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## **FROM DIVINE JUDGEMENT TO COLONIAL COURTS: MISSIONARY 'JUSTICE' IN BRITISH INDIA, C. 1840-1914**

### **INTRODUCTION**

'Justice' is a word scattered through missionary writings. Throughout the nineteenth century missionaries connected themselves with like-minded communities of opinion with labels such as 'friends of justice and humanity', the protectors of 'kindness and justice', or 'friends of justice, humanity and religion'.<sup>1</sup> The abolition of slavery was seen as a 'great work of justice and mercy' and a defining feature of 'British justice' which was also thought to characterise the actions of Britain elsewhere.<sup>2</sup> In their published writings missionaries wrote of the 'justice [and] beneficence' of British rule in India and of missionary work as effecting the inculcation of 'justice, mercy and charity'.<sup>3</sup> As such, missionaries locked themselves in battle with numerous forces of real and perceived injustice in British India. They railed against the 'injustice' inflicted upon Hindu widows, child-brides and would-be converts by 'traditional' indigenous practices. But they also wrote of 'the imperfect administration of justice' conducted by the colonial state.<sup>4</sup> At the same time, missionaries interpreted the famines, floods, plagues and rebellions they encountered in India through a theological framework that also hinged on particular readings of justice, punishment and retribution. At a more mundane level the everyday practice of missionary stations (including the arbitration of disputes between colleagues) also required a working understanding of what was 'fair'. As such, missionaries used concepts of 'justice' to signify a social identity; a moral need; a legal ideal; a theological explanation; and an administrative tool.

Focussing on the London Missionary Society (LMS), the largest Protestant missionary organisation operating from nineteenth-century Britain, this article argues that missionary understandings of justice were important in mediating the discursive relationship

between 'justice' and the British Empire. The notion that Britain brought 'justice' to its colonies was a means of legitimising the expansionist, violent and exploitative practices of colonialism. Missionaries were able to both facilitate this association and to destabilise it.

Surreptitiously active in India since the late eighteenth century, British missionaries formally gained access to India with the changes to the East India Company (EIC) Charter in 1813. Protestant missions were one of many agents of cultural imperialism which played a part in critiquing and attacking indigenous ways of life, including indigenous interpretations of some of the concepts bound up in the 'western' notion of 'justice' such as law and punishment. This was particularly the case after the so-called 'Age of Reform' in India during the 1830s. Whilst missionary discourses were steeped in religious imagery and ideas of sin whilst secular ones were not, during this period missionary and secular aspirations for India tended to coincide not least over the 'condition of the Indian women' where both argued that women should not be cruelly treated. Whilst numbers of conversion were much lower than the mass change missionaries had hoped for, they were hardly insignificant. Some areas, such as Kerala and the Khasi hills saw large proportions of the population convert to Christianity.<sup>5</sup> Elsewhere, missionaries were partly responsible for percolating widespread cultural changes from the introduction of western education, to shifts in medical understandings of the body, to critiques of indigenous practices of child-raising, belief and caste practice.<sup>6</sup> Missionaries were also highly important in conveying an idea of India back to Britain and forming the imperial culture 'at home' that characterised Britain throughout the nineteenth century. As Susan Thorne has powerfully demonstrated, missionaries were one of 'the myriad sites at which ordinary Britons encountered the colonies' and 'an effective conduit of information about the empire'.<sup>7</sup> The 'connective tissue' running between 'home' and 'foreign' missionary work allowed for the constant interplay between colonial sites in the construction of concepts such as justice, and the gender, race and class lenses through which

such concepts were filtered. Missionaries might also be seen as significant for understanding the gendering of justice as a concept itself back in imperial Britain. As respectable religious figures, missionaries could command trust in moral matters. What they pronounced to be 'just' (or conversely 'unjust') carried some cultural weight.

Justice was also a gendered concept. Whilst traditionally embodied in the classically derived female figure of Lady Justice, this did not mean that justice was necessarily gendered feminine. Rather, specific aspects of justice were differently gendered. Compassion and mercy were gendered 'feminine' particularly in the evangelical thought on which many missionaries drew. Objectivity, impartiality and judgement were usually gendered masculine. Some of the instability in the use of the term 'justice' comes from these gendered ambivalences. However, in missionary writing, many of these potential conflicts were ironed out by gendering not justice itself but the *objects* of justice and injustice. Some of this was racialized. In gendering justice and the objects of justice and injustice, missionaries both reflected and contributed to wider cultural associations of power, victimhood and racial and religious difference.

In missionary writing the concept of justice, or perhaps put better their *concepts* of justice, were as noted above, highly polyvalent, that is meanings were multiple and shifting. I argue that this polyvalency was itself important because the discourse of 'justice' found in missionary writings relied more on 'common sense' understandings of justice, that could be contradictory, than on any sustained theoretical or theological understanding. In seeking to explore how missionaries negotiated these different understandings of 'justice' in their thinking I hope to unravel the points of tension between them. I also argue for the importance of gender in negotiating these tensions, appearing in the discussion of many different kinds of 'justice' and lending to them all an emotive, if often contradictory, force of argument. Throughout the article I ask: what did the concept of 'justice' mean to nineteenth-century

missionaries? How did they juggle different concepts of 'justice' in their writings? And how were their ideas of 'justice' gendered? Lastly I argue that, in its polyvalency, justice was one of the many concepts through which missionaries could evoke both likeness and alterity. The remainder of the article is structured around four approaches to 'justice' taken in missionary writing, which might loosely be glossed as social, legal, Providential and institutional conceptualisations of 'justice'.

