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Contentious Traditions:
*The Debate on Sati in Colonial India**

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THE ABOLITION OF SATI (widow immolation) by the British in 1829 has become a founding moment in the history of women in modern India. The legislative prohibition of sati was the culmination of a debate during which 8,134 instances of sati had been recorded, mainly, though not exclusively, among upper caste Hindus, with a high concentration — 63 per cent — in the area around Calcutta city.¹ The debate, initiated primarily by colonial officials, is regarded as signifying the concern for the status of women that emerges in the nineteenth century. Colonial rule, with its moral civilizing claims, is said to have provided the context for a thoroughgoing re-evaluation of Indian 'tradition' along lines more consonant with the 'modern' economy and society believed to have been the consequence of India's incorporation into the capitalist world system.² In other words, even the most anti-imperialist amongst us has felt forced to acknowledge the 'positive' consequences of colonial rule for certain aspects of women's lives, if not in terms of actual practice, at least at the level of ideas about 'women's rights'.

Among such reinterpreters of Indian tradition, Rammohun Roy holds a privileged place as the first nineteenth century Indian figure to publicly undertake such a critical examination of Indian heritage, both in his stand against sati and also more generally in his attempts to reformulate Hinduism. There is an enormous body

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of literature on Rammohun as the father of the so-called 'Bengal Renaissance' ranging from adulation to denunciation, to the more measured appreciation extended him by Sumit Sarkar, Rajat Ray and others, who have argued that Rammohun should be historicized.³ Sarkar believes that Rammohun's modernity is contradictory and as such reflects the objective conditions of colonial subjugation which, in his view, produces not a "full-blooded bourgeois modernity" but only a "weak and distorted caricature" of the same.⁴ In other words Sarkar sees colonialism as a partial modernizing force and warns against the simplistic application of narratives of progressive modernization to a study of nineteenth century India. This is an important intervention in the debates on modernization. However, it leaves unproblematized the content of the concepts 'tradition' and 'modernity'.

I will argue in this paper that part of the project of historically contextualizing Rammohun and nineteenth century debates on women includes specifying the notion of tradition that they seek to reinterpret. For, as I will show through analysis of the debate on sati, the conception of tradition that Rammohun contests, and the orthodoxy defends, is one that is specifically 'colonial'. My concern with the debate on sati is thus not so much with who was for or against the practice, but rather with how these ideological positions were argued. In other words, my interest is in the discursive aspects of the debate — what various sides assumed about sati, Indian society and the place of women in it, what they understood to be tradition, what counted as evidence, and so on. I will examine official and indigenous discourses on sati focussing on three documents selected out of a larger field of texts as exemplary registers of these discourses. Walter Ewer's letter to the Judicial Department written in November 1818 will represent the official position. Rammohun Roy's 1830 tract in favour of the abolition of sati and the orthodox community's petition protesting the regulation will serve as examples of the 'progressive' and 'conservative' indigenous positions respectively.

I will also examine the constitution of official knowledge about sati. Official knowledge was generated through questioning pundits resident at the courts. The interactions between pundits and judges, pundits and magistrates, are invaluable for plotting the logic of official discourse. Analysing them clarifies how the very formulation of official questions shapes the responses of pundits

and how the answers of pundits are interpreted in specific ways by officials. Such moments thus provide the grounds both for naming the discourse as 'colonial' and for questioning its premises.

Since the core argument is somewhat provocative and goes against the grain of the current historiography on social reform, I will present it first in the interest of clarity. It is crucial to add here that this paper is part of a longer project and that in the desire to further debate on the nature of the Bengal Renaissance, particularly its implications for women, I venture to include here claims that are at this stage speculative.

In this paper I will argue the following: First, that tradition is reconstituted under colonial rule and, in different ways, women and brahmanic scripture become interlocking grounds for this rearticulation. Women become emblematic of tradition, and the reworking of tradition is largely conducted through debating the rights and status of women in society. Despite this intimate connection between women and tradition, or perhaps because of it, these debates are in some sense not primarily about women but about what constitutes authentic cultural tradition. Brahmanic scriptures are increasingly seen to be the locus of this authenticity so that, for example, the legislative prohibition of sati becomes a question of scriptural interpretation. Contrary to the popular notion that the British were compelled to outlaw sati because of its barbarity, the horror of the burning of women is, as we shall see, a distinctly minor theme. Second, this privileging of brahmanic scripture and the equation of tradition with scripture is, I suggest, an effect of a 'colonial discourse' on India. By colonial discourse I mean a mode of understanding Indian society that emerged alongside colonial rule and over time was shared to a greater or lesser extent by officials, missionaries and the indigenous elite,⁵ although deployed by these various groups to different, often ideologically opposite ends. This discourse did not emerge from nowhere, nor was it entirely discontinuous with pre-colonial discourses in India. Rather, it was produced through interaction with select natives; though, as I will show, officials clearly had power over the natives in question.

