "entrepreneur" in Janmie landholdings in their absence during the period of Mysorean invasions.[58] The EIC reports also observed that Musa was one of those "farmers, who when the high-caste Hindus had fled the country in the Mysorean period had become effective proprietors of their land holdings in the Mappila districts."[59] Unni Musa became an important British target when the EIC settlement in Malabar and colonial diaries in the Bombay Castle Records reported on his resistance to the EIC and continuing contacts with Tipú.[60] The EIC's attempt to put an end to Unni Musa became intense after his neglect of the proposal of general pardon to the Mappilas.[61] It is in this particular context of Unni Musa's resistance to the authority of the colonial state in Malabar that the British attempted to construct the "criminality" and "troublesome" character of these Mappilas. As a result, this resisting section of the Mappilas became Jungle Mappilas and their professions were defined as "robbery" and "banditry."

During their early time in India, the British searched and presented cases of justification for all their actions in the colony. This was essential at that point to achieve and maintain the sovereign authority of

[54] Spencer, *A Report on the Administration of Malabar*, p. 28.
[55] *RJCM*, section 232.
[56] Miller, *Mappila Muslims*, p. 105.
[57] *RJCM*, section 228.
[58] Ibid.
[59] Ibid., section 265.
[60] Bombay Castle Records (hereafter BCR), "Letter from the Southern Superintendent of Malabar to Malabar Commissioners," *Secret and Political Department Diary* (hereafter *SPDD*), no. 77 (29 March 1799), pp. 1838–1839.
[61] *RJCM*, section 189.

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the colonial state in the colony. The categorization of certain groups in India as "criminal communities" justified legal, coercive, and reformatory colonial policing and law-and-order methods. In the case of Mappilas in Malabar, mere criminalization of these "troublesome rebels" was enough for the colonial state to use force in order to suppress them. Nevertheless, in the process, the EIC also initiated counterinsurgency operations to suppress the group, and in this context, the EIC was given special powers to handle the situation. Hence, the British immediately proposed the use of more force in the region, and the Joint Commissioners of Malabar observed that "one force should be immediately made use of to bring him to a proper sense of his duty, and to convince him that he cannot remain in this country without conducting himself as an obedient and quite subject."[62] However, Unni Musa was offered a pension of a thousand rupees per annum, but he refused it, and as a result a reward of three thousand rupees was offered for his capture.

Along with Unni Musa, other Mappila chieftains, such as Majeri Attan Gurikkal and Chemban Pokker, were also portrayed as "troublesome" in the colonial records. In fact, the first acts of resistance of the Mappilas against the colonial forces were led by Gurikkal.[63] Interestingly, Gurikkal was the head of the police establishment in Ernad (south Malabar) consisting of a hundred men, which was part of the earlier-mentioned Mysorean plan of the British in Malabar. Along with Attan Gurikkal, another Mappila chieftain, Chemban Pokker was also employed as a revenue official in Cheranad (southern Malabar) by the British. The appointment of these chieftains was also part of the colonial ideology that the "the collections of revenue should be entrusted to men of their own sect."[64] However, in the later reports of the EIC, it was stated that these positions were exploited by these chieftains.[65] Later, both chieftains reportedly broke with the British to ally themselves with Unni Musa Muppan to fight the colonial state.[66] William Logan, the administrator-historian of Malabar in the later years, has provided an account of these clashes between Unni Musa and the British. Logan states that "EIC soldiers led by Captain Burchall upon the

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[62] Ibid., section 290.

[63] Ibid., section 51.

[64] BCR, "Spencer's Minutes," *SPDD*, no. 70 (6 October 1798), p. 6381.

[65] Madras Revenue Proceedings, "J. W. Wye to Board of Revenue" (4 February 1801), pp. 178–185. It is stated that Attan Gurikkal and Chemban Pokker had amassed landed property under Mysore rule by exploiting his position as *darogha* under the EIC in Ernad and Shernad.

[66] BCR, "Bombay Commissioners to Governor General," *SPDD*, no. 88, sections 3–18 (21 July 1800), pp. 741–764.