### **'JUSTICE', 'CIVILISATION' AND THE WRONGED HINDU WOMAN**

From their earliest days in India, missionaries represented Indian women through the lens of victimhood. In particular, and as many have previously argued, the 'Hindoo woman' was a *cause celebre* in nineteenth-century reformist writings and a staple of British imperial discourse that was used to justify imperial intervention.<sup>8</sup> Enlightenment thinking had suggested that the social position occupied by women was a core indicator of civilisation.<sup>9</sup> Writers such as James Mill argued that '[a]mong rude people, the women are generally degraded; among civilized people they are exalted.'<sup>10</sup> At the apex of civilisation were European, Christian women gendered by emergent Evangelical discourses about the family. Lower down the hierarchy were 'Hindoo' women who occupied a position of which Mill wrote, a 'state of dependence more strict and humiliating...cannot easily be conceived.'<sup>11</sup> Such imagery was readily absorbed by missionaries who claimed that '[t]he condition of women in all heathen countries is one of mental no less than moral debasement, the one naturally tending to the other'.<sup>12</sup> In the early nineteenth century, *sati* was used to imagine Indian women's victimised state.<sup>13</sup> After its abolition, concerns about 'hindu women's' oppression were reconfigured around other tropes from the 'child bride' to the 'zenana woman' all of which created images of cruel suffering and desperate vulnerability. Numerous

highly charged adjectives were piled into these descriptions as the practices were named 'barbaric', 'cruel', 'without reason' and, 'unjust'. Through their copious pamphlets, periodicals, engravings, sermons, plays and exhibitions missionaries were not only active agents in detailing the 'deplorable and degraded condition of Hindoo females', but influential ones.<sup>14</sup> Missionaries narrated such sufferings from a position of authority vested in them as white, British eye-witnesses.

One thing that was being conveyed in these writings was that the treatment of women by Indian men and Indian society at large was *unjust*. This ties in with the links between justice and an emergent rights discourse that was being developed by John Stuart Mill and others in this period.<sup>15</sup> One female missionary, explicitly named a 'competent witness to the wants and woes of the female sex in Peninsular India', wrote of 'the degradation of the female sex in that land of darkness' particularly around the lack of female education. The injustice here was not so much that of inequity, of course girls in Britain were also denied the same educational opportunities of boys, but rather injustice in the sense that the lack of education was felt to be barbaric, setting young women up for further exploitation, a life defined by sexuality and subjugation. 'Justice' here was a vague notion of all what was 'right', 'fair', 'truthful', 'reasonable', 'good', and 'honest', but also what 'Britishness' was about. The prospect that, if the school was shut, the girls 'must be sent back to their homes, to waste their lives in idleness, ignorance, and idolatry' was equally emotive. The author appealed to British women to support her in her fight for justice 'will Christian mothers – will Christian daughters – will the women of highly-favoured England allow this?' she demanded of the *Missionary Magazine's* readership.<sup>16</sup> Justice here drew its discursive power not only from being an emotional and highly ethnocentric concept itself, but from condemning forms of behaviour, such as 'idleness', that were equally culturally contingent. In this context, naming things as 'unjust' operated as a tool of othering.

Whilst theoretically and theologically committed to human universalism, missionaries also saw themselves as fundamentally different to the Indians (and also Africans and Polynesians) whom they sought to convert. Rather than conceiving individuals primarily through their soul or spirituality, as they might sometimes profess, the missionary world view was fundamentally one that was embodied, raced and gendered.<sup>17</sup> The missionary understanding of 'justice' both reflected and contributed to this. Indian women were 'different' because they were subject to forms of injustice to which British women were not. Appearing to be an abstract quality, justice was always embodied (and therefore also gendered) in missionary writing and, significantly, it was often issues of gender that were used to demonstrate alterity.

One particularly iconic debate about gendered justice concerned the dress of 'Shanar' (or 'lower' caste) Christian women in Travancore. This controversy, which surfaced at several points during the nineteenth century concerned whether or not 'Shanar' [Nadar] women should be allowed to cover their breasts, a practice traditionally forbidden by caste practice in Travancore. Under missionary encouragement, female Christian converts had adopted a cotton garment covering the 'chest and the upper part of the body'. In 1814 this had been approved by the reigning Sovereign and had 'ever since [been] used by the Christian woman of the province'.<sup>18</sup> However in 1858 Victoria's Proclamation, issued in response to the Indian Rebellion to establish the non-interference of the British in matters of religion, was invoked against the practice and, missionaries reported how: 'Christian women...were rudely stripped of their upper garment, loaded with indignity, and not unfrequently treated with personal violence.'<sup>19</sup>

The debate has already been the subject of considerable scholarly attention and has been interpreted varyingly as an issue about caste status, social class, gender, and conversion.<sup>20</sup> But the missionary response was to condemn these acts as a straightforward

E. R. Cleall, 'From Devine Judgement', *Cultural and Social History*, 2017.

question of indecency and injustice. Missionaries argued that the injustice stemmed from the violation of individual choice (in itself a highly ethnocentric concept bound up with the history of political Liberalism). They also suggested the original practice of not covering the breasts was 'unjust' in and of itself because they read the female body as sexualised, and its bare upper body a sign of violation.

Missionaries had a complicated relationship with the colonial state but in this case, missionaries attempted to draw on colonial authority to reinforce their sense of moral or social justice with the law, persuading Sir C. E. Trevelyan to petition General Cullen, British Resident at Travancore, on their behalf. In his petition, Trevelyan claimed to 'have seldom met with a case in which not only *truth and justice*, but every feeling of our common humanity, are so entirely on one side'.<sup>21</sup> 'The whole civilized world would cry shame upon us' he continued, 'if we did not make a firm stand on such occasion'.<sup>22</sup> An easy elision is made between 'justice', 'truth' and 'civilisation'. Justice not only must be done, but must be seen to be done by the rest of the western world. Here, as elsewhere, the discursive power of this use of 'justice' relied on its indefinability, its 'common sense' value and the idea that it would be universally understood. In such writing missionaries used the concept of 'justice' to bind themselves into an imagined community with the British public back home. Using 'justice' as though a concept so self-explanatory it need not be defined, appears as a part of a racialised identity, linked with ideas of 'rational' thought, and the enlightened, liberal, western man.

