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The ‘Savage’, the ‘Fanatic’, and the Ambiguity: Colonial ‘Code of Pacification’, Afghan Tribes, and the Metamorphosis of the Stereotyping

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Abstract

This essay analyses the evolution of British colonial narratives about Afghanistan, highlighting the transition from depicting Afghan tribes as ‘noble savages’ to categorising them as ‘fanatics’. This study uses critical discourse analysis of historical documents to demonstrate how British officials, motivated by Islamophobia and apprehensions regarding Wahhabism, developed a narrative of Afghan ‘fanaticism’ during the mid-19th century. Far from the general conceptualisation of the tribal colonial subject as savage, this article shows that different stereotypes like ‘savage’ (primordial other stereotype) and ‘fanatic’ (medieval other stereotype) collided, contradicted, coexisted with each other and further metamorphosed into one other critical stereotype, making the colonial stereotyping a more nuanced and critical process. This distortion justified extraordinary jurisdictional and corporal punishment, leading to the creation of extra-legal legality for frontier justice in the North-West Provinces. This research examines the convergence of military orientalism, legal orientalism, and colonial knowledge production, illustrating how the dichotomy of ‘savage’ versus ‘civilised’ evolved into a new binary of ‘fanatic’ versus ‘civilised’, thereby perpetuating orientalist tropes and shaping subsequent Western interactions with the region, while making the ‘code of pacification’ a more critical process.

Colonial stereotypes sometimes emerged from the West's fervent ambition to civilise regions outside its own sphere. Despite encountering challenges, these stereotypes fostered situational notions of compassionate goodwill, ethnic retribution, and a sense of moral superiority about non-Western individuals. ‘Savage’ emerged as the essential catchphrase for this recurrent tale. Thus, disregarding geographical specificities, a pervasive ‘savage’ can be identified in Western political conceptualisations. The study of French anthropologist Joseph-Marie Degérando, titled *Considérations sur les méthodes à suivre dans l'observation des Peuples Sauvages*, offered insight into Western perceptions of savagery and included a questionnaire concerning their warfare practices. Degérando's investigation concentrated on the notions of savage courage, honour, glory, and independence, examining their definitions, characteristics, and scope (Degérando 1969: 93). In the late eighteenth and early nineteenth centuries, these traits became focal points for Western dilettante observers, allowing the Western knowledge system to bolster preexisting biases against the imagined ‘primitive’ other. During the initial phase of anthropological research (from 1850 to circa 1920), warfare was not a central theme

in the analysis of indigenous communities. As more ethnographic data became available and anthropologists engaged with 'pacified' indigenous groups in colonial settings, they found historical accounts that highlighted the state's focus on 'law and order' initiatives. This exposure to narratives of historical conquistador exploits fostered the impression that these societies possessed an inherent inclination towards violence (Otterbein 2000: 795). British military theorists, such as Callwell, consistently differentiated between engagements with indigenous or 'savage' populations and fights against adversaries perceived as belonging to a civilised civilisation. He contended that combat deemed 'savage' would automatically influence the choice of targets, as well as depend on the particular kind of opponent faced (Callwell 1996: 34). Considering cultural-strategic factors, it is essential to recognise that in situations of severe war, the main objective may not only focus on vanquishing the adversary's forces. The ethical implications of the battle often outweigh the importance of securing concrete triumphs. The activities conducted in these operations have resulted in considerable disruption that surpasses the limits established by rules regulating civilised conflict (Callwell 1996: 42). The main objective evolved into the application of harsh techniques aimed at conveying a moral lesson to those viewed as 'savage' adversaries. Charles Braithwaite Wallis, a seasoned British officer with service in India and subsequently in West Africa, articulated these severe tactics as a necessary strategy for survival, employing the very methods of the adversary (Wallis 1905: 5-6). The utilisation of brutality as a method of engagement beyond the confines of civil European territory commenced with the French 'razzia' in Algeria (Rid 2009). The principal element influencing this tendency was the established belief that individuals categorised as 'savage' have bodies remarkably resilient to physical suffering and minds notably impervious to fear. This tendency signifies an additional advancement in the ongoing perpetuation of racial discrimination. At this juncture, there was minimal distinction drawn in imperial viewpoints between the Zulu people, whom they regarded as 'savage', and the Mahdist adherents, whom they categorised as 'fanatics'. As time advanced and attention transitioned from overt military confrontation to the establishment of routine legal frameworks for 'pacification', the imperial authority further entrenched the prejudiced implications linked to these classifications.

