



Literature and the Limits of Law

Crime, Guilt and Agency in Premchand's *Ghaban*

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"[T]he narrative in the document violates the actual sequence of what happened in order to conform to the logic of a legal intervention which made the death into a murder, a caring sister into murderess, all the actants in this tragedy into defendants, and what they said in a state of grief into *ekrars*. Construed thus, a matrix of real historical experience was transformed into a matrix of abstract legality".

– Ranajit Guha, "Chandra's Death"¹

In "Chandra's Death", Ranajit Guha details the modes by which historiography and the law work together to structure the past in ways that do violence to the "plenitude of historicity".² As textual and secular 'emissaries' of state power³, both historiography and the law not only structure the past, but "translate" other modes of structuring "into [themselves]".⁴ Alternative tellings thus must be retrieved from the margins of their narratives, where transgressions of the state and statist modes of knowing take place. One such repository of non-statist modes of knowing is the literary text.⁵ In this essay, I read Premchand's 1931 Hindi novel *Ghaban* for the transgressions of legality it reveals.

The conflict between the law's structuring of events and subjective experiences of self and history has been the subject of much of postcolonial and subaltern theory. This conflict is especially relevant for understanding a period such as pre-Independence India, where the contradiction between foreign-imposed legal structures and sovereign selves was heightened by the discourse of nationalism. While justifying itself with a critique of colonial rule, however, nationalism was at the same time moving toward actualisation in a form that would resemble very closely the statism of the colonial government. The nationalist critique of colonial legalism thus stopped short of being a critique of legalism at large, which was seen by many as the inevitable by-product of a national state. In this way, while pre-Independence nationalism opened the possibility for critiques of the law, it foreclosed the maturation of these critiques by its own statist teleology.

More profound critiques of the law can be found in moments, like Chandra's death, where the law is exposed as having an incomplete hold on what it claims to dominate. Although concepts such as 'agency', 'responsibility' and 'guilt' are often over-determined by

legal modes of structuring experience, the law's grasp on the plenitude of their significations is unsteady, at best. When that unsteadiness is located and the terms re-signified, lived experience can be retrieved from the dominant ways of knowing that reflect the statism of colonial and nationalist rule. It is for this reason that I pose an alternative reading of *Ghaban* from predominant ones which focus on its realist representation of social ills. I tentatively read *Ghaban* as a 'detective novel', as an attempt not at mere re-classification, but rather at highlighting the novel's deep engagement with questions of agency, responsibility and guilt – terms which are explicitly mobilised and taken to task in the genre of detective fiction as a whole. I suggest that only by paying attention to these questions as essential to both narrative *and* legal modes of structuring and understanding experience are we able to understand what is at stake in alternative, non-statist accounts of the pre-Independence period in Indian history.

***Ghaban*⁶**

Ghaban begins with the story of Ramanath, a middle-class clerk from Allahabad who desires to please his wife, Jaalpa, by buying her jewels he cannot afford. When his father hears of Rama's increasing debts, he pushes Rama into taking Jaalpa's jewels one night under the guise of a thief, in order to return them to the shop. Jaalpa's dismay at the theft makes Ramanath resolve to supplement his income by soliciting bribes in the course of his work. He earns more, but spends more, and when he finally buys a beautiful bracelet for Jaalpa, he has to ask the jeweller for credit. Therefore when one of Jaalpa's friends gives Ramanath some money to have a bracelet like Jaalpa's made for her, Ramanath can only use her money to pay off his debt at the jeweller's.

As Ramanath avoids the friend's repeated requests for the bracelet and continues to hide the truth from Jaalpa, the friend becomes more and more suspicious regarding her money. Finally, in order to assuage her suspicions, Ramanath takes a bag filled with money from his office safe. However, the same day he brings the money home, Jaalpa's friend conveys her suspicions to Jaalpa. Angered at the accusation of foul play, Jaalpa gives her friend the money from Rama's office, thinking it was hers originally. When Rama finds out that he is unable to return the money to his office, he becomes hopeless and desolate, and increasingly fearful of getting arrested for embezzlement. He writes Jaalpa a note admitting his mistake and runs away to Calcutta.

Upon reading Rama's note, Jaalpa hurriedly sells some of her jewellery and returns the money to Rama's office. Unaware that the money has been returned, Rama continues to hide out in Calcutta. He refuses to step outside, fearful of arrest for embezzlement. One day, during a rare excursion out of doors, he sees three policemen on their normal beat. He tries to avoid them, and in doing so, arouses their suspicions. But when the police take Rama to the station, he goes along willingly, confessing his 'crime' without being asked:

"Making an effort to look cheery, Rama said, 'Now I am in your hands, whether you choose to be lenient or harsh. I used to work for the Municipality in Allahabad. Call it stupidity or call it bad luck, but I managed to spend four hundred rupees belonging to the customs office. I wasn't able to collect the money on time. Struck

with shame, I didn't say anything to my family; otherwise it wouldn't have been difficult to make arrangements for that much money. When I couldn't do anything, I fled and came here. Not one word of this is untrue" (180).