Drawing on the long established trope of 'Oriental despotism', missionaries, like other colonial actors, saw 'Justice' as something that the British *brought* to India and used the concept to differentiate between areas under direct British rule and those that were not. 'In Travancore as well as in other provinces of India, where the native princes exercise the powers of government', one missionary wrote, 'it will be seen that injustice and oppression



are inflicted with impunity upon the suffering people'.<sup>23</sup> Britain was thought to bring 'justice' to places previously governed by violent and arbitrary law and at moments, such as during the Travancore breast-cloth controversy, were able to draw on secular apparatus of the colonial state to reinforce their interpretation of 'injustice'. In both Trevelyan's appeal and in the missionary's, the question was referred back to the British public which again reinforces the idea that they are inherently 'just'. Indeed, at other moments the LMS openly claimed that 'the love of freedom and justice...pervades the public feeling of our country'.<sup>24</sup>

But the relationship between missionaries and the colonial state, in matters of 'justice', like so many others, could also be less comfortable. The very sentence following that imploring indigenous 'injustice and oppression' was followed by a more cautious one which, whilst rejoicing that British rule had secured 'civilised interests', recognised that 'we must deplore the motives and the means which have sometimes led to British supremacy in India'.<sup>25</sup> The conquest, violence and exploitation that led to the establishment of British rule in India, was recognised here as morally 'unjust'. Under colonial rule, missionaries also had to contend with situations in which it was all too obvious that their understanding of 'justice' did not align with the kind of justice deployed by the British Government.

### **SINKS OF INIQUITY: IN/JUSTICE IN THE LAW COURTS**

As Elizabeth Kolsky has argued, although the rhetorical commitment of the British Empire to the notion it brought 'justice' to 'dark', implicitly 'unjust' lands, was powerful and enduring, it was constantly undermined by the actual working of colonial states, which was invariably unequal, unjust and often corrupt.<sup>26</sup> The language of liberty, equality-before-the-law and the rights of 'freeborn Englishmen' were always in contention with the actual workings of empire, where racial difference continued to mark individuals' access to the legal systems. In

E. R. Cleall, 'From Devine Judgement', *Cultural and Social History*, 2017.

India, there were several different legal systems in play at once, with different communities subjected to different laws.<sup>27</sup> The Ilbert Bill controversy had revealed that Europeans in India did not want a racially equitable legal system and gendered argument had been used to naturalise perceptions of colonial difference, whereby the native men were dubbed as deficient in character for posts of judges.<sup>28</sup> From a missionary perspective, the colonial state often failed to uphold what they perceived as a natural link between 'Justice' in the secular, enlightenment sense, and Christianity.<sup>29</sup> The EIC's collection of pilgrim taxes at the temple of Juggernaut (where pilgrims were allegedly crushed under the wheels of carriages drawing giant idols through the street), cautious policing of pre-abolition *satis* and the British Government's Contagious Diseases legislation were, though 'legal', all considered 'unjust' by those articulating the 'missionary conscience'.<sup>30</sup> But perhaps, most scathingly, missionaries noted that the colonial judiciary failed to uphold 'justice' even on its own terms. Living for long periods in colonial spaces, missionaries had ample opportunities to witness the injustices perpetrated under British rule and often found that colonial courts were corrupt and their rulings were unfair.

Writing in the midst of the Indian Rebellion, Rev. James Bradbury of 'Berhampore' (Burhanpur), for example, wrote of the Indians he visited on his itinerancy tour as giving 'expression to one of a substantial character- the imperfect administration of justice, which is an evil they deeply feel and whose long infliction has driven them to the borders of despair.' His analysis was damning:

That the British India Government is better in its intentions towards all people than any preceding dynasty, will be readily admitted; but in its practical working it bears hard on the poor. While the high and middle classes have secured to them great advantages, nearly all the peasants are oppressed, and the courts, both civil and criminal, virtually closed against them; for in those sinks of iniquity, justice is bought

and sold like any other marketable commodity, and the indigent person who, smarting from the infliction of wrongs, is unwisely advised to apply them, returns home with the solemn impression that they are mockeries of his woes, and rather than have recourse to them it is better to enduring silence till death brings deliverance.<sup>31</sup>

Such a statement powerfully articulated what justice *should* be by positing a negative. It should *not* be something 'bought and sold' like a commodity but should be something that could transcend the individual. There is something here of the equation between 'justice' and equity that has become so important in post-Enlightenment thought.<sup>32</sup> The failure of Britain to realise its ideas of justice was both disillusioning for the individual and dangerous to the integrity of the Empire itself. Bradbury also gets close, as some of his colleagues did also, to a sense of social justice running alongside ideas about the rule of law – it is partly the class-based inequality around access to the courts of which he is so critical.

In another example, this time from 1893, Rev. William Hinkley reported a spate of violence occurring around the hill-station of Ramadurg, home to a sanatorium for 'British troops' and 'English Residents', and surrounded by villages, attacks which included the deliberate destruction of fruit trees, the attempted sexual assault of two Indian women, and the murder of a man trying to defend them.<sup>33</sup> The attack on the fruit trees, which was elaborated on in Hinkley's report, reflected the foundational place of private property rights in defining what justice meant that developed during the Enlightenment.<sup>34</sup> The attack on the women was a 'case' he described as 'too sad for an Englishman to think of, much less to mention'.<sup>35</sup> There were not isolated incidents. 'The same thing occurs', Hinkley wrote, 'almost every fruit season, and not at such times only', listing a series of violent attacks carried out by British soldiers that had occurred within the last six weeks in his own district of Anantapur' noting that 'all have escaped punishment'.<sup>36</sup> No attention was drawn to the

violence, or the threat of it, that these men represented in their professional capacity, presumably this was seen as 'legitimate' violence and therefore as just. But Hinkley did contextualise these events within a wider public discourse about 'the conduct of British soldiers in India' by which he doubtless referred in part to the use of sex-workers in the army as illuminated by the Contagious Diseases legislation.<sup>37</sup> The relationship between missionaries and Empire was complicated and fluctuating, but it is significant that when missionaries did concede that the realities of colonial rule are not always 'just', this did not lead them to challenge the imperial ideal itself, which they continued to maintain should and could rule various peoples by justice and kindness.<sup>38</sup>