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instructions of Major Dow marched against Unni Musa and surrounded the fortified house. The 'robber' chief however made a desperate sally and escaped. But some of his noted followers were captured and his lands sequestered."[67] Though the followers were caught and the hiding places were destroyed, Unni Musa remained a serious threat to the EIC. William Logan has again stated that "by this time, a formidable combination of Unni Musa, Attan Gurikkal and Chemban Poker [*sic*] was formed instigated by a spirit of revenge for the punishment inflicted by the regular judicial process on some of their connections."[68] However, the news of the fall of Tipú Sultán in the year 1798 generated different reactions among different constituencies. Conrad Wood has stated that the "news on the decisive crushing of the Muslim power in Mysore had acted with electric effect on the rival castes in Malabar inspiring the Nairs with hope as much as it depressed the Mappilas."[69]

In this context, it is worth noting that the notions of law and discipline were reframed and extended to check the movement of rebels in the region. As an extraordinary measure to curb Mappila rebel activities, the British introduced the Malabar Disarmament Act, which prohibited the Mappilas and the Nairs from habitually going about armed.[70] Colonial administrative records noted, about the custom of carrying arms in the region, that "the mischief's which have arisen from the indiscriminate use of arms in Malabar have not only disturbed the public tranquillity and violated private rights and happiness, but also threatened the very existence of our government."[71] As a result, the British proclaimed that "Every inhabitant of whatsoever caste is hereby ordered to deliver up his arms, such as muskets and swords on or before the 30th of the present month of Medom to the Sircar, and on so doing they will be paid by the Collector of the district a fair valuation for them, but such people as may retain them after that period will have their houses searched, all arms seized and forfeited to the Sircar."[72]

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[67] Logan, *Malabar Manual*, p. 492.

[68] Ibid., p. 527. Mappila chieftains' reactions became alarming after the execution of Adhan Khan, brother-in-law of Attan Gurikkal, by the British troops. Chemban Pokker had made a daring attempt on the life of the southern superintendent in Malabar.

[69] Wood, "The First Moplah Rebellion," p. 550.

[70] BCR, *SPDD*, "Mappila Disarmament Act in South Malabar," no. 94 (1800), pp. 3115–3146.

[71] Robert Richards, *Papers on the Administration of Malabar District*, 20 February 1804 (Madras: Madras Government Press, 1906), p. 65.

[72] From the diary of J. W. Wye, 27 April 1801, "Proclamation of Disarmament of the Vellatri and other districts to prevent people from assisting the Pazhassi rebels," in Logan, *A Collection of Treaties*, part 2, section 227, pp. 342–343.

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Hence, a variety of arms were recovered from the inhabitants in great numbers in Malabar, and the British prohibited carrying of arms. To render this prohibition effective, "the carrying of arms and the manufacture of arms and ammunitions were declared capital offences and rendered liable to the punishment of death or transportation beyond sea."[73] For the British, traveling with arms meant a violation of the law and a challenge to its authority. However, they exempted the rajas of Malabar from this rule. "The Rajas were allowed, each according to his rank in the country, a certain number of muskets to arm an honorary guard for their own persons."[74] Later in 1804, the governor of Madras, Lord Bentinck, prohibited the carrying of arms throughout the presidency with transportation as the punishment for disobeying the rule.[75] The counterinsurgency campaigns of the EIC in Malabar continued with more extraordinary legal measures. In order to tackle the Mappila resistance, "numerous complaints were filed against the Mappilas for murders and robberies and a number of Mappilas were seized by the British troops."[76] British prosecutions turned the Mappila movements violent, and several attempts at murder and attacks on the British and revenue officers also took place.[77] The long period of warfare ended with the extirpation of Jungle Mappila leaders in 1801.[78]

Taken as a whole, the Mappila resistance and British counterinsurgency actions brought out several extraordinary laws as part of colonial state in Malabar. Furthermore, these developments connected with colonial attempts to control forest areas and other resources in India. It is also important to note that the colonial construction of Mappila criminality and various legal measures that followed were never subjected to any serious discussions or debates in the newly set up courts in Malabar. At this juncture the EIC's actions and laws against the Mappilas seemed extraordinary, and it was also the intention to bring about a powerful image of the punitive state in the colony. The British administrators systematically manufactured criminal identity for the Mappilas as Jungle Mappilas, "professional robbers," "criminals," and "bandits" to declare that these sections could be socialized only

[73] Ibid.
[74] Ibid.
[75] Malabar Collectorate Records, "Minutes of the Governor Lord William Bentinck," 22 April 1804.
[76] Wye, *Report*, pp. 19–20.
[77] BCR, *Judicial Department Diary* (hereafter *JDD*), no. 15 "Letters from Malabar Commissioners to Bombay Company" (20 and 23 December 1800), pp. 636–721.
[78] Ibid., "Malabar Collector to Sub-Collector," p. 2365.