Yet before imprisoning him, the police *daroga* (inspector) suggests a compromise. Ramanath will be free if he serves as a paid witness in the prosecution of a man against whom the police have no evidence. Although doubtful, Rama ultimately agrees. At the same time, the police call Allahabad and discover that the money apparently stolen from Rama's office has since been returned. But the police need Rama's testimony, and so they do not tell him that the charges against him have been dropped. Rama thus testifies in court against the accused man, resulting in the latter's conviction. It is only when Jaalpa hears from Rama's office that he is in Calcutta, under police custody, and she comes to the city to convince him to give up his role as false witness, that Ramanath acknowledges his mistake and reveals the truth to the court. He is tried for perjury and acquitted. The novel ends with Jaalpa and Rama beginning a new life on the banks of the Ganga, away from the lure of urban materialism.

Most scholars of *Ghaban* emphasise its critique of materialism and of the spiritual deterioration that characterised colonial modernity. As one critic writes: "[Premchand] stresses on the interaction between his characters and social environment in this novel. He reveals how circumstances can overpower a weak-minded character. The emphasis is laid equally on the development of character and the importance of the social problem".⁷ Equally, the novel is seen as highly critical of the institutions of subjection created by foreign rule: "In his portrayal of the political situation in India during British rule Premchand gives us in *Gaban* [a]...vivid account of bureaucracy...What emerges with frightening clarity is not so much the inefficiency as the callousness and inhumanity of the way bureaucracy works, in deadly alliance with the police".⁸

While these readings of the novel are useful for understanding Ramanath's character and the novel's social critique on its most general level, they are less than adequate in their interpretation of Jaalpa. Seeing the social world of late colonial India as veering between two extremes, morality versus spiritual degradation, enables an effective nationalist critique of colonialism; however, this critique relies upon women as static figures, serving only to influence men towards the extremes of colonial, Western corruption or national, Indian virtue.⁹ *Ghaban's* Jaalpa is conventionally read as both these extremes: first, as the cause of Rama's distress because of her materialistic love for jewellery; and then, after her 'transformation', as "the only redeeming feature and saving grace of [Rama's] life...the ideal of Indian womanhood in the story".¹⁰ Beyond this, a realist interpretation can go no further.

***Ghaban* as a 'Detective Novel'**

By contrast, through its explicit engagement with solving crimes, the detective novel provides an exploration of agency, guilt and responsibility that allows for a more dynamic reading of *Ghaban* and of Jaalpa in particular. Specifically, the detective novel calls attention to narrative as an alternative structure for lived experience. The role of the detective is to reconstruct, in narrative form, a character's experience in such a way that his or her guilt

or innocence can be determined. Reading *Ghaban* as an example of the detective novel genre thus allows us not only to see Jaalpa as an *actor* rather than as a merely idealized symbol, but also to see the narrative plot as an alternative structure to the law. In this sense, the events of Ramanath's life are given meaning by two distinct structures—that of the text, i.e., the plot of the detective novel, which writes him as a 'suspect,' a potential criminal whose guilt or innocence has yet to be determined; and that of the law, which writes him as an object of legal-judicial discourse in which he is *also* a potential criminal. Each structure makes meaning out of Rama's actions according to its respective logic. Insofar as the narrative and the law share a sense of Rama's agency and thus his guilt, he is doubly oppressed. As we will see, it takes the distinguishing of narrative from legal agency to save and redeem him.

From the outset, Rama is interpellated by the law as a 'criminal' without his having actually committed a crime. Whereas the crime is ostensibly the eponymic embezzlement, the complex narrative circumstances surrounding Ramanath's taking of the money, his flight and his capture make it questionable whether embezzlement is a 'crime' in any purely legal sense. Christopher King, the novel's English translator, expresses his bewilderment at Premchand's choice of title: "Although the title literally means 'embezzlement', no embezzlement actually takes place anywhere in the novel...Oddly enough, in Chapter 34 Premchand has Rama confess to the police that he has spent three hundred rupees of government money. He has done no such thing!"¹¹ Uncertain as to "[w]hether Premchand intended his title to be taken literally or not", King takes it upon himself to 'correct' it, "tak[ing] it more metaphorically".¹² He thus subtitles the English translation *The Stolen Jewels*.