This greater power had several consequences. It meant that officials could insist, for instance, that brahmanic and Islamic scriptures were prescriptive texts containing rules of social behaviour,

even when the evidence for this assertion was problematic. Further, they could institutionalize their assumptions as Warren Hastings did in 1772, by making these texts the basis of personal law. Official discourse thus had palpable material consequences, of which the constitution of personal law from religious texts is perhaps most significant from the point of view of women. The power underwriting official discourse also ensured its increasing normativity at least among the elite who were compelled, as we shall see, to take account of its key premises. I do not construe the elite as passive in this process, but as wresting these ideas to their own ends.

The claim that the discourse on sati is specifically colonial is approached through an examination of the internal dynamics of the discourse and also by drawing on the work done by Sumit Sarkar contrasting the radical rhetoric of Rammohun Roy in *Tubfatul Muwabiddin* with that of his later writings.⁶ Sarkar has discussed how Rammohun Roy moves from arguments based on reason in *Tubfat* to arguments that are increasingly reliant on brahmanic scripture. I suggest that this trajectory of Rammohun might be understood as mapping the discursive shift that accompanies colonial rule. In other words, Rammohun's appeal to the scriptures in his later work might have more to do with the colonial insistence on the centrality of scripture to Indian society than on the 'feudal' or 'semi-feudal' character of early nineteenth century Bengal.⁷ A claim that such a discursive shift occurred is, of course, far reaching and one that I can only begin to substantiate here. I hope, however, to make a convincing case that such an approach is fruitful and that it raises serious historiographical questions regarding the place of brahmanic scripture in pre-colonial India, the nature and functioning of pre-colonial legal systems and pre-British indigenous discourses on tradition and social reform. These issues seem to me to be especially compelling to an analysis of the consequences for women of such a discourse. For, as I will show, the equation of scripture, law and tradition, and the representation of women as tradition produced a specific matrix of constraints within which the question of sati was debated. This grid was fashioned out of the requirements of an expanding colonial power in need of systematic and unambiguous modes of governance, of law, for instance, and out of a particular view of Indian society. These

twin features make intelligible the nature and scope of arguments about sati, and the marginality of women to a discourse ostensibly about them.

A note on the focus and method adopted here is in order. This is not a social history of sati. I am not concerned here with what the practice of sati meant to those who undertook it,⁸ but with the definition of it generated by colonial officials and with its place and function in debates on the status of women. Further, my reading of the debate is not chronological but discursive, examining that which is specifically colonial and which unifies the superficially different analyses of sati and Indian society advanced by proponents and opponents of legislative intervention.

Walter Ewer: An instance of official discourse⁹

Official discourse on sati was prompted by deliberation on whether it could be safely prohibited through legislation. The concern with safety was premised on the belief that the practice had a basis in scripture and that interference in a religious matter might provoke indigenous outrage. Those opposed to abolition thus emphasized its 'religious' basis and the dangers of intervention, while those in favour of outlawing sati stressed its 'material' aspects (such as the family's desire to be rid of the financial burden of supporting the widow), and thus the safety of legislative prohibition. The two strategies were not mutually exclusive. For instance, abolitionists made use of both 'religious' and 'material' arguments for their position as did those in favour of tolerating sati. Indeed the interplay between the two strategies was often quite complex.¹⁰

I have demonstrated elsewhere how, even though officials differed in their attitude to sati, both those in favour of abolition and those opposed to it were united in their analysis of Indian society and sati.¹¹ Stated briefly, I argued that officials advanced their positions from within a common discourse on India whose chief features were the centrality of brahmanic scriptures, unreflective indigenous obedience to these texts and the religious nature of sati. Here I will draw on Walter Ewer, Superintendent of Police in the Lower Provinces, an abolitionist who epitomises the official discourse on sati.