Although the language of justice was used by the colonial state, it was also a discourse that was used by missionary and humanitarian groups throughout the nineteenth century through which to call the British Empire to account and to draw attention to violations of common humanity.<sup>39</sup> Throughout the British Empire, missionaries named themselves 'friends of good order, peace, justice, and humanity' and, when they chose, could actively position themselves outside of the colonial state.<sup>40</sup> As in the examples discussed in the first section of the article, 'justice' is used here as a binding tool to cement imagined communities of thinkers, but here it is used to challenge *other* British communities and to set the missionary conscience apart from 'mainstream' British rule. Other LMS missionaries to India, such as Thomas Ebenezer Slater, also urged a 'just approach' to the World Religions. Somewhat in contrast to the outright condemnation of Hinduism discussed in the first section, he urged an approach based on 'Justice, courtesy and love', founded on theological understanding, not hasty critique.<sup>41</sup>

It is interesting that despite the religious position missionaries adopt on their critique of the inequity of colonial justice, they do not use reference to the Bible to support their

arguments. In their writing, I am yet to find a single reference to Biblical Law. But there are many Biblical statements, particularly in the Hebrew Bible, that would have supported their arguments about impartiality before the law, the need to resist corruption etc.<sup>42</sup> For example Hinkley's critique above seems to resonate with Deuteronomy's decree 'to hear out small and the great alike'.<sup>43</sup> Missionaries appear fully on board with secular post-Enlightenment understandings of justice, expressing their concerns much more in the language of Kant than the Hebrew Bible or the ideas of social justice that might be read into the Gospels. But, interestingly, this did not mean that the theological did not also operate as an important point of reference for missionaries. Instead of using Biblical discussion of law and judgement as a basis for their discussion of 'justice', missionaries instead use the word and the idea of 'justice' to evoke Divine intervention and, in particular, Providential Retribution.

### **DIVINE JUSTICE: PROVIDENTIAL RETRIBUTION**

Hurricanes, floods, famines and droughts, all, at points, missionaries attributed to Providential wrath. Of a season that had been full of environmental challenges, one missionary wrote that: 'Heat, scarcity of food and water, and cholera, have been dreadful scourges, but neither judgement nor mercy seems to stir up this people to repentance'.<sup>44</sup> The missionary attributed the famine, drought and epidemic to God's fury at the 'idolatrous and cruel practices of the people'.<sup>45</sup> This was justice in the sense of 'judgement', punishment and retribution.<sup>46</sup>

Discourses of Divine judgement were in no sense specific to India or the colonial sphere but drew on a discourse of Divine Retribution that was widespread in nineteenth-century evangelical discourse (at least up until the 1850s). Cholera epidemics in Britain were likewise interpreted as evidence of collective sin. The apparent randomness of affliction, the

rapidity and scale of fatalities, and the national fast days introduced around cholera heightened the association between epidemiological catastrophe and Providential wrath. One preacher in Newcastle, claimed that the recent local 'pestilence' was 'a "scourge particularly in the hands of the Almighty, to punish ungodly, unthankful, and wicked nations"', citing Biblical examples such as the last plague of Egypt'.<sup>47</sup>

As the historian of religion, Peter Wolffe, has explored, 'the sense of collective responsibility for the perceived sins of the nation' engendered by such discourses could be so strong as to infiltrate into national consciousness, forming part of the fabric that bound the nation together stimulating a 'sense of participation in the nation as 'imagined community'.<sup>48</sup> But in the colonial sphere, 'judgement' could also consolidate separate identities and operate as a discourse of othering. As David Arnold has explored in the case of the Bengal famine of 1770, famine 'helped shape ideas of Bengalis as passive and weak, subject to nature in a way their European rulers believed themselves no longer to be'.<sup>49</sup> More generally, in India, Divine retribution tended to be linked not with gambling, ungodliness, and drinking, as it was in Britain, but with Hinduism. Missionaries, observing a connection between cholera outbreaks and attendance at Hindu pilgrimages and festivals, felt they 'saw' first hand evidence of a chastising divine intent.<sup>50</sup> But whilst associations between collective sin and epidemic were common between metropole and colony, in India there were added complications due to other tensions between 'heathen superstition' and 'western' 'science' as explanations for ecological-demographic disasters. Missionaries often struggled to reconcile their condemnations of indigenous explanations for disease and disaster, their own religious beliefs, and scientific discourses.<sup>51</sup> Under the title 'India – effect of Divine Judgements on the Heathen', the *Missionary Magazine and Chronicle* reported in 1842 that 'Surat has been again visited by very severe fires, which have destroyed at least 2,000 houses'.<sup>52</sup> From the title, it would seem that the inhabitants were being punished for their 'heathenism'. But

without any sense of contradiction the author of the piece condescendingly continues that 'the natives assign two probable causes of the fires: one, that a particular feast was not kept at the proper season; and the other, that due obligations had not been lately offered to the goddess of fire', implying both that these explanations are superstitious and that these responses have the paradoxical effect of making the Divine response yet more severe.

But there was also the issue of *British* sins in India. As Britain's political and economic assets became increasingly bound up in Empire, so too could its actions overseas incur providential disfavour. William Wilberforce famously suggested 'in 1807 that lengthy war and the recent deaths of Pitt and Fox were a providential penalty for the continuance of the slave trade'.<sup>53</sup> John East, preaching at Campden Parish Church in 1817, saw failure to evangelize the enslaved Africans or the commercially exploited Indians as a significant sin of omission.<sup>54</sup> And the 1832 cholera epidemic was linked to Catholic Emancipation a few years before. British actions in India, particularly those that economically benefitted from Hindu practices, such as the collection of tax at Juggernaut, which led to a huge amount of protests in the late 1820s and 1830s, were feared to incur similar rage.