What King fails to acknowledge is that although Ramanath did not commit a crime in the purely legal sense by taking the money, the law's *misrecognition* of his action as a crime – and Rama's own internalisation of that misrecognition – is the originary moment of the novel's plot. Although the embezzlement never took place, it impels the narrative to unfold *because* it is seen as a crime by the juridical narrative that structures Ramanath's sense of his own agency; as in any detective novel, the narrative 'impulse to continue' is driven by the particular meaning given to actions and events by the structuring logic of the law. According to King, Rama's theft of the jewels is the real crime, because it is the "act which sets off a chain of consequences which entangle the major characters for the rest of the novel".¹³ But Rama's theft of the jewels is not the event that makes him an object of the law – it is not because of this action that he leaves Calcutta, fears the police and becomes a false witness. In fact, Ramanath flees to Calcutta not because he is guilty of a crime, but because he *believes himself* guilty of embezzlement and further, he *believes* that he will get caught. Embezzlement thus impels his actions through the potentiality of its impending discovery.¹⁴ In this way, the stolen jewels function as the originary moment of the novel only if the novel is a realist critique of materialism; however, the embezzlement functions as the originary moment of the novel insofar as the novel thematises the coincidence of narrative and legal structures which determine Rama's fate.

What we are left with, then, is the unfolding of two structures of meaning-making – one literary, one legal – that both originate from an empty centre, the 'embezzlement' that never

took place. This 'crime' has a very different relationship to agency than a crime in any conventional sense, as it was never 'committed'. Terms central to the definitions of both law and detective fiction – agency, guilt and responsibility – are emptied of their referents. In this context, what is the task of the detective?

Jaalpa as Detective

If agency and guilt are determined where they do not literally exist, then the detective has a very different role vis-à-vis both the law and the detective plot. In a conventional sense, the detective must solve the crime by determining guilt and innocence. Broadly speaking, this entails matching up individual with action, and action with guilt/responsibility. With criminal and narrative categories such as agency emptied of their referents, it falls on the detective to re-signify them in ways that give new meaning to her endeavour.

Thus, far from being a static embodiment of ideal spiritualism to whom an ailing 'lost soul' such as Ramanath must turn, Jaalpa writes herself into the very gap that disconcerted King, where morality exceeds the law:

“Today for the first time her mind accepted the fact that all this was the fruit of her own doing. It is true that she had never insisted on having ornaments, but she had never clearly refused them either. If after the theft of the jewels she had not been so impatient, then this day would never have come. In this weak state of mind, Jaalpa began to take upon herself a greater part of the responsibility (*bhaar se adhik bhaag*)...Why had she not contained her joy at receiving gifts? Jaalpa was now taking this responsibility (*zimmedari*) too upon herself” (121).

Unlike what many critics say, this passage does not represent Jaalpa as moral exemplar. Rather, it shows her making a particular intervention into the law and the narrative based on her complex understanding of Rama's plight. Thus in this passage Jaalpa invokes two simultaneous notions of 'agency': narrative agency (the power of characters over outcomes, through which events can be seen as 'the fruit of one's own actions'); and moral agency ('responsibility'/*bhaar/zimmedari*, the ability to act positively in the world, understood narrowly within the legal domain as cause for guilt). Jaalpa's claiming of agency and responsibility in a detective novel implicates her into the mystery-plot, where she becomes an object – a potential suspect. But by *implicating herself*, Jaalpa activates her own agency in the narrative and thereby contests the complete objectification of the law over agency. Moreover, by objectifying herself in the language of *bhaar* and *zimmedari*, terms appropriated by the law from other kinds of non-statist, moral discourses, Jaalpa leaves open the possibility of alternative significations of these terms in a moral realm beyond the hold of the law. She thus questions the very correspondence between legality and morality that assures the law its power.

Thus enters Jaalpa as detective. For by implicating herself within the narrative, yet outside of the domain of the law, Jaalpa makes it possible to disentangle the structures in which Ramanath is bound. When she hears that Rama has become a *sarkari gawah* (government witness), she realises that underlying his actions is a profound confusion of

innocence and guilt: Rama was innocent, but believed himself guilty; in order to expiate his perceived guilt, he had committed a crime, leading to the false convictions of other innocent men. This confusion is not Rama's alone; rather, it reveals a gaping loss at the very place where law and morality ought to correspond. Jaalpa fears as much, if not more, for this loss, as she does for Ramanath's fate, as it is the loss of a whole social world struggling, as pre-Independence nationalism was, with defining morality outside of the domain of colonial law. Who can now claim rightful responsibility for any action, when the innocent can so easily become the guilty, and the guilty the innocent? Or, as Jaalpa herself wonders, "Upon whose shoulders will the blood of the innocent fall?" (119).