Military orientalism, a theoretical framework associated with the cultural interpretation of western military perception, was pioneered by scholars such as Taraq Barkawi and Patrick Porter. It interprets the colonisers' preconceptions about insurmountable differences in their conceptions of non-Western enemies and their culture of war (Barkawi 2006; Porter 2013). During the war, brutalisation was uniform; however, the ongoing 'pacification' process, characterised by daily acts of coercion manifesting as legal and policing practices, has rendered the insurgent other in colonial narratives more diverse. Colonial legal discourse is inherently an 'instantaneous' reason of the state for administrative purposes, as argued by Ranajit Guha. It employs an apersonal narrative mode, utilising the aorist tense and grammatical third person, while presenting a façade of objectivity (Guha 1988: 47-65). Guha identified the vulnerabilities in the concept of neutrality, highlighting the discursive construction of colonial narratives where adjectives transform into fixed defining nouns. This transformation elevates the dispatch beyond a simple record,

revealing an underlying voice of committed colonialism that can only be understood through a framework of pacification (Guha 1988: 57-59). Military orientalism legitimises extraordinary martial violence, while legal orientalism legitimises exceptional jurisdictional and corporal punishment. Both establish their meaning and derive their justificatory authority from the 'code of pacification,' which employs racial-communal discourse to support colonialism. However, this essay aims to offer the essential solutions in this regard. While postcolonial critiques of colonial narratives failed to address the narratives' inherent inconsistencies, they did persistently attack the narratives' formative structure for stereotyping. The colonial lexicography has always been complexified since the value-added term "savage" has never been uniform and frequently took different forms of conceptualisation in different racial-ethnic, cultural, and political contexts. Noting these meaning dispersions into the more specific concepts of conflict, police, and "pacification" reveals that even within these more specific contexts, the meaning tended to depart from the broad stereotype of 'savage' and instead take the shape of affirmation or condemnation. However, owing to the several levels of colonial narrative—be it bureaucratic, personal, or imagined—the dichotomy of praising or demonising frequently switched places. Confusions existed not only across different levels, but also across different eras. Using the North-West Frontier as example, this essay will demonstrate that ideas about so-called "savage" tribes have always been fluid and constantly contradictory.

British officials across the imperial bureaucratic ladder, accompanied by their numerous scribes, have produced a significant corpus of literature intended to portray Afghans. Nevertheless, this writing unintentionally obscured rather than clarified the genuine nature of the Afghan wars. We can begin with Mounstuart Elphinstone's *An Account of the Kingdom of Caubul*, which depicts Afghanistan's ruling elite in a Persian manner, so removing it from the Pashtun kinship ties (Elphinstone 1815). Elphinstone's representation can be perceived as a romantic counter to the dominant negative perception. The principal challenge in the evolution of British imperial knowledge was the anticipated centralisation of policy, resulting in imperial leaders being swayed by the inflexible tendencies of a policy centre that imposed its interpretation of circumstances onto its agents (Bayly 2016: 5). Historically, the British government recognised the significance of honouring the sovereignty of the Afghan government in its dealings with Kabul. Nonetheless, subsequent to the commencement of the civil war in the 1860s, the British imperial viewpoint experienced a notable transformation. Beginning in the mid-19th century, there was a notable rise in the frequency of remarks and observations reflecting a bias against Islam in the Western world. The prior complexity in individual views was replaced by more expansive and generic stereotypes. How significantly did the earlier perspective diverge from the latter ones regarding its degree of criticality? Elphinstone's viewpoint on Afghans, as interpreted by an Englishman, highlights a divergence between the Anglo-Indian understanding of Afghans and the distinctive British perspective. The individual asserted that an Englishman travelling directly to Afghanistan would certainly face civil institutions marked by unpredictability and instability. If the Englishman were to travel to Afghanistan from India, he would likely gain an appreciation for the strength and dynamism of their civil institutions, as

well as their industriousness, entrepreneurial spirit, and particularly, the independence and vigour displayed by the Afghan people (Elphinstone 1815: 197-198). Nonetheless, the complex character of the situation imposed upon the Afghans a dichotomous identity, which Western officials may either regard with scorn as chaotic or commend as valiant.