Ewer proposed that the contemporary practice of sati bore little

resemblance to its scriptural model, which he defined as a voluntary act of devotion carried out for the spiritual benefit of the widow and the deceased. In reality, he argued, widows were coerced and sati was performed for the material gain of surviving relatives. Ewer suggested that relatives might save the expense of maintaining the widow and the irritation of her legal right over the family estate. Also said to apply pressure on the widow by extolling the virtues and rewards of sati were 'hungry brahmins' greedy for the money due to them for officiating at such occasions.

Even if the widow succeeded in resisting the combined force of relatives and pundits, Ewer held that she would not be spared by the crowd. According to him, "the entire population will turn out to assist in dragging her to the bank of the river, and in keeping her down on the pile."¹² Ewer thus concludes that "the widow is scarcely ever a free agent at the performance of the suttee."¹³ According to Ewer, scriptural transgressions, such as the coercion of widows or the performance of sati for material gain, could be the result of ignorance of scriptures, or might reflect conscious design on the part of relatives and pundits. In the former case sati could be abolished without provoking indigenous outrage; in the latter case, sati could not be considered a sacred act and could safely be prohibited.

Ewer's inference of the safety of abolition from instances of individuals acting by design suggests that in his view, when Hindus acted 'consciously' they could not, by definition, be acting 'religiously'. 'Religious' action is, in this perspective, synonymous with passive, unquestioning obedience. If the widow is thus construed as a victim of pundits and relatives, they in turn are seen by Ewer to act in two mutually exclusive ways: either 'consciously' that is 'irreligiously', or 'passively', that is, 'religiously.' Hence Ewer nowhere suggests that pundits and relatives could manipulate religion to their own ends. Ewer submitted that left to herself, the widow would "turn with natural instinct and horror from the thought of suttee."¹⁴ However, in his opinion, given the widow's ignorance and weak mental and physical capacity, it took little persuasion to turn any apprehension into a reluctant consent.

Having demonstrated that the actual practice bears no semblance to a religious rite, Ewer goes on to question the assumption of a scriptural sanction for sati. He points to the heterogeneity of the scriptures on the issue, demonstrating that Manu, "the parent

of Hindoo jurisprudence," did not even mention sati, but instead glorified ascetic widowhood. It is important to note that what unites both the 'temporal' and 'scriptural' aspects of Ewer's arguments is the privileging of religion and the assumption of a complete native submission to its force.

The accent on 'will' in Ewer's analysis signals the ambivalence which lies at the heart of the official attitude to sati. It suggests that within the general and avowed disapproval of the practice, there operated notions of 'good' and 'bad' satis. Good satis were those that were seen to be true to an official reading of the scriptures. It was this kind of reasoning that produced the 1813 regulation which defined sati as legal providing it met certain criteria, chief among which was that it be a voluntary act.¹⁵ The Nizamat Adalat or criminal court accordingly instructed magistrates to pay close attention to the demeanour of the widow as she approached the pyre so that officials could intercept at the merest suggestion of coercion. As a result magistrates recorded in the annual returns on sati such remarks as the following: "the widow voluntarily sacrificed herself," "ascended the pyre of her own free will," burnt "without (sic) in any way inebriated and in conformity with the Shaster."

Official approval of sati as long as it was an act of free will was also reflected in a non-horrified announcement of two satis in the *Calcutta Gazette* in 1827, at a time when it was officially maintained that fear of political repercussions was the only reason for tolerating sati. It described the widow as "having abandoned with cheerfulness and her own free will, this perishable frame," and as "having burnt herself with him in their presence with a swelling heart and a smiling countenance."¹⁶ Of course, many officials conceded the possibility of such voluntary satis only in the abstract. Ewer, offered here as the paradigmatic example, insisted that in actuality widows were incapable of consenting and must therefore be protected from pundits and crowds alike.