Most famously, some missionaries interpreted the Indian Rebellion as divine retribution for the lack of progress the British had hitherto made towards the Christianisation of the population.<sup>55</sup> The perceived unexpectedness and cataclysmic proportions of the Rebellion as well as the pre-existing conviction that Britain's very hold over India was providentially bestowed, combined to convince many that the Rebellion could only be the result of divine judgement. As Brian Stanley has explored, on 7 October 1857 a national day of humiliation was held across Britain with hundreds of humiliation sermons preached which 'accepted without reservation the notion implicit in the royal proclamation of the day of national humiliation that the mutiny was a divine judgement upon Britain for her sins as a nation'.<sup>56</sup> Judgement for what, was less unanimous, with explanations in Britain including the

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opium trade and sex work as well as British actions (or omitted actions) in India, including the failure to effect mass conversions.<sup>57</sup> Whilst elsewhere, missionaries were themselves blamed for the discontent leading to the rebellion, ideas about judgement and justice could bind them to the nation as well as indicate their difference from the state.

The Indian Rebellion also raised other questions about justice and in particular about appropriate levels of punishment with the LMS generally critical of the atrocities Britain committed in the Rebellion's wake. Punishment and discipline was one way in which the abstract discourse of justice and judgement could be made very real, and this occurred at the grand level of events such as the Indian Rebellion which were seen as all consuming, but also at a more mundane level of everyday arbitration and discipline.

## **FROM THE DIVINE TO THE INTIMATE: INTRA-GROUP MISSIONARY JUSTICE**

So far this article has discussed missionaries as a coherent group united in opinion. This is how missionaries presented themselves in public as discord and disagreement were deftly repackaged as undisputable and undivided missionary values. Reality, however, was messier. In this final section, I look at processes of self-scrutiny within the LMS. Significantly for this special issue, the vast majority of committees the LMS convened to investigate the behaviour of its own members were formed in response to alleged sexual misdemeanours. In them the tensions between justice, gender and difference continued to be played out.

Mr Nimmo was the subject of one such missionary tribunal, at least two Supreme Court investigations concerning 'libel' and many pages of missionary correspondence. In 1855, a 'native woman' had arrived in 'Tripassore' (Thirupachur) (where Nimmo was stationed) from a town of some distance, bringing with her 'her daughter of whom she had



openly asserted that Mr Nimmo was the father'.<sup>58</sup> When Reverend George Hall, the secretary of the District Committee, and his colleagues went to 'Tripassore' to investigate, they 'heard so much that making every allowance for the native character' (reliability was of course heavily raced) they felt it their 'duty' to 'lay the matter before our Committee.'<sup>59</sup> The ensuing tribunals dragged up further tensions and allegations concerning the organisation of Nimmo's mission, caste practices on his station, and a history of personal antagonism between Hall and Nimmo.

The case was lengthy and complicated pulling in many missionaries and taking many lines of enquiry. But what ran through everything was that the investigation was an attempt to get to the 'truth' so that 'justice' could be enacted. This course of action was itself perceived as unjust, not least by Nimmo himself, who wrote to the LMS directors with his side of the story. 'I assume that the Rev. G. Hall the Secretary of the [District Committee] has made you acquainted with the charges which my enemies have served against me', he wrote, 'my object in writing to you now is simply to beg that you would kindly suspend your judgement until you are just in possession of the whole case.' The alternative version of the story, differed considerably from Hall's account claiming the charges to be 'fictitious' and fabricated by a 'heathen man'. Here again we get the equation between unreliability and injustice with racial otherness. But, in a further dimension of the case, race also affected what 'kind' of justice was considered appropriate for whom. The fact that Nimmo was a Calcutta-born 'East Indian' was central to how the case unfolded.<sup>60</sup> Nimmo's case was complex due to the intersection between two layers of racialisation: the relationship between an 'East Indian' and a 'native', and the relationship between the 'East Indian' and the 'British' missionary communities. Prior to the case in question unravelling, Nimmo himself had written to the London-based directors asking for a pay-rise – he was paid lowest but one of all missionaries on the station and clearly considered this to be unfair and a result only of his 'East Indian'

status.<sup>61</sup> In the course of the lengthy allegations following Hall's investigation into Nimmo's relationships, a personal battle developed between Reverend Hall and the East Indian community in Madras who, Hall wrote, 'look upon the whole case as one of persecution against their class'.<sup>62</sup> The sense of persecution, and sense that the missionaries were themselves unjust was deeply troubling both personally and to their collective identity.<sup>63</sup>

Almost concurrently with Nimmo's case, the same Madras subcommittee was investigating an alternative case of 'misdemeanours'; those of Mr Paul. Mr Paul was an 'assistant missionary' and a 'native' Indian who in 1856 had worked for the LMS for nearly thirty years. Three months after his wife died, he remarried a 'fair East Indian' woman – Rachel – who, although could not satisfy the LMS with the depth of her Christian conviction, had attended an LMS girls school run by Mrs Porter until her marriage.<sup>64</sup> Only three months after their marriage, Rachel gave birth to a baby. Mr Paul, denying the child was his, asked for divorce. Again the Madras missionaries were anxious both to establish 'justice' and conceal the scandal.<sup>65</sup>

The only charge the society could insist upon with any certainty in Mr Paul's case was that, somewhere along the line, he had deliberately concealed Rachel's pregnancy. It was apparently due to these 'lies' that he was demoted to the inferior position of a 'catechist' with a reduced salary, at the outstation of Palucut – a change of scene where it was hoped, in time, he would 'redeem his character'.<sup>66</sup> Nimmo's case dragged on until he won a libel charge against Hall, which Hall found devastating. Despite Nimmo's efforts to maintain a position in the society, the LMS did its best to distance itself from him, and his connection with the society was eventually dissolved in 1857. In both cases, institutional proceedings to investigate and ultimately punish alleged sexual misdemeanours were, in some respects, about delivering justice within the missionary community itself. In both cases 'justice' was inflected by concerns arising from the gender, sexual, and racial status of the participants.

And in both, there was no essential agreement about the nature of the offence and the preferable course of action. It is unsurprising that missionaries were anxious to hide such goings on from the missionary public who funded them. Wrangling over what was and was not fair, as much as the alleged misdemeanours themselves, threatened to destabilise the missionary movement and its relationship with justice itself.