Nonetheless, earlier versions demonstrated a more polite disposition towards the Afghan populace, notwithstanding their perceived distinctions. As daily conflict intensifies, this disposition will wane and be supplanted by a propensity for insightful disparagement. Unlike Elphinstone, Francis Younghusband and others engaged in the late imperial crises at the borders increasingly highlighted the supposed 'fanatic' traits of the revolutionaries. Alongside the dominant clichés emphasising the influence of Islam, authorities like him began to identify and segregate particularly fervent factions within the larger Muslim community of Afghanistan. In his work *The Story of the Guides*, Younghusband contends that Hindustani Fanatics intentionally incited their fervent neighbours to engage in actions that disturbed the peace of the border area. The aforementioned organisation undertook violent activities against villages, confiscated livestock, and inflicted harm on British individuals, thereby exacerbating the already volatile nature of the frontier, which was perpetually predisposed to conflict. The Pathan allies exhibited a lack of commitment, displaying tepid enthusiasm and then withdrew, whilst the Hindustanis remained resolute and steadfast. The warriors demonstrated a fervent and resolute demeanour as they boldly and persistently advanced (Younghusband 1918: 89-90). Younghusband, akin to many other officials of that period, differentiated between the Hindustani 'fanatics' and the Afghans, so creating a classification that distinguished the insurgents from the broader populace. This narrative includes an extra aspect, specifically the contrast between the tribal 'savage' mentality common among Afghans and the 'fanatic' radicalism seen among Hindusthani Muslims. In 1858, during his interaction with the Sittana 'fanatics', Sir Sydney Cotton noted their remarkable fanaticism. They confronted the issue with resolute conviction, adopting stances evocative of those saw in the Indian prize ring. Their approach was marked by utter quiet, lacking any audible reactions or exclamations. All participants were dressed in their nicest attire, primarily white, while a few leaders wore velvet cloaks (Anon. 1869: 231). At times, these preconceptions were so stereotyped that officials began to attribute the region's uncontrolled hostility to Muslim ways of living. British officials, such as John Wyllie, advisor to Viceroy Lord Elgin, began to characterise Afghan 'lawlessness' as a consequence of 'Muhammadan polygamy' and 'struggles for succession' (Wyllie 1874: 24). This event signified the onset of a viewpoint among official circles towards Muslims, wherein the stereotype implying a tendency for violent extremism began to take hold towards the end of the Nineteenth Century. Subsequent to the Sittana battle of 1868, a discernible shift in attitude emerged, as the prevailing belief of the inclination towards fanaticism among the general Muslim populace of Afghanistan was supplanted by a contemporary viewpoint. Mr. Temple of the Sittana campaign characterised Afghan tribes similarly:

‘...these tribes are savages, noble savages perhaps, and not without some tincture of virtue and generosity, but still absolutely barbarians nevertheless. They have nominally a religion, but Mahomedanism, as understood by them,

is no better, or perhaps is actually worse, than the creeds of the wildest races on earth.... the priests (Moollas)... use their influence simply for preaching crusades against unbelievers, and inculcate the doctrine of rapine and bloodshed against the defenceless people of the plain' (Adye 1867: 4).

Temple's analysis amalgamated the viewpoints of former officials, uncovering their hesitant respect for Afghan valour while concurrently linking it to the retrogressive elements of fanaticism; a fleeting connection between two narrative frameworks. This highlights the tendency of prevailing narratives to easily demonise the cultural 'other.' It is essential to recognise that the concept of 'fanatic' bravery is a complex term including multiple layers of interpretation. The epithet 'savage' implies a colonial notion of nobility, while 'fanatic' represents utter malevolence from the Enlightenment viewpoint, as their steadfast bravery presents a considerable danger to civilisation. Temple's remark illustrates the inherent conflict within the chronopolitics of the colonial state, which once regarded 'savage' tribes as noble while confronting their 'fanatic' opposition to state-building efforts. From this point onwards, they would begin to characterise 'Mahomedanism' as the fervent sin of the virtuous 'savage.'