Analysis of official discourse makes it evident that arguments in favour of prohibiting sati were not primarily concerned with its cruelty or 'barbarity' although many officials did maintain that sati was horrible even as an act of volition. It is also clear that officials in favour of legislative prohibition were not, as it has generally been conceived, interventionists contemptuous of aspects of indigenous culture, advocating change in the name of 'progress' or

Christian principles. On the contrary, officials in favour of abolition were arguing that such action was in fact consistent with upholding indigenous tradition, even that a policy of religious tolerance necessitated intervention. And indeed this was how the regenerating mission of colonization was conceptualized: not as the imposition of a new Christian moral order but as the recuperation and enforcement of the truths of indigenous tradition. C.B. Elliot, Joint Magistrate of Bellah, expressed this sentiment when he suggested that the preamble to the sati regulation should include apposite quotations from the Hindu scriptures so that the indigenous subjects would:

rejoice in the mercy and wisdom of a government which blends humanity with justice, and consults at once the interests and prejudices of its subjects, by recalling them from practices revolting, and pronounced erroneous even by their own authorities.¹⁷

Official conception of colonial subjects held the majority to be ignorant of their 'religion.' Religion was equated with scripture. Knowledge of the scriptures was held to be the monopoly of Brahmin pundits. Their knowledge was, however, believed to be corrupt and self-serving. The civilizing mission of colonization was thus seen to lie in protecting the 'weak' against the 'artful', in giving back to the natives the truths of their own "little read and less understood Shaster."¹⁸

The arguments of officials in favour of abolition were thus developed within the ambit of 'religion.' The pros and cons of sati were systematically debated as considerations of brahmanic doctrines. In employing the scriptures to support their views, the officials were dependent on the *vyawasthas* of court pundits whose exegesis of the texts made them accessible to colonial officials. *Vyawasthas* were the written responses of pundits to questions put to them by colonial officials on various aspects of sati. However, as I shall demonstrate below, officials interpreted *vyawasthas* in particular ways so that the concept of sati produced by official discourse was specifically colonial.

Official discourse on sati rested on three interlocking assumptions: the hegemony of religious texts, a total indigenous submission to their dictates, and the religious basis of sati. These assumptions shaped the nature and process of British intervention in outlawing the practice. However, a close reading of the sources,

attentive to the nature of evidence advanced for these ideas as well as the social relations of their production, makes it possible to contest this official view.

To begin with, I suggest that the insistence on textual hegemony is challenged by the enormous regional variation in the mode of committing sati. The vyawasthas of pundits had elaborated differences by village and district, even caste and occupation, in the performance of sati: "In certain villages of Burdwan, a district in Bengal, the following ceremonies are observed,"¹⁹ or, "In some villages situated in Benares, the following practices obtain among the widows of merchants and other traders."²⁰ Local influence predominated in every aspect of sati. For instance the pundits pointed out, "She then proceeds to the place of sacrifice . . . having previously worshipped the peculiar deities of the city or village."²¹ In the face of such diversity court pundits concluded, "The ceremonies practically observed, differ as to the various tribes and districts."²² Colonial officials acknowledged these differences and instructed magistrates to allow natives to follow local custom. However, such diversity was regarded as 'peripheral' to the 'central' principle of textual hegemony.

Similarly, regional variation in the incidence of sati did not serve to challenge the assumption of the hegemony of religion, even though it did count as evidence of a material basis for sati. Colonial officials did not ignore the fact of such variation. The regulation of 1813 had recognized that in some districts sati had almost entirely ceased, while in others it was confined almost exclusively to certain castes. Despite this, officials decided to continue tolerating it, since they believed that in most provinces "all castes of Hindoos would be extremely tenacious of its continuance."²³ Whatever the justification for concluding thus in 1813, such insistence was hardly tenable once systematic data collection was begun in 1815. For it quickly became apparent that 66 per cent of sats were carried out between the area surrounding Calcutta city and the Shahabad, Ghazipur and Sarun districts. This indicates that religion was not hegemonic. Officials however continued to make this assumption, interpreting such regional variation to imply that although 'material' factors might be at play, sati was primarily a religious practice.

If the hegemony of religious texts and its corollary, an unthinking obedience to scripture, is problematized by regional variation

in the incidence and mode of performing sati, the representation of widows as perennial victims is similarly debatable. Colonial officials consistently conceptualized women as subjected, whether they were coerced or apparently willing to jump into the flames. The *Parliamentary Papers* contain several accounts of women resisting any attempt to prevent their immolation. Magistrates noted that widows would sometimes threaten relatives seeking to restrain them with the so-called legendary curse of the woman about to commit sati.

