

Singapore Symposium in Legal Theory Seminar

Trials of Sovereignty: Mercy, Violence and the Making of Criminal Law in British India

Dr. Alastair McClure, University of Hong Kong

Wednesday, 26 March 2025 | 5.00pm to 7.00pm

Lee Sheridan Conference Room, NUS Law (Bukit Timah Campus)

ABSTRACT

Trials of Sovereignty offers the first legal history of mercy and discretion in nineteenth and twentieth-century India. Through a study of large-scale amnesties, the prerogative powers of pardon, executive commutation, and judicial sentencing practices, Alastair McClure argues that discretion represented a vital facet of colonial rule. In a bloody penal order, officials and judges consistently offered reduced sentences and pardons for select subjects, encouraging others to approach state institutions and confer the colonial state with greater legitimacy. Mercy was always a contested expression of sovereign power that risked exposing colonial weakness. This vulnerability was gradually recognized by colonial subjects who deployed a range of legal and political strategies to interrogate state power and question the lofty promises of British colonial justice. By the early twentieth century, the decision to break the law and reject imperial overtures of mercy had developed into a crucial expression of anticolonial politics.

ABOUT THE SPEAKER



Alastair McClure is a legal historian of modern South Asia and the British Empire. His most recent publications have included studies of courtroom archives, corporal punishment, capital punishment, and censorship. His first book project, *Trials of Sovereignty: Mercy, Violence and the Making of Criminal Law in British India, 1857-1922*, was published in 2024 with *Studies in Legal History*, Cambridge University Press. Before joining the University of Hong Kong, he completed postdoctoral fellowships at McGill University and the University of Chicago. He also acts as the co-convenor of the Asian Legal History Seminar Series, hosted by the Department of History and the Faculty of Law, and is an associate editor for *Law and History Review*.

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