Now, how did this islamophobia colour the British perspective about Afghan tribes? This has some independent variables related to Empire's other fears, like the fear of Wahhabism. Syud Ahmed Shah, recognised as a prominent proponent of Wahhabism in India, left for Afghanistan due to his discontent with Amir Khan Pindari's choice to join with British rule in India rather than striving for the Tonk throne. In the specified period, the Sittana colony and Malekh area were notable strongholds for the followers of the individual, enduring even after his death in 1830-31. Syud Ahmed's pilgrimage to Mecca through Bengal profoundly influenced lower Bengal, as it was significantly shaped by his convictions.¹ Consequently, Patna, Berelly, and Maldah emerged as prominent bastions of Wahhabi ideals within India. By the 1860s, the Hindusthani Muslim colony at Sittana emerged as a region linked to imperial apprehension. The office of the Governor General has explicitly stated that the principal aim of the campaign in Sittana is the removal of what they describe as 'the chronic case of disturbance, the Hindostanee Fanatics.'² The colonial administration in mid-Victorian India was characterised by its response to the Wahhabi scare. Julia Stephen demonstrated that the apprehension surrounding radical Islam compelled the colonial administration to resort to extrajudicial measures, leading to a succession of public trials against alleged Wahabis such as Amir and Hashmadad Khan, despite the tenuous nature of the circumstantial evidence presented (Stephens 2013). The recent resurgence of fervent extremism in Sittana has evidently stirred considerable apprehension among colonial officials, prompting them to pursue any hint of a clandestine network.

The British intelligence community possessed not only awareness of this network but also conceived a considerable segment of it. The reports were saturated with

¹ National Archives of India (hereafter NAI), New Delhi, Letter from R.H. Davies, Esq. Secretary to the Government of Punjab to the Secretary to the Government of India, Foreign Department, Political-A, Pros. March 1864, No. 14.

² British Library (hereafter BL), London, Letter from the Governor General, Foreign Department, Political Branch, No. 67, dated 4th October 1863, Abstracts of the Letters from India 1863 (Date: November 1862-December 1863), IOR/L/PS/20/CA3, p. 752.

accounts of fervent immigration to Afghanistan. The imperial apprehension concerning the network of fervent discontent that permeated the empire was increasingly reinforced by such reports. Individuals such as Maulana Inayet Ali (Hunter 1974: 47), a prominent Muslim theological leader from Patna; Muhammad Jaffir³, a notable Muslim headman of Thanesar; and Rafik Mondal (Hunter 1871: 67), a distinguished Wahhabi leader from Maldah, consistently featured in the official records. These individuals engaged in regular correspondence with the Hindustani extremists of Sittana, offering both financial support and personnel resources. The local administrations commenced a systematic endeavour to overwhelm the official records of the imperial authority with accounts of what they classified as 'fanatical' activities. In reaction, the imperial authority undertook measures to limit the influx of both people and monetary assets to the focal point of the revitalised violent Islamist movement, specifically Sittana and Malekh. An official has indicated that Moulvie Ameerooddin of Sandipa Narrainpore wielded considerable influence within the Wahhabi community in Maldah. The sermons articulated by Moulvie profoundly impacted a substantial contingent of soldiers who had engaged in the campaigns in Malekh and Sittana, and who later returned. The ongoing collection of funds in Rajshahye and Maldah for the purpose of jihad, as well as the provision of support to the 'holy warriors' across the border, is anticipated to continue for as long as this Moulvie remains free. From the individual's viewpoint, the administration was described as a Kaffir government, and he promoted sedition as a means of resistance against it. Over a prolonged period, Ameerooddin participated in the gathering of financial resources, the propagation of subversive ideas, and the organisation of recruitment initiatives intended to strengthen the membership of an extremist group functioning near the border.⁴ The previously mentioned instances compelled the authorities, who were oblivious to the considerable irregularity and restricted influx of individuals into the areas of insurgency, to continuously disseminate such narratives out of apprehension. Nonetheless, following the events of 1857, which had earlier been perceived as a Muslim conspiracy aimed at dismantling the British Empire, these disparate narratives began to wield a significant impact. In light of the disclosure regarding the 'Patna Plot', Thomas Prichard, an official, articulated his dismay at the government's lackadaisical reaction to the ominous indicators, notwithstanding the insights gleaned from the occurrences of 1857 (Prichard 1869: 161). The prevalent apprehension regarding an Islamist plot to usurp established authorities has engendered considerable international ramifications, sustaining profound anxieties about the possible worldwide supremacy of extremist Muslim groups. The prominence of the colonial information panic was marked by an undue emphasis on a conspiratorial network of individuals labelled as 'fanatics', which characterised the discourse surrounding counterinsurgency initiatives in Sittana.

