Importing Gendered Legal Reasoning from England: Wife Murders and Domestic Violence in India, 1805 - 1857

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I ABSTRACT I  
The informal criminal defence in India of ‘injured masculine honour’ was steadily narrowed over the course of the nineteenth century. Yet this remained a popular – and extremely effective – appeal to the judiciary, as the historiography on 19thc India has suggested (Masselos 1992; Singha 1998). Padma Anagol (2005) has compared and contrasted how the British judicial system in 19th c. Western India often reduced the sentence for uxoricidal husbands, treating it as a crime of passion, whilst wives who killed their husbands – especially through poisoning – were treated as calculating and pre-meditated murderers and jailed for life. This paper argues that such regular and successful appeals by husbands in India are best understood by examining how lethal domestic violence was represented in England, and how this cultural baggage was transferred to Indian courts as a central part of the new ‘Anglo-Muhammadan’ criminal law. The article fills a gap in the historical literature by concentrating on the early colonial period when the judicial system was still being refined in India. Although the English courts also substantially tightened their understanding of ‘provocation’ during this period, it remained the case that a certain level of violence towards wives could still be dismissed as ‘legitimate correction’ (Foyster 2005; Wiener 2004). Such gendered legal ideas, as I demonstrate here, seriously limited the chances that wife-killers in colonial India would be brought to justice.

I ABOUT THE SPEAKER I  
Daniel J.R. Grey is Lecturer in World History at Plymouth University. His primary research interests are related to the history of gender and crime in modern Britain and India. He has published several journal articles on infanticide, child abuse, and gendered approaches to criminal justice in both India and Britain. Currently, he is working on two book projects; Degrees of Guilt: Infanticide in England 1860-1960 (contracted to Liverpool University Press) and Feminist Campaigns Against Child Sexual Abuse: Britain and India 1860-1947 (contracted to Continuum). The co-edited special issue of Women: A Cultural Review that he and Esme Cleall contributed to as part of the History of Feminism Collective in 2010 on ‘Rethinking the History of Feminism’ includes some of the journal’s most frequently downloaded articles. He is a co-director of the interdisciplinary SOLON network, which encourages collaboration and dialogue between lawyers, historians and criminologists, and also serves on the Editorial Board of their journal Law, Crime, and History.

I DATE I  
Wednesday, 8 February 2017

I TIME I  
3.00pm to 4.30pm

I VENUE I  
AS8 Conference Room, #06-46, Singapore 119260

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