

Colonial Law and Caste Mobility in the Novel *Saraswathivijayam*

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Abstract

The paper attempts to problematise the tendency of the postcolonial elite to homogenise their experiences as victim subjects, negating and subsuming the perspectives of the unrepresented/underrepresented cultures and communities. In this endeavour the paper presents the case of *Saraswathivijayam*, one of the earliest Malayalam novels, which portrays the introduction of colonial rule and dissemination of colonial modernity as ushering in an era of multiple possibilities hitherto denied by the Indian traditional order to its marginalised communities. The seminal aspect of contradiction and confrontation in the novel *Saraswathivijayam* is the portrayal of native law as opposed to colonial law. Thus, it throws up many challenges to the politics of the postcolonial elite by showing that colonial consciousness in fact opened up numerous possibilities for everyone involved rather than being an alienating experience, as the elitist perception of colonial encounter dominantly perceives.

Keywords: Caste, colonial encounters, colonial law, postcolonial elite.

The whole corpus of postcolonial theory - though rightfully articulates the anguishes, dilemmas, choices, ambiguities and possibilities - at times becomes a theoretical apparatus

for the postcolonial elite to homogenise their experiences as victim subjects, negating and subsuming the perspectives of the unrepresented/underrepresented cultures and communities. Privileging the elitist positions as victimhood not only amounts to uncritical assumptions of structures of experiences but such standpoints also gloss and even blink over hard realities of native dominance and repression which are essential realities in the Indian context. The dominant expression in postcolonial theory universally has been attributing binary power positions as oppressor and oppressed in the context of European and non-European relationships. Such definitions and understanding probably could be more suitably employed to understand African and certain non-Indian colonial experiences on certain specific conditions. Any effort to essentialize and homogenise the Indian colonial experience could be strongly contested by the non-elite Indian approach to the study of colonial historiography of India. Particularly, any analysis of the influence of colonial modernity in the context of gender and caste identities and their dynamics is an area of much interesting study. The efforts of Indians to fashion their own version of modernity, and to adopt and disseminate it, have been multilayered. An important area of colonial transaction has been the colonial understanding of existing native laws and an effort to remodel modern legal system on European lines. Numerous religious, caste, tribal, and ethnic groups adhered to a notion of authority with little corresponding assumption of legality (Nair 22). The British effort to establish their version of law for colonial India was riddled with a complex understanding of the existing pre-colonial systems of governance and rule. Pre-colonial India which was essentially an agrarian society functioned on the premise of its own notions of rules, regulations, customs and norms. The implications and the extent of the influence of *Smrithis* and *Dharma Shastras* on the regulatory system of public behaviour and conduct has been widely debated with little consensus. Though colonial rule and introduction of modern law overwhelmingly overlapped and dominated the existing system under the assumption that there were traditional canonical laws which adhered to Sanskritic and Islamic traditions, the influence of Sanskritic hegemony on the ruling classes of various castes and communities needs further investigation.

The colonial assumption of the hegemonic role of traditional/sanskritic/Brahmanic was by all means a native elite/pundit input which was consolidated and fortified by the colonial regimes. The understanding of caste system on *Varna* lines might appear highly simplistic in the absence of a systematic study of the caste discourse itself. The functional role and significance of Brahmanical hegemony in the hierarchical structure of India could never be

undermined in the face of tremendous historical inputs. “The hierarchical structure of ascriptively segmented occupational and endogamous castes, endowed with differential distribution of privileges/disabilities and sanctified by the dominant religious categories of karma and Dharma was certainly a pan-Indian phenomenon, though spread unevenly. Despite intra-regional differences, the pattern of hierarchy was remarkably uniform over different regions and has been so, for more than a millennium – with Brahmins at the top, other literary, propertied and clean castes following and *shudra* and *ati-shudra*, labouring and polluted castes at the bottom” (Aloysius 26-27).

It’s under these assumptions does one of the early Dalit novels in India *Saraswathivijayam* (1892) written in Malayalam language weaves its narrative. Potheri Kunhambu (1857 – 1919), the author of the novel, belonged to Tiyya caste, a community involved in the lowly occupation of toddy tapping. He received English education at the Cannanore Government High School and later went on to become a lawyer at Cannanore after passing the vakil examination. ‘The pulayas of Malabar are in a sorry state’ was the provocation for his writing. He adopted the western genre of novel to communicate his zeal for the uplift of the lower castes, through colonial education and ultimately the accruing effects of colonial modernity. He perceived that colonial rule and dissemination of colonial modernity opened up multiple possibilities hitherto denied by the traditional order. His understanding of the traditional order was that of a system governed, interpreted and hegemonised by the Brahmanical castes, which essentially functioned and derived their power through sanskritic *smrithis* and *shastras*. This native order privileged the ruling dominant castes and dehumanised the lower strata of the ‘Hindu’ society. He counter-posed colonial rationality as against traditional faith system. He also extensively used the secular rational logic of modern discourse to challenge the existing order. His transformative zeal was holistic, extending to all spheres of ‘Hindu’ life, involving education, religion, law and ultimately an aspiration for equal and respectable life. Although he never personally got converted, one of liberative ideas he espouses in his novel is conversion to Christianity. Later, in 1904, writing in *Tiyyar*, he even advocated mass conversion of Tiyyas to Christianity.