The prejudice rooted in Islamophobia was intensified by a lack of local comprehension. The individuals residing in the region of Afghanistan, however, were

³ NAI, New Delhi, Letter from R.H. Davies, Esq. Secretary to the Government of Punjab to the Secretary to the Government of India, Foreign Department, Political-A, Pros. January 1864, No. 207.

⁴ West Bengal State Archive, Kolkata, Letter from J.H.Reily, Deputy Inspector-General, Special Bengal Police, to the Inspector-General of Police, Lower Provinces, No. 13ct, Bankipore, dated 16 April 1869, Judicial Proceedings, File No. 130, 35.

influenced by a pervasive atmosphere of disquiet arising from a misleading web of Hindusthani extremists. Consequently, they started to perceive the existence of this menace in multiple facets of their environment. The Chief Secretary communicated directives to the provincial authorities concerning the Bunerwally tribes of Afghanistan. The tribes, recognised as a notable assembly of Pathans renowned for their courage and military skill, were observed to possess a unique connection with the dissenters from Sittana. The Bunerwally tribes were noted for their active participation in hostilities against the British forces during the conflict with these fervent elements in 1863.⁵ In a later correspondence, Chief Secretary L. W. Dane engaged with the Chief Secretary of the Government of India, observing that the Bunerwals have preserved their traditional Pathan community traits to the present day.⁶ Upon examining the fundamental factors that contribute to this behaviour, particularly concerning their closeness to the fervent individuals, it was concluded that the Buners have consistently demonstrated a remarkable level of zeal, which was further amplified by the presence of these fervent individuals, leading to a notably enduring resistance.⁷ In instances of this nature, authorities consistently employed cultural and historical rationales to assert that tribes such as the Bunerwals were predisposed to succumbing to fanaticism because of their intrinsic characteristics. Sir C. Trevelyan, in his memorandum, stated;

‘The Bonairwals have become so bonded with their allies and co-religionists, who have come to their support, that it is extremely doubtful whether they could enter into an effectual treaty with us, even if they desired to do so. But let us not forget the Eastern barbarian policy, which has always marked contingencies of this sort, from the times of Xenophon and Crassus to those of the Afghan War and Cawnpur massacre’.⁸

The dominant view suggested that individuals with intense zeal for Hindusthani extremists were provoking the noble Afghans. It is crucial to recognise that the colonial officials perceived the valiant Afghans as not fundamentally problematic; however, they acknowledged their vulnerability to being influenced by extremist experiences stemming from deep-seated fanaticism.

In an effort to thwart the incursion of extremist elements into Afghan tribal societies, authorities forged agreements with various clans and tribes, notably the Yoosufzais, Salars, and Munsoor clans of the Judoon tribe. The agreements delineated the prohibition of settlement by any individuals, especially those classified as 'fanatics', in locales such as Sittana, Munde, and their adjacent territories (Aitchison 1909: 87-88). In an effort to distance these tribes from the Hindusthani extremists, the colonial authorities at the borders devised punitive measures aimed at those tribes linked to the extremists. In his correspondence, the secretary to the Governor General

⁵ NAI, New Delhi, Letter from the Chief Secretary to the Government of Punjab, no. 1073, dated 21st August 1897, Foreign Department, Secret-F Branch, Pros. November 1897, No. 5.5A, 17

⁶ NAI, New Delhi, Letter from Chief Secretary L. W. Dane to the Secretary of Foreign Department, dated 21st August 1897, Foreign Department, Secret-F Branch, Pros. November 1897, No. 5, 2

⁷ NAI, New Delhi, Letter from the Chief Secretary to the Government of Punjab, no. 1073, dated 21st August 1897, Foreign Department, Secret-F Branch, Pros. November 1897, No. 5.5A, 17