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with the punitive authority of the colonial state and rule of law. In the process of bringing the rule of law and legal measures against this community, the colonial state suppressed the resistive sentiments among them. However, both preventive and punitive measures were employed in the region of Malabar through the attempts to give general pardon and bring disarmament measures. All these show how the colonial state legitimized its presence in India through the image of a "transparent" punitive sovereign authority.

The Making of an Argumentative Colonial Subject

The colonial construction of Jungle Mappila bandits, in a Saidian critical sense, brought the concept of Eastern society as "weak" and "tractable" object as compared to "powerful Europe." Against this notion of a "passive colonial subject," I would like to analyze the writings of certain Mappila chieftains in Malabar, who, while resisting the colonial legal system in the country, turned out to be "argumentative subjects" in expression. This concept develops from the works of Ranajit Guha, who, while examining the peasant insurgency in nineteenth-century India, has identified a "motivated and conscious undertaking on the part of the rural masses" in which the "peasant is not the subject of his own history."[79] This argument presents the nature of a conscious and motivated peasant subject in India as compared to the representation of peasant as "stumbling or drifting into rebellion." Building on the insights of Guha, I examine the notions of an "argumentative" and a "self-confident legal subject" through a study of activities and responses of the Mappila chieftains, Unni Musa, and Attan Gurikkal to the colonial state in Malabar during the early decades of British rule in India.

As part of establishing a disciplinary framework for the functioning of the official administration and courts, the British had initiated a campaign for the necessity of written letters, statements, and evidence in official administrative procedures and interactions with the natives. In the process, the petitioners, litigants, and deponents were to present their cases through formal writings and letters to the colonial state.[80] This concept of formal writing in everyday official functions was a new "technology of governance" in the colonized region in opposition to

[79] Guha, "The Prose of Counter-insurgency," p. 46.

[80] The theme of formal writing practices in the British colonial courts is discussed in my PhD thesis, "The Making of Colonial Law: Continuities and Discontinuities in Early British Malabar, 1792–1830," University of Hyderabad, 2008.

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the traditional customary oral practices of the region. As a result of this new logic and technology of governance, the natives began to communicate to the colonial state through letters, petitions, and written statements. By examining the letters and petitions of certain Mappila chieftains in Malabar, I suggest the identification of an "argumentative" legal subject in that correspondence who understood the logic of Western legal language. In this context, I argue that it was through the technology of writing that the Mappila chieftains of Malabar attempted to challenge the sovereign authority of the colonial state in Malabar.

In order to understand the making of an "argumentative colonial subject" in Malabar, I primarily analyze the letters and petitions written by Unni Musa between 1796 and 1803 to the colonial administrators. After the Mysorean interlude in Malabar, Unni Musa turned hostile to the newly established British rule. His defiance is well conveyed in one of the messages he had sent to a British officer who had restrained him from collecting taxes from the Mappila holdings. Unni Musa wrote, "For what reason you, your Nairs have put a stop to my Makama (tax?) Do not think that I have much fear of you and your guards . . . Have you not heard of the murder and robbery at the Cutcherry? Even in your dreams do not think to put a stop to what I do. Have you not heard of my bravery?"[81] To the British, Unni Musa and his petitions were a chieftain's political voice in defiance of the colonial state rather than the voice of a subject. However, Unni Musa's letter is significant, as it was the first of its kind in India to officially and formally depict the attitudes of the natives against the EIC. Unni Musa's letter also takes our attention to the new form of "argumentative writing," pointing out various circumstances, situations, and states of affairs of a particular issue, incident or practice. Unni Musa wrote this letter in protest of the decision of the EIC to use the Kolkars and Silbendy groups (armed natives, both Hindus and Muslims) along with EIC troops against his group.[82] However, attaching a group of native militia was not a new feature in the administrative strategy of the British. Certain proposals were brought out during the takeover of the Malabar district by the British that permitted "one battalion of Mappila militia in the South and another battalion of Nairs in the North."[83] Unni Musa, while resisting

[81] BCR, *SPDD*, "Translation of Ola from Unni Musa to Mellingchamp" (16 October 1798), pp. 785–786.

[82] BCR, *SPDD*, "Jonathan Duncan's Minute," no. 70 (11 December 1798), pp. 6523–6529.

[83] *RJCM*, section 510. See also sections 217 and 298.