Thus, rather than merely trying to link up responsibility to the action of an individual (the 'criminal'), Jaalpa's action as detective is to reconsider the question of *bhaar* and *zimedari* within the broader moral context of society as a whole. Whereas under the law's hegemony these two terms were associated with *guilt*, she acts to reinvigorate their usage in terms of the excess morality they contain, which the law can only misrecognise. This excess includes responsibility as a positive relation, forming bonds and ties between individuals. To put this responsibility into practice, Jaalpa devotes her time to the family of Dinesh, one of the innocent men convicted due to Rama's false testimony:

"He has two children, a wife and a mother. All day she feeds these very children, she brings water from the river for the old woman, she does all the housework and she solicits contributions for them from wealthy men. In Dinesh's home there had been neither money nor means. His family had been in dire straits. There hadn't even been anyone to help them, or to go and give them support. Whatever friends and neighbours they had kept their mouths shut. A few of them were already close to starving. Jaalpa went there and revived them" (247).

Having written herself into the narrative as a responsibility-bearing agent, she is now able to activate that responsibility in a positive, ethical sense. This enables her to redraw the difference between innocence and guilt in extra-legal, though profoundly moral, terms.

The defence lawyer's recounting of Jaalpa's actions makes a huge impact in the courtroom during Rama's perjury trial. In this sense, when the novel ends happily, with Rama's acquittal,¹⁵ it is not because the law works, but rather because the narrative works, as a powerful and effective, non-statist mode of structuring experience. It is as if Jaalpa's radical detecting – her search for the assumptions behind the terms 'agency' and 'responsibility', and her reinvigoration of these terms with a plenitude of morality – was what was required to weaken the law's hold over other sorts of structuring claims. Her actions thus give strength to the claim of the narrative structure to determine outcomes, even when its 'decision' goes against the law. The presiding judge struggles, in his speech, to reconcile the illegality of perjury with a desire for Rama and Jaalpa to get their just due; in the moment where he must decide, these choices conflict. His ultimate acquittal of Rama marks his failure as a judge in a court of law. But the decision he makes is driven by another logic besides that of the law, introduced into the courtroom through the story of Jaalpa's actions. In this way, the final verdict is not over Rama's guilt or innocence, but rather over which of

the two structures, legal or narrative, will be allowed to prevail in the last instance. By activating the moral possibilities of the latter, Jaalpa brings about a minor victory for lived experience the law cannot grasp.

NOTES

1. Ranajit Guha. "Chandra's Death". In *Subaltern Studies V: Writings on South Asian History and Society*, ed. Ranajit Guha (Oxford University Press, 1987, New Delhi) pp. 140-41.
2. Ranajit Guha. *History At the Limit of World-History* (Oxford University Press, 2002, New Delhi).
3. Guha (1987) *op cit.*, p. 142.
4. Dipesh Chakrabarty. "Translating Life-Worlds into Labour and History". In *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton University Press, 2000, Princeton), p. 72.
5. I take my understanding of the relationship of literature to non-statist forms of historiography primarily from Ranajit Guha's discussion of Rabindranath Tagore, Guha (2002) *opcit.*
6. All citations from *Ghaban* are from the Hindi edition (Diamond Pocket Books, 2000, New Delhi). All translations are my own unless otherwise noted.
7. Indar Nath Madan. *Premchand: An Interpretation* (Minerva Book Shop, 1946, Lahore) p. 116-17.
8. V.S. Naravane. *Premchand: His Life and Work* (Vikas Publishing House, 1980, New Delhi) p. 146.
9. For a discussion of the women's question in the context of a nationalist critique of western materialism, see Partha Chatterjee, "The Nation and its Women" in *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton University Press, 1995, Princeton) pp. 116-134.
10. Madan *op cit.*, p. 52.
11. Christopher R. King. "Introduction", in *Gaban: The Stolen Jewels* (Oxford University Press, 2000, New Delhi) x.
12. *Ibid.*, x.
13. *Ibid.*, x.
14. Even before Ramanath has fled to Calcutta, the fear of arrest plagues him. When his boss tells him that his friendship has saved him thus far from the law, Rama has the following reaction: "Handcuffs! This word struck Rama's chest like an arrow. He began to tremble from head to foot. Imagining this misfortune caused his eyes to fill with tears. With lowered head, like a condemned prisoner, he slowly went to his chair and sat down, but this terrible word kept echoing around in his heart" (100).
15. It should be noted that the acquittal is not the final scene of the novel, it is only the ending of the particular thread I have focused on here. The actual ending involves the suicide of Zohra, a prostitute who had been inspired by Jaalpa's service to give up her profession. Conventionally, Zohra's death is read as a redemption, a spiritual cleansing of a polluted soul in the waters of the Ganga. However, in the context of this essay, I read Zohra's death as the marker of the limits of Jaalpa's intervention in the legal domain, which is enabled in part by Jaalpa's middle-class position as one of the future 'citizens' of independent India. Read in this way, the novel's ending implies that this model of national citizenship, however seemingly inclusive, can only exclude Zohra, whose claims to political belonging are restricted by the 'degraded' morality of her circumstances.