It is difficult to know how to interpret these accounts, for we have no independent access to the mental or subjective states of widows outside of these overdetermined colonial representations of them. In any case, the meaning of consent in a patriarchal context is hard to assess. Still, it is fair to assume that the mental states of widows were complex and inconsistent. Some widows were undoubtedly coerced; the decisions of others would be difficult to reduce to 'force.'

What is surprising, though, is that officials persisted in describing as victims, even women who resisted attempts to force them onto the pyre. The annual reports of sati include many instances of women being coerced. Representations of such incidents, however, do not stress the resistance of widows but the barbarity of Hindu males in their coercion. The widow thus nowhere appears as a subject. If she conceded, she was considered victimized by religion. Despite the difficulty of ascertaining the meaning of 'willing' sats, given the absence of women's voices and the historical and cultural variability of such terms as agency and subjecthood, it seems to me that the volition of some widows can justifiably be seen as equal to the resistance of others. Official response to this contradictory evidence, however, was typically to simplify it. Women were cast as either pathetic or heroic victims. The former were portrayed as beaten down, manipulated and coerced; the latter as selflessly entering the raging flames oblivious to any physical pain. Superslave or superhuman, women in this discourse remain eternal victims.

Official representations further reinforced such a view of the widow as helpless by 'infantilizing' the typical sati. The widow is quite often described as a 'tender child.' Here again, analysis of statistics on sati compiled by officials between 1815-29 fails to confirm such a picture, for a majority of sats were undertaken by

women well past childhood. In 1818, for example, 64 per cent of *satis* were above 40 years of age.

Finally, it is important to clarify that this criticism of the absence of women's subjectivity in colonial accounts is not to argue either that women died voluntarily or in any way to condone *sati*. From my perspective the practice was and remains indefensible. My interest in the representation of women is in the ways official discourse forecloses any possibility of women's agency, thus providing justification for 'civilizing' colonial interventions.

Production of official knowledge on *sati*: interaction and interrogation

It has been noted already that abolition of *sati* was made difficult by official claims that it had a scriptural basis. It is now time to examine how officials concluded this. Information about *sati* was generated at the instance, or rather insistence, of colonial officials posing questions to pundits resident at the courts. The pundits were instructed to respond with "a reply in conformity with the scriptures."²⁴ The working of colonial power is nowhere more visible than in this process. It is worth examining one such interaction in detail.

In 1805, the question of scriptural sanction for *sati* was first put to the pundits of the Nizam Adalat. Specifically they were asked: "whether a woman is enjoined by the Shaster voluntarily to burn herself with the body of her husband, or is prohibited; and what are the conditions prescribed by the Shaster on such occasions?"²⁵ The response was as follows:

Having duly considered the question proposed by the court, I now answer it to the best of my knowledge: — every woman of the four castes (brahmin, khetry, bues and soodur) is permitted to burn herself with the body of her husband, provided she has not infant children, nor is pregnant, nor in a state of uncleanness, nor under the age of puberty; or in any of which cases she is not allowed to burn herself with her husband's body.²⁶

The pundit clarified that women with infant children could burn provided they made arrangements for the care of such infants. Further, he added that coercion, overt or subtle, was forbidden. In support of his opinion, he quoted the following texts:

This rests upon the authority of Anjira, Vijasa and Vrihaspati Mooni. There are three millions and a half of hairs upon the human body, and every woman who burns herself with the body of her husband, will reside with him in heaven during a like number of years.

In the same manner, as a snake-catcher drags a snake from his hole, so does a woman who burns herself, draw her husband out of hell; and she afterwards resides with him in heaven.

The exceptions above cited, respecting women in a state of pregnancy or uncleanness, and adolescence, were communicated by Oorub and others to the mother of Sagar Raja.²⁷

The question posed to the pundit was whether *sati* was enjoined by the scriptural texts. The pundit responded that the texts did not enjoin but merely permitted *sati* in certain instances, drawing on quotes which spoke of the rewards *sati* would bring to widows and their husbands. That the scriptures permit *sati* can only be inferred from the above passage. Nevertheless based on this response the Nizam Adalat concluded:

The practice, generally speaking, being thus recognized and encouraged by the doctrines of the Hindoo religion, it appears evident that the course which the British government should follow, according to the principle of religious tolerance . . . is to allow the practice in those cases in which it is countenanced by their religion; and to prevent it in others in which it is by the same authority prohibited. (emphasis mine)²⁸