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and challenging the EIC troops who intruded into his domains, continued to send petitions and letters to the British. Unni Musa's letters and petitions to EIC officials and the nature of their arguments reveal the public space of the colonized where the natives began to write to and petition the colonial state, expressing their anxieties, grievances, and problems. In an interesting analysis about the petitions in colonial India, Potukuchi Swarnalatha has pointed out that "petitions were the means by which the officials of the colonial state learned about popular feelings and discontents regarding the new policies and structural changes that were being effected."[84] In this context, petitions became instruments in the hands of the natives in their agitations against British rule. The natives in British India, including the local elites, merchants, community leaders, and native chieftains, began to write letters expressing and pointing out their grievances, anxieties, and problems to the EIC. The nature of these letters was either petition or an argument, pointing out circumstances, situations, and states of affairs of a particular issue, incident, or practice. Later, the form of petitioning became crucial in colonial interactions and negotiations with the people of India during the freedom movements and resistance. This, as Majid Siddiqi has pointed out, "not merely facilitated the expression of anguish and dissent and aspiration among the laity, but also made way for the mergence of the eventually overtly articulated nationalistic resolution."[85] This also had a democratic turning point during the later independence struggles, as the natives began to believe that "if a voice to be heard often, it has to be a written voice."

I suggest that, in contrast to the conventional nature of petitions in colonial India, Unni Musa's petitions and the letters of the other Mappila chieftains were more like arguments to simultaneously question the legitimacy of the colonial state and define and legitimate the rights of the Mappila chieftains in the region. In this way, there emerged the notion of an "argumentative subject" as opposed to the existence of a "passive native" in colonial India. Along with the presentation of arguments to the colonial state in the form of petitions, the Mappila chieftains also used the logic of writing to inculcate native feelings against the British. Unni Musa circulated palm leaf addresses among the Mappilas under his control and neighboring areas to influence the

[84] Potukuchi Swarnalatha, "Revolts, Testimony, Petition: Artisanal Protests in Colonial Andhra," *International Review of Social History* 46, Supplement S9 (2002): 128.

[85] Majid Siddiqi, *The British Historical Context and Petitioning in Colonial India* (New Delhi: Aakar Books, 2005), p. 31.

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minds of the inhabitants. One such address starts with the warning that "since last year, the Company had begun to persecute several of the sects of Islam which since the oppression was increasing would not be protected but destroyed."[86] Attan Gurikkal, another Mappila chieftain, also had made several addresses to the Mappilas, justifying his actions in the interest of the Mappilas. One of his written messages that was circulated among the Mappilas stated that "none of us are safe; someone or other will prefer complaints against us, and we shall all be apprehended and hanged."[87] However, neither of the chieftains had ever appealed to the Mappilas as Muslims to rise in defense of their religion. What I would like to argue in this context is that the circulation of the written statements by Mappila chieftains reveal the use of "writing" as a medium through which the indigenous natives attempted to challenge the authority of the colonial state. In this context, I argue that by writing letters and petitions to the colonial state, the natives began to present themselves as "argumentative subjects," who challenged British imperialistic penetration into their domains. Also, it was through the technique of writing that the natives inculcated the feeling of an aware subject who understood the legal language and tried to challenge the colonial state. However, even at this higher stage of British colonialism, the Mappila Muslims were seen as "argumentative subjects" and "aware colonial subjects" with their participation in larger colonial discourses questioning the authority of the powerful and thus claiming and legitimizing their rights.

[86] BCR, *SPDD*, "Translated copy of Ola Addressed by Unni Musa and Chemban Poker to the Inhabitants of Ernad" (17 June 1800), p. 3227.

[87] BCR, *SPDD*, "Translated copy writings of Manjeri Attan Gurikkal," in "Letter from Malabar Commissioners to Col. J. Satrious, Commander of the Troops in south Malabar," no. 93 (1800), 3105–3106.

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the region. By focusing on the triumphal entry of a Spanish army following one of these victories, this paper shows how the constant Christian-Muslim conflict reaffirmed and gave personal meaning to the boundaries separating the Moros and the Christians in the archipelago. Together these two different conquests demonstrate how the revival of the Reconquista contributed to the creation of the Philippine colony.