The seminal aspect of contradiction and confrontation in the *Saraswathivijayam* is the portrayal of native law as opposed to colonial law. They are deployed by the author in Manichean terms. In the novel, Kuberan Nambudiri, the central figure, defends his order to

kill the *Puleyan* as ordained by the *Smrithis*. He even convinces the Kothu Nambiar, the official in charge of documenting the inquest report of murder, “You may not have read the manusmriti; it is because the King is mleccha that we are faced with all these problems. He makes no distinction between brahmanas and chandalas: everyone is punished alike for their crimes” (Kunhambu 20-21). This very fact of non-discriminatory aspect of colonial law is eulogised by Kunhambu extensively in the novel. There are many instances in the novel where the Brahmin characters often complain about the non-privileging aspect of colonial law, which equalises them with other castes and communities. *Manusmriti* is quoted extensively throughout the novel by Kuberan Nambudari to justify the supremacy and the power of the brahman over other castes (Kunhambu 33-35, 53-54). In one sense he lived in a quixotic world where his traditional authority that had historically privileged and enriched him was crumbling, owing to gradual ascendance of the colonial authority. The transition is not complete and full, its phase in historical dynamics, which appears to be more ambiguous for everyone involved. Nambudari even convinces the village *adhikari* Kothu Nambiar, who was responsible for preparation of the inquest report to favour him. Citing extensively from *Smrithis* “Because he does not know the influence of the Brahamins, and there is no one to inform him, the white man has created a nonsensical penal code. Regardless of whether we lie or commit a sin, because of our sacred powers, no evil accrues in us” (Kunhambu 21-22). . The penal code that the Colonial government had enacted is derided by Kuberan Nambudari on various occasions and he even feels that he should move to Thiruvanthpuram in the state of Travancore to escape from law after the purported murder, where the Hindu King is the protector of Brahmins “...let us go to Thiruvanthpuram, and we can plan the rest of our journey later. The King is a Hindu so we should be safe since a belief in the protection of Brahmins and upholding dharma is strong there. We won’t have to face the impudence of Sudras; the important officials are all Brahmins” (Kunhambu 94). Though the Indian Penal Code came into force in 1862 in British India its application was not extended to Princely states, which had their own law and courts till 1940s. Nambudari is referring to the juxtaposed situation in colonial set up and the contradictions in the colonial and the native legal systems with respect to caste and even gender issues.

The ultimate liberation for both the Brahmin and the low caste is shown to lie in the colonial intervention of the European law. It is the same colonial intervention which saves Nambudari’s daughter Subhadra and her children from devastating treachery as they are rescued by a European missionary, who not only saves them but also gives them a new

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M. Dattatreya, M.A.

Colonial Law and Caste Mobility in the Novel *Saraswathivijayam*

religion, a new culture and the colonial mode of education which empowers and provides them succour. Potheri Kunhambu vehemently argues for reforms in the Malabar Hindu society, which is conceived through colonial modernity. His zeal and commitment to write the novel is more of a political act than a mere aesthetic response to the changing times. The colonial consciousness which pervades through the novel throws up numerous possibilities for everyone involved rather than being an alienating experience, as the elitist perception of colonial encounter as time and again been dominantly perceived. This ambiguity has shaped the attitude of all the reformists including that of Raja Ram Mohan Roy, Jyotiba Phule, B.R. Ambedkar, and Sir Sayyid Ahmad Khan till the emergence of the elitist Nationalist discourse. So Potheri Kunhambu was not alone in this existential dilemma. This logic holds true to anyone contesting the elitist notions of colonial transaction. Tradition or any idea of tradition cannot be imagined without the structure of authority and power behind it. To quote historian Dileep Menon, who has translated this novel into English and has written an insightful afterword, “If we put the experience of lower castes at the centre of our understanding of colonial modernity then we are faced with unresolved dilemma of belonging, which continues into independent India. The simple dichotomy of inner and outer, tradition and modernity collapses since lower castes are excluded from the inner space of tradition itself” (Kunhambu 67).

The secularization process which sets in, owing to colonial intervention, alters the very nature of consciousness which prevails in India. It is the similar phenomenon which Europe experienced in the period that followed enlightenment. This consciousness which instils reason as acceptable means of understanding and interpretation, challenges established orders and heralds the dawn of a new era, which Potheri Kunhambu celebrates as a new beginning in the life of outcastes of Malabar region. The Pulayan who was punished for singing the name of God, later ascends to the position of Judge and also marries Saraswathi the granddaughter of Kuberan Nambudari, which would be inconceivable in a traditional system. The breaking of the caste endogamy through the marriage of an untouchable Pulayan and the high caste Brahmin girl Saraswathi is intended by the author to be an attack on the core of the caste system itself. This is much before Dr. B.R. Ambedkar, the modern messiah of the depressed communities, advocated the same in his *Annihilation of Caste* to completely eradicate caste hierarchies (Ambedkar 10-11). The pulayan Marathan empowered by colonial English education, gains as much prominence in the modern public domain as Jesudasan, the Judge, as a result of the social mobility ushered in by colonial modernity through the

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M. Dattatreya, M.A.

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principle of rule of law. Again in the words of Dilip Menon, “Throughout the novel there is at once an agonised engagement with Hindu tradition as well as the overwhelming recognition of the futility of a constructive dialogue with it. Tradition subordinates, modernity frees” (Kunhambu 94). Thus, the novel becomes a precursor to the unfolding of events for the ideological formations of colonial and postcolonial India.

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