Two moves have been made in reaching this conclusion. The pundit claims that he has answered the question "to the best of my knowledge." However, his response is treated as an altogether authoritative one. Further, permission by inference is transformed into scriptural recognition and encouragement of *sati*. The formulation of colonial policy on *sati* was based on the understanding of it produced by this interaction, for this encounter generated the only legislative enactment on *sati* until abolition. The statement itself was also repeatedly recalled by officials arguing against abolition. Certainly, permission to commit *sati* was more explicit elsewhere in the scriptures. However, at issue here is not the scriptural accuracy of the pundit's response so much as the arbitrariness so typical of the official interpretation of *vyavasthas*.

This example embodies many of the key principles by which a body of information about *sati* was generated. Questions to pun-

dits were intended to establish clarity on all aspects of sati. Thus in 1813 Nizam Adalat pundits were asked to specify the precise meaning of the phrase "of tender years" in their vyavastha which claimed that a woman with a child 'of tender years' was not permitted sati. Clarification was sought by officials as to the age of the child and whether or not the child had to be weaned before its mother could commit sati.

Pundits were required to comb the scriptures and produce unambiguous scriptural support. Inferential conclusions or recourse to customary practice were only acceptable where explicit documentation was impossible. Thus Magistrate B.B. Gardiner appealed to the Sadr Nizam Adalat for a clarification of the modes of burning appropriate for various castes, since the pundit at his court had referred only to customary evidence in his response to the question. The pundits at the superior court produced a vyavastha supported by scriptural evidence. Their vyavastha was forwarded to Gardiner by officials at the Sadr Nizam Adalat with a reprimand to the district court pundit for having "referred to the custom of a country, upon a point expressly provided for by law."²⁹

Official insistence on clarity was crucial to enabling the constitution of 'legal' and 'illegal' sats. Through such continual and intensive questioning, criteria for an officially sanctioned sati were generated. Sati had to be voluntary. Brahmin women were permitted only *sabamarana*, burning with the husband's corpse. Non-Brahmin women could burn through *sahamarana* or *anoomarana* (burning with an article belonging to the husband). Sati was forbidden to women under sixteen and to women with infants less than three years. Women of the *jogi* tribe were permitted to bury themselves.

Although scriptural authority was claimed for this model, a careful reading of the *Parliamentary Papers* suggests that such authority was dubious. For example, while officials treated vyavasthas as truthful exegeses of the scriptures in an absolute sense, it is clear from reading the vyavasthas that the pundits issuing them believed them to be interpretive.

Pundits attested to the interpretive nature of their vyavasthas in a number of ways. For one thing, they often characterized their replies as textual readings: "The authorities for the above opinion are as follows." The interpretive character of the vyavasthas was

also evident from the way in which the scriptures were used: "In the above sentence by using the words 'she who ascends,' the author *must have had in contemplation* those who declined to do so,"³⁰ and "From the above quoted passages of the Mitateshura *it would appear that* this was an act fit for all women to perform." (emphasis mine)³¹ It is clear from the above that vyavasthas claimed to pronounce neither scriptural truth nor the only possible response to a given question. The corpus of texts designated 'the scriptures' made such a claim difficult to maintain. The scriptures were an enormous body of texts composed at different times. They included the *Srutis*, the *Dbarmashastras* or *Smritis* and the commentaries. The fact that the texts were authored at different periods accounted for their heterogeneity on many points, not least of which was the scriptural sanction for sati. Two pundits could thus issue vyavasthas on the same point and quote different texts or different passages from the same text to support their statement.

Official response to such heterogeneity took several forms. In general the older the text the greater was assumed to be its stature. Thus vyavasthas citing *Srutis* or *Smritis* were treated more seriously than those that referred to more recent texts. I shall return to this later. Over and above this general principle, officials sometimes recognized diversity, as in the determination and enforcement of the appropriate modes of burning for Brahmin and non-Brahmin women. At other times they acknowledged textual complexity but for practical reasons did not 'resolve' it, as for example in the considered tolerance of regional variation in the mode of conducting sati: whether the widow's body was placed to the left or right of the corpse, the direction of the pyre, and so on.