The Cartography of Herman Moll and European Views of Muslim South Asia, 1700–1730 311

ALEX ZUKAS

This paper will discuss the work of the premier British cartographer of the early eighteenth century, Herman Moll, and his depictions and descriptions of the Muslim areas of South Asia (Mughal India and the Indonesian archipelago in particular). Moll was a strong proponent and propagandist of British overseas expansion, South Asia being one area of particular interest to him. His maps disseminated and popularized information and perspectives brought back by European merchants, travelers, and pirates and were meant to be purchased by (mainly) British merchants, elites, and wealthy commoners interested in understanding Muslim Asia and the opportunities and challenges for British economic and political interests in that part of the world. Moll's visual and graphic vocabulary highlighted European commercial and political contact with the societies and empires of South Asia. His maps functioned as strategic documents about British engagement with Muslim South Asia and showed the possibilities and limits of significant cross-cultural encounters during his active cartographic period (ca. 1700 to ca. 1730), a time when an emerging British Empire encountered well-developed indigenous empires in South Asia.

"In the Name of the Princesses of France": Marie Petit and the 1706 French Diplomatic Mission to Safavid Iran 341

MATTHEW LAUZON

This article examines the role played by Marie Petit (b. 1673) in the French diplomatic mission to Safavid Iran from 1706 to 1708. The paper situates her among the small group of French women who exercised diplomatic authority in the reign of Louis XIV and highlights the particular roles played by gender and religion in Petit's arrest and incarceration. The article argues that while Petit's gender and alleged sexually illicit behavior may have been used by her opponents as one of the main pretexts for incarcerating her, it was by no means unheard of for French women to exercise diplomatic authority under Louis XIV, and some of these women were similarly accused of illicit sexual behavior. In order to explain why French authorities were so hostile to Petit's playing a leading role in the French diplomatic mission after the appointed envoy, Jean-Baptiste Fabre (ca. 1650–1706), died in Yerevan, the article emphasizes the perception among certain French authorities that Petit was threatening French interests in promoting Catholic missionary work in the Levant and in supporting the Uniate Armenian Christians against the "schismatic," or Gregorian, Armenian Christians.

Constructing the "Extraordinary Criminals": Mappila Muslims and Legal Encounters in Early British Colonial Malabar 373

SANTHOSH ABRAHAM

The British colonial state in India, as part of establishing key sites of law and order, constructed certain tribes, groups, castes, and individuals as "criminals." These criminal definitions came to play a prominent role in imperial criminal justice policies in India.

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This type of construction of criminality in the colonies also portrayed the stereotypical sense of the West, who depicted the indigenous in the East among other things as "criminals," "robbers," "rebels," "docile Hindus," "fanatic Muslims," "untrustworthy Arabs," and so on. Such nomenclatures were invented to describe how those groups reacted against the colonial invasion and were an important tool in delegitimizing such local uprisings. The discourses to label the non-Western population as inherently dangerous in the colony were also to alleviate its own fears and anxieties. An array of colonial scholars have worked on the making of criminal communities and groups in northern India through the discourse of race, caste, and tribe, especially Thuggees and Sansis, who were known for their perceived criminal propensities. Most studies on native criminality in colonial India have focused on the mid or late nineteenth century, with special reference to the ways and reasons by which the native tribes, peasants, and groups were labeled "criminals" by the colonial state. This paper looks into the ways in which "native criminality" was perceived during the early days of British rule in India, with special reference to the British rule in Malabar, where the colonial state maneuvered to classify certain sections of the Malabar population as distinct from the rest.

Islam in Hegel's Triadic Philosophy of Religion 397
SAI BHATAWADEKAR

In this paper I parse Hegel's evaluation of Islam as a "fanatic" religion in his triadic dialectical structure as he applies it to God and religion: Hegel seeks three aspects for his assessment of Islam, namely (1) how the abstract divine concept—God—is conceived, (2) how finite human particularity functions, and (3) if and how the latter reconciles with the former. Hegel argues that in Islam God is a universal divine absolute, but man has no other function than to be a believer and a fearful servant. There is no sublation between God and man—that is, finite humanity is not truly raised to reconcile with the divine infinity. This is Hegel's philosophical way to awkwardly address the untimeliness of Islam: in his teleological history, which moves toward progress from ancient East to modern West, Islam is problematic. As it arrives later than Christianity it can potentially qualify for being more evolved than it, thus challenging the very core of Hegel's philosophy of religion. Finally, I bring two instances of applied Hegelianism: Zizek's idea of Judaism—Christianity—Islam as a progressive dialectic triad in its own right, and John Oliver's hilarious explanation on *The Daily Show* of Islam's "age" and its current "awkward teenage phase." Hegel would never agree to such interpretations, which is precisely why these expansions of Hegelian thought expose the weakness of his all-encompassing system.

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