## **CONCLUSION**

The conclusion of this paper, that justice was a contested concept that was used as though immediately comprehensible but which broke down under theoretical examination and practical application, is hardly a surprising one. But what I have done in this paper is to point to some of the splits and contradictions in the way in which the concept was used by one group of colonial actors and, in doing so, to defamiliarise a concept that we too sometimes fall into a trap of regarding as 'self-explanatory'. If the discursive power of justice comes from its dual positioning as a moral certainty and a flawed unknowable category, we may be able to think further about how the apparatus of British rule in India, social, religious, political and legal, could be shaped, enacted and, ultimately, challenged.

In the article I have explored four different areas in which missionaries felt justice to be an important concept: as a marker of identity, as a position of critique of the wider colonial position of which they were part, as a theological explanation and as an institutional duty which may or may not be executed. Whilst almost always invested with values that are endorsed, justice can stand for many different things evoking ideas of retribution; equity; legality or jurisprudence or judgement. Concepts of justice were also embodied: raced and gendered. 'Every allowance for the native character' had to be made before the words of the 'native' informer as to Nimmo's indiscretions were to be believed; race stopped them from immediately being seen as reliable.<sup>67</sup> The missionary differentiated its pay scales by gender

and race, and sometimes, as in Nimmo's case, such discrimination was openly identified as unfair. Although the historiography on colonial law rarely addresses issues of theology, the Divine remained a highly significant, if highly ambiguous, point of reference across missionary networks and religious responses to AIDS demonstrates that this line of reasoning can still emerge with strength.<sup>68</sup> Given the extensive networks of supporters back in Britain, this theological reading of 'justice', opens up questions of the meanings of justice in the colonial state well beyond the confines of missionary communities.

Recent philosophical work has continued to examine what justice means today. One strand coming out of this thought is that 'justice' has far more wide-reaching meanings than the post-Enlightenment association between 'justice' and 'equity'. It has been argued, for example, that to engage in justice there must be a 'full recognition of another's humanity' and an attempt to create an 'equality of respect' between individuals and groups of people.<sup>69</sup> This is of interest here as many of the lines of tension between different readings of justice that I have traced in this paper evolve around the issue as to what extent missionaries accepted Indian people as members of a common humanity. On the one hand, missionaries repeatedly emphasised that they *did* share a common humanity. This was what lay behind appeals to British women to sympathise with and possibly to intervene on behalf of their Indian 'sisters', for example, or behind missionary attempts to draw attention to colonial injustice. Yet all this was also, ultimately othering. The idea that Indian women suffered 'injustices' that British women did not was used as a sign that they did not fall within what was truly human.<sup>70</sup> Discourses of the Divine justice could also be harsh, using religion as the absolute marker beyond which another's humanity might not be recognised.

If justice was used for othering Indians, gender was a crucial part of its power. As in other discourses of 'justice', gender was central in shaping missionary constructions of what was fair and what was not, with the plight of Indian women being used to demonstrate the

E. R. Cleall, 'From Devine Judgement', *Cultural and Social History*, 2017.

wrongs of legal frameworks both indigenous and colonial and to appeal to a higher sense of 'justice' which they presented as self-evident. The legal and the divine constructions of justice were gendered masculine. Femininity was linked with victimhood – as in Spivak's famous statement, missionaries believed that white men (or sometimes women) should save brown woman from brown man.<sup>71</sup> But, as in the case of the women attacked by British soldiers, women's fate could also be used to flag the injustices of British men. At the same time, in the cases of sexual misdemeanours, gender could also mark the places of transgressions and in the writings about both the 'native woman' and 'Rachel' the woman in question was not seen as a victim but as a perpetrator of gendered mis-doings. Gender was used to enable to polyvalent movement of the concept of justice, to appear as 'common sense' whilst in fact being highly specific and its meanings always contingent.

## NOTES

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<sup>1</sup> All source material in reference to the London Missionary Society have been consulted from the Council of World Mission Archive, SOAS, London. See e.g. 'China', *The Missionary Magazine and Chronicle Chiefly Relating to the Missions of the London Missionary Society*, November 1853, p. 246; 'Memorial', *The Missionary Magazine and Chronicle* (December 1846), p. 184.

<sup>2</sup> 'New Series', *The Missionary Magazine and Chronicle*, January 1860, p. 1; 'Editorial', *The Missionary Magazine and Chronicle* (February 1861), p. 26.

<sup>3</sup> 'India', *The Missionary Magazine and Chronicle*, June 1865, p. 167; Joseph Edkins, 'Letter', *The Missionary Magazine and Chronicle* (November 1860), p. 299.

<sup>4</sup> James Bradbury, 'Missionary Itinerancy in Lower Bengal', *The Missionary Magazine and Chronicle*, December 1858, p. 262.

<sup>5</sup> Jeffrey Cox, *Imperial Fault Lines: Christianity and Colonial Power in India, 1818-1940* (Stanford, 2002); Andrew May, *Welsh Missionaries and British Imperialism: The Empire of Clouds in North-east India* (Manchester, 2012).

<sup>6</sup> Jeffrey Cox, 'Were Victorian Nonconformists the Worst Imperialists of them All?', *Victorian Studies*, 46 (2004) pp. 243-55; Andrew Porter, "'Cultural Imperialism" and Protestant Missionary Enterprise, 1780-1914', *The Journal of Imperial and Commonwealth History*, 25:3 (1997), pp. 367-91.

<sup>7</sup> Susan Thorne, *Congregational Missions and the Making of an Imperial Culture in 19th-Century England* (Stanford, 1999), pp. 5, 16.

<sup>8</sup> Daniel J. R. Grey, 'Creating the "Problem" Hindu: Sati, Thuggee and Female Infanticide, 1800-60', *Gender and History*, 25:3 (2013), pp. 498-510; Antoinette Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915* (Chapel Hill, 1994); Catherine Hall, 'Of Gender and Empire: Reflections on the Nineteenth Century', in *Gender and Empire* ed. Philippa Levine (Oxford, 2004), pp. 46-77; pp. 52-5.