⁸ BL, London, Minute by Sir C. Trevelyan, dated 7th December 1864, Abstracts of letters from India 1864 (Date: 9th January 1864- 31st December 1864), IOR/L/PS/20/CA4, 67

emphasised that the 'punishment of tribes such as the Jydoons and Othmumryes should be of secondary importance', while the primary focus should be on addressing the fanatics. Furthermore, he noted that 'care must be taken to isolate' these tribes to 'prevent any attempts at cooperation with the fanatics'.⁹ The colonial authority-imposed sanctions on the tribes solely when they persisted in their associations with the fanatics, despite prior agreements established with the colonial power. In the year 1863, the Secretary to the Government of Punjab articulated that colonial official had been directed to administer collective punishment to the tribes who, despite their agreements, had not succeeded in preventing the perpetration of crimes within our territory by the agents of the fanatics.¹⁰ Consequently, colonial authority progressively reshaped the discourse surrounding the 'savage' yet valiant Afghan tribes into a narrative of religious volatility, poised to ignite at any moment if provoked by fervent co-religionists. Once the identity of the 'noble savage' was supplanted by that of the 'fanatic' or potentially 'fanatic' identity of the tribe, owing to the tumultuous nature of the Anglo-Afghan frontier issues in the 1860s, the latter would be readily assimilated into the legal discourse that followed.

The notion of a global jihad network gained considerable traction as informants began to identify mullahs as instigators of unrest. Mallampalli's assertion concerning the fabricated intelligence derived from native informants in relation to fanatics is relevant to the issues surrounding the concept of 'fanaticism' in frontier contexts (Mallampalli 2018: 214). In 1864, the colonial authority of Punjab conferred a jahgeer valued at ten thousand rupees to a Mounted Constable named Ghuzzum Khan, 'through whose efforts the collusion of the Sittana fanatics by various factions in India was uncovered'.¹¹ The local informants had evidently constructed a considerable amount of fabricated intelligence; however, their endeavours in intercepting 'fanatics' proved to be quite profitable.

The dissemination of Jihad letters by religious authorities in Afghanistan has raised apprehensions among colonial officials. In the previously mentioned correspondence, Mullah Nijamuddin of Hadda fervently urged the tribesmen living in Niugruhar, Shinwar, and surrounding areas to heed the call, as he was convinced that the moment for the elimination of non-believers had come.¹² The officials regarded these letters as the principal catalyst for the issue, rather than solely attributing it to the British incursion. In a manner akin to a political envoy from the region of Wano, a telegram was dispatched to convey the information that Mullah Powindah successfully

⁹ BL, London, Letter from the Governor General, Foreign Department, Political Branch, No. 67, dated 4th October 1863, Abstracts of the Letters from India 1863 (Date November 1862-December 1863), IOR/L/PS/20/CA3, 752-753

¹⁰ BL, London, Letter from the Secretary to the Government of Punjab to the Secretary to the Government of India, Foreign Department, Political Branch, No. 67, dated 14th November 1863, Abstracts of the Letters from India 1863 (Date November 1862-December 1863), IOR/L/PS/20/CA3, 871

¹¹ BL, London, Letter from the Government of India, Foreign Department, General Branch, dated 23rd December 1864, No. 9, Abstracts of Letters from India 1864 (Date: 9th January 1864-31st December 1864), IOR/L/PS/20/CA4

¹² NAI, New Delhi, Translation of a Letter by Mulla Najm-ud-din to the tribesmen of Niugruhar, Shinwar and other places, Foreign Department Proceedings, Secret-F Branch, Pros. November 1897, No. 2, 2.

orchestrated the convening of the jirga of Mahsuds.¹³ The widespread nature of these narratives contributed to the development of stereotypes within the cognitive framework of the British government. The intensification of these challenges was further aggravated by the inadequacies of Afghan authorities in their capacity as intermediary partners. The Amir of Afghanistan engaged in direct correspondence with the British political agent, articulating that the Muslim populace demonstrated authentic and steadfast loyalty to the Mullah.¹⁴ Islamophobia has been persistently represented in official literature, ultimately becoming intricately woven into legal terminology, as evidenced by occasional reports from local sources. The Deputy Commissioner of Peshawar noted a discernible hesitance among the local landed gentry to engage in providing testimony against their fellow villagers and co-religionists.¹⁵ The existence of community and clan solidarity has persistently acted as a significant unifying element in Afghanistan. Nonetheless, British authorities, from high-ranking officials to those of lesser status, perceived this phenomenon as a reflection of an intrinsic fanaticism within the Muslim populace of Afghanistan.