<sup>9</sup> Kathleen Wilson, 'Empire, Gender and Modernity in the Eighteenth Century', in *Gender and Empire*, ed. Philippa Levine (Oxford, 2004), pp. 14-46.

<sup>10</sup> James Mill, *A History of India* (London, 1817), p. 293.

<sup>11</sup> *Ibid.*, pp. 293-294.

<sup>12</sup> Editor, 'Female Education in India', *The Missionary Magazine and Chronicle*, February 1860, p. 40.

<sup>13</sup> Lata Mani argues that 'a specifically colonial discourse on *sati* produc[ed] troubling consequences for how 'the women question' was to be posed thereafter. Lata Mani, 'Multiple Mediations: Feminist Scholarship in the Age of Multinational Reception', in *Feminist Theory Reader: Local and global perspectives*, p. 374. See also Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley, 1998). Another interesting perspective on the issue of *sati* can be found in Clare Midgley, 'Female Emancipation in an Imperial Frame: English Women and the campaign against Sati (Widow-burning) in India, 1813-30,' *Women's History Review*, 9:1 (2000), pp. 95-121.

<sup>14</sup> Thorne, *Congregational Missions*; Anna Johnston, *Missionary Writing and Empire* (Cambridge, 2003).

<sup>15</sup> See Alan Ryan, ed., *Justice* (Oxford, 1993), p. 12.

<sup>16</sup> A female Missionary, 'Native Female Education', *Missionary Magazine and Chronicle*, April 1846, p. 55.

<sup>17</sup> Esme Cleall, *Missionary Discourses of Difference: Negotiating Otherness in the British Empire, c. 1840-1900* (Basingstoke, 2012).

<sup>18</sup> Anon., 'Province of Travancore', *The Missionary Magazine and Chronicle*, March 1858, p. 51.

<sup>19</sup> Anon., 'Province of Travancore', *The Missionary Magazine and Chronicle*, October 1859, p. 248.

<sup>20</sup> Bernard Cohn, *Colonialism and Its Forms of Knowledge*, Princeton University Press, 1996; Robert Hardgrave, 'The Breast-Cloth Controversy: Caste Consciousness and Social Change in Southern Travancore', *The Indian Economic and Social History Review*, 5:2 (June 1968), pp. 171-187; Eliza Kent, *Converting Women, Gender and Protestant Christianity in Colonial South India* (Oxford, 2004), pp. 213-218.

<sup>21</sup> My emphasis.

<sup>22</sup> Copy of letter from Sir. C. E. Trevelyan to General Cullen, the Resident in Travancore [Madras, 6<sup>th</sup> May, 1859], reproduced in Anon., 'Province of Travancore', p. 248.

<sup>23</sup> Anon., 'Summary', *The Missionary Magazine and Chronicle*, September 1842, p. 131

<sup>24</sup> 'The Annual Meeting', *The Missionary Magazine and Chronicle*, June 1853, p. 185.

<sup>25</sup> *Ibid.*, p. 131.

<sup>26</sup> Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge, 2010). See also, Martin Wiener, *An Empire on Trial: Race, Murder and Justice Under British Rule, 1870-1935* (Cambridge, 2008).

<sup>27</sup> For more on the complex evolution of the rule of law in India see essays in Kalpana Kannabiran and Ranbir Singh, *Challenging The Rule(s) of Law: Colonialism, Criminology and Human Rights in India* (New Delhi, 2008).

<sup>28</sup> Mrinilini Sinha, *The 'Manly Englishman' and the 'Effeminate Bengali' in the late Nineteenth Century* (Manchester, 1995)

<sup>29</sup> For more on the complicated relationship between secularism, law and Christianity in India see Nandini Chatterjee, *The Making of Indian Secularism, Empire, Law and Christianity, 1830-1960* (Basingstoke, 2011).

<sup>30</sup> Nancy Gardner, *Social Legislation of the East India Company: Public Justice versus Public Instruction* (New Delhi, 2011).

<sup>31</sup> James Bradbury, 'Missionary Itinerancy in Lower Bengal', *The Missionary Magazine and Chronicle*, December 1858, p. 264.

<sup>32</sup> Michael Bell, *Rethinking Justice: Restoring our Humanity* (Lanham, 2007).

For the way in which race was used to negotiate legal equity in a comparative context see Olindo De Napoli, 'Race and Empire: the legitimation of Italian colonialism in juridical thought', *The Journal of Modern History*, 83:4 (December 2013), pp. 801-832; Robert Williams, *The American Indian in Western Legal Thought: discourse of conquest* (Oxford, 1990).

<sup>33</sup> W. M. Hinkley, *The Chronicle of the London Missionary Society*, September 1893, p. 244.

<sup>34</sup> David Johnston, *A Brief History of Justice* (Oxford, 2011), p. 126. See also Ryan, ed., *Justice*, p. 11.

<sup>35</sup> W. M. Hinkley, *Chronicle of the London Missionary Society*, January 1894, p. 17.

<sup>36</sup> *Ibid.*, 17. Hinkley, *Chronicle of the London Missionary Society*, September 1893, p. 244.

<sup>37</sup> *The Missionary Magazine and Chronicle*, June 1851, p. 130.



<sup>38</sup> Porter, *Religion versus Empire: British Protestant Missionaries and Overseas Expansion* (Manchester, 2004).

<sup>39</sup> For relationship between missionaries and the state in this 'humanitarian' position see: Alan Lester, *Imperial Networks: creating identities in nineteenth-century South Africa and Britain* (London, 2001); Elizabeth Elbourne, *Blood Ground: Colonialism, Missions and the Contest for Christianity in the Cape Colony and Britain, 1799-1853* (Montreal, 2002); and Zoe Laidlaw's *Colonial Connections 1815-1845, Patronage, The Information Revolution and Colonial Government* (Manchester, 2005).