The specific instance of Sittana Fanatics ultimately resulted in the establishment of extra-legal legality for frontier justice in the North-West Provinces, representing another facet of this discursive construction. In the instances where these cases were presented, Mr. Plowden, a legal practitioner, utilised a plethora of legal texts and precedents to demonstrate that the allegations posited by the Government against the defendants for assisting the 'fanatic' militants in Malekh and Sittana were unfounded, as the conflicts transpired beyond the jurisdiction of the imperial law court, outside Government territory. In light of the judges' reticence, the imperial powers under scrutiny displayed a preordained inclination and neglected legal principles. A number of individuals contended that the continuation of the British Government's authority in India was contingent upon the execution of the few impoverished defendants implicated in this trial (Thanesari 2007: 183-184). The imperial legislation employed an unorthodox approach to ensure the robust protection of the Indian empire. In the aftermath of 1857, there was a significant increase in apprehensions regarding the actions of specific extremist groups. The Judicial Commissioner of Punjab has formally stated that these individuals were accountable for instigating the 64th Bengal Native Infantry to revolt against British colonial authority (Malik 1976: 82). Throughout that time, the 64th regiment was positioned in Peshawar. Upon receiving a communication concerning the emergence of a mutiny, Colonel John Nicholson, serving as deputy-commissioner in Peshawar at that juncture, took the initiative to partition the regiment into smaller contingents and directed them towards distant outposts. Upon examining the soldiers' personal correspondences, officials uncovered notes from their families urging them to emulate the commendable acts of defiance

¹³ NAI, New Delhi, Telegram of the political officer to the Chief Secretary of the Government of Punjab, no. 776, dated 24th August 1897, Foreign Department Proceedings, Secret-F Branch, Pros. November 1897, No. 13, 12.

¹⁴ NAI, New Delhi, Letter of Amir to the British Agent, Foreign Department Proceedings, Secret-F Branch, Pros. November 1897, No. 24, 15.

¹⁵ NAI, New Delhi, Letter of the Deputy Commissioner of the Peshawar to the Commissioner and Superintendent of the Peshawar, no. 53-C, dated 6th August 1897, Foreign Department Proceedings, Secret-F Branch, Pros. November 1897, No. 30, 18

(Beveridge 1873: 575). In the year 1867, the colonial authorities in India instituted 'An Act for the Suppression of Murderous Outrages in Certain Districts of the Punjab' as a reaction to a succession of attacks on British nationals. This legislation was designed to confront and regulate acts of violence that existing legal frameworks in the country were unable to adequately manage (Kolsky 2015). The execution of these measures led to a categorisation of a specific cohort from Afghanistan as 'fanatics', culminating in the erosion of certain rights that had been assured by colonial statutes. The distinctive legal framework established to confront the menace of 'fanaticism', which was later passed down to subsequent generations, necessitated that later Western powers perceive these areas as a realm defined by an intrinsic 'state of exception'.

Through the lens of three discursive frameworks—jurisdictional exceptionalism, the 'fanatic' mode of operation in warfare, and Islamist conspiratorial networks—the insurgencies in the North-West Provinces were perceived and addressed as 'fanatic' disturbances. It seems that the colonial authorities have transformed their narrative of 'savage versus civilised' into a new dichotomy of 'fanatic versus civilised,' potentially emerging from the framework of military orientalism, grounded in these notable parallels. The military orientalism that preceded legal orientalism conceived a novel 'fanatic' adversary, yet seldom differentiated it from the West's 'savage' other. The colonial authority classified the others predominantly as 'savage' within the framework of conflict; however, as it transitioned into the realm of 'lawfare', a protracted process of 'pacification', new conceptual adversaries emerged. The ephemeral nature of conquest-focused military engagements has been supplanted by extended peace-building initiatives, resulting in an intensification of interactions, a more nuanced discursive narrative, and an increased complexity in the understanding of the other. On one hand, it represents a departure from the crude military orientalism, while on the other, the fundamental concept of animosity-driven otherization persists, cloaked in a veneer of legal 'semblance of objectivity' under the pretext of exception. The colonial military and legal discursive narrative, rather than being disparate, form a symbiotic commentary that underpinned colonialism and prolonged orientalism within the framework of the 'code of pacification'.

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