<sup>40</sup> 'An Appeal To The Friends Of Humanity And Religion On Behalf Of The Natives Of South Africa; And Others Who Are Suffering Innocently, But Severely In Consequence Of The Present Kaffir War', *The Missionary Magazine and Chronicle*, June 1852, p. 207.

<sup>41</sup> Kenneth Cracknell, *Justice, Courtesy and Love: Theologians and Missionaries Encountering World Religions, 1846-1914* (London, 1995), pp. 108-119.

<sup>42</sup> Richard H. Hiers, *Justice and Compassion in Biblical Law* (London, 2009).

<sup>43</sup> Deuteronomy 1:16-17. Despite their evangelical turn, missionaries do not refer to the examples of justice in Genesis, Samuel, Kings, Leviticus, Susanna, Deuteronomy etc in informing their thinking on matters of the law. *Ibid.*

<sup>44</sup> Mr Sugden, 'Bangalore – Visit to an Idolatrous Festival.' *Missionary Magazine and Chronicle*, p. 141.

<sup>45</sup> *Ibid.*, p. 141.

<sup>46</sup> Richard Hiers, *Justice and Compassion in Biblical Law* (London, 2009).

<sup>47</sup> John Wolffe, 'Judging the Nation: Early Nineteenth-Century British Evangelicals and Divine Retribution', in *Retribution, Repentance and Reconciliation: Papers Read at the 2002 Summer Meeting and the 2003 Winter Meeting of the Ecclesiastical History Society* ed. Kate Cooper and Jeremy Gregory (Woodbridge, 2004), pp. 291-301, p. 300.

<sup>48</sup> *Ibid.*, p. 294.

<sup>49</sup> David Arnold, 'Hunger in the Garden of Plenty: the Bengal Famine of 1770', in *Dreadful Visitations: confronting natural catastrophe in the age of Enlightenment*, ed. Alessa Johns (London, 1999), p.105

<sup>50</sup> David Arnold, *Colonising the Body, State Medicine and Epidemic Disease in Nineteenth-century India* (Berkeley, 1995), pp. 188-185.

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<sup>51</sup> This is a common conflict see e.g. Megan Vaughan, *Curing Their Ills: Colonial Power and African Illness* (Stanford, 1999).

<sup>52</sup> *The Missionary Magazine and Chronicle* (September 1842), p. 132.

<sup>53</sup> Wolffe, 'Judging the Nation', p. 294. *The Missionary Magazine and Chronicle, Chiefly Relating to the Missions of the London Missionary Society* (January 1860), p. 1.

<sup>54</sup> Wolffe, 'Judging the Nation', p. 295

<sup>55</sup> For an excellent discussion of LMS responses to the Indian Rebellion see Andrea Major, 'Spiritual Battlegrounds': Evangelical discourse and the writings of the London Missionary Society', *Mutiny at the Margins: New Perspectives on the Indian Uprising of 1857*, ed, Andrea Major and Crispin Bates (London, 2013), pp.50 -74.

<sup>56</sup> Brian Stanley, 'Christian Responses to the Indian Mutiny' in *The Church and War: Papers Read at the Twenty-first Summer Meeting and the Twenty Second Winter meeting of the Ecclesiastical History Society*, ed. W. J. Sheils (London, 1983), pp. 277-291. Quotation, p. 279.

<sup>57</sup> *Ibid*, p. 280.

<sup>58</sup> George Hall, 26 January 1857, Madras, CWM/LMS/South India/Tamil/Incoming Correspondence/B11/F5/JA.

<sup>59</sup> *Ibid*.

<sup>60</sup> The term 'East Indian' is an ambiguous term which was sometimes used to refer to missionaries of European descent who were born and raised in India (outside of the missionary community) and elsewhere to denote Indian-born people of mixed European and Indian ancestry' For more on the ambiguous status of 'East Indians' and 'Eurasians', see Laura Bear, *Lines of a Nation. Indian Railway Workers, Bureaucracy and the Intimate Historical Self* (New York, 2007), 191-226; C. J. Hawes, *Poor Relations. The Making of a Eurasian Community in British India. 1773-1833* (Richmond, 1996).

<sup>61</sup> J.E. Nimmo, 29 March 1856, Tripassore, CWM/LMS/South India/Tamil/Incoming Correspondence/B11/ F4/JB. This source and those that follow are all housed in the London Missionary Society (LMS) Collection of the Council of World Mission (CWM) Archive which is in the School of Oriental and African Studies (SOAS), London.

<sup>62</sup> George Hall, 10 October 1857, Madras, CWM/LMS/South India/Tamil/Incoming Correspondence/B11/F5/JD.

<sup>63</sup> Hall was devastated by the libel claims and alleged that his health was broken on account of a year of anxiety concerning Nimmo's affairs.

George Hall, 17 June 1857, Madras, CWM/LMS/South India/Tamil/Incoming Correspondence/B11/F5/JB.

<sup>64</sup> George Hall, 20 May 1857, Madras CWM/LMS/South India/Tamil/B11/F5/JB.

<sup>65</sup> Hall, Kubler, Campbell, Sewell and Gordon from 'Investigation of Mr Paul', George Hall (Secretary) 20 May 1857, Madras, CWM/LMS/South India/Tamil/Incoming Correspondence/B11/F5/JB.

<sup>66</sup> Hall et al, in *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> This is something that has been a criticism of many aspects of missionary scholarship as conducted by secular scholars, see for example, Porter, *Empire versus Religion*, p. 11.

<sup>69</sup> Bell, *Rethinking Justice*, p. 31. See also Raimond Gaita's *A Common Humanity: Thinking About Love and Truth and Justice* (London, 2000).

<sup>70</sup> Martha Nussbaum has looked at the way in which race, gender and disability can be used to negate humanity in the arbitration of justice. Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA, 2006).

<sup>71</sup> Gayatri Spivak, 'Can the Subaltern Speak?', in *The Postcolonial Studies Reader*, ed. Bill Ashcroft, Gareth Griffiths and Helen Tiffin (Second edition, London, 1995), p.33.