A third response was to marginalize certain vyavasthas. A telling example of such strategic marginalization was the fate of Mrityunjay Vidyalkar's vyavastha.³² Vidyalkar systematically called into question the colonial rationale of a scriptural sanction for sati. He questioned, among other things, its status as an act of virtue, since it was a practice undertaken not in the spirit of selfless absorption in the divine but with an end to reward. Although Vidyalkar was later to become vocal in his advocacy of sati, his vyavastha contained sufficient scriptural justification for its prohibition. It was, however, ignored. Such continual reinscription of sati into a scriptural tradition despite evidence to the contrary points to the specificity of meanings imposed by official reading of

the vyavasthas, and to the production of a conception of sati that is specifically 'colonial.'

The aim of official policy prior to abolition was to ensure adherence to this 'colonial' conception of a 'scripturally authentic' sati. This desire was enabled by an unambiguous definition of sati which officials sought to ensure through scrutiny of the details of its practice. Official presence was required at each sati. Magistrates were asked to tabulate data on each case; personal data on the widow, date, place, time and mode of burning. They were also given explicit instructions to "not allow the most minute particular to escape observation."³³ Such details ensured that no shastric infraction, however small, whether on the part of natives or of the functionaries policing the proceedings, could escape the official eye. Thus we have instances of the Nizamat Adalat reprimanding officers for intervening in cases where the widow and family were well within their scriptural rights in committing sati. So much for official arguments that sati was 'horrid' and its toleration merely strategic! In addition, whatever the official claims to religious non-interference, the process by which knowledge of sati was produced was specifically 'colonial' and its vigilant enforcement thoroughly interventionist. As the examples above indicate, despite the involvement of Brahmin pundits, the privilege of the final authoritative interpretation of their vyavasthas was appropriated by colonial officials. For it was the Nizamat Adalat judges, the Governor-General and his Council who determined which vyavasthas were 'essential' and which 'peripheral.' The authority of the pundits was problematic. The fact of being native simultaneously privileged and devalued them as reliable sources. The pundits were essential to 'unlocking' the scriptures for officials. But they were also believed by officials to be the "devious minority" against which it was the mission of colonization to protect the "simple majority."

Indigenous progressive discourse on sati

Rammohun Roy's first pamphlet on sati was published in 1818, five years after the colonial administration had authorised a particular version of the practice and three years after systematic data collection on sati had begun.³⁴ By this time the main features of official discourse on sati had already taken shape. Between 1818 and his death in 1832, Rammohun wrote a great deal on sati. Here I will

draw mainly, though not exclusively, on a tract published by him in 1830, a year after the abolition of sati, titled "Abstract of the arguments regarding the burning of widows considered as a religious rite."³⁵ In Rammohun's own view this pamphlet summarizes his main arguments over the years.³⁶

As the title might imply, Rammohun's discussion of sati is grounded from the beginning in a discussion of scripture. As he puts it, "The first point to be ascertained is, whether or not the practice of burning widows alive on the pile and with the corpse of their husbands, is imperatively enjoined by the Hindu religion?"³⁷ Rammohun suggests in answer to his own rhetorical question that, "even the staunch advocates for Concremation must reluctantly give a negative reply,"³⁸ and offers Manu as evidence.

Manu in plain terms enjoins a widow to *continue till death* forgiving all injuries, performing austere duties, avoiding every sensual pleasure, and cheerfully practising the incomparable rules of virtue which have been followed by such women as were devoted to only one husband. (emphasis in original)³⁹

Rammohun produces similar proof from *Yajnavalkya* of the widow's right to live with her natal or marital family on the death of her husband. Having established that sati is not incumbent on the widow, Rammohun deliberates which option, sati or an ascetic life, is more meritorious. In this he draws on the Vedas whose authority, he claims, is paramount: "From a desire during life, of future fruition, life ought not to be destroyed."⁴⁰ This, most "pointed and decisive" statement, counters in his view the claims of advocates of sati who also refer to the Vedas, but to a passage that Rammohun finds abstract and open to multiple interpretations. The sentence in question is the following: "O fire, let these women, with bodies anointed with clarified butter, eyes coloured with collyrium and void of tears, enter thee, the parent of water, that they may not be separated from their husbands, themselves sinless, and jewels amongst women."⁴¹ Rammohun points out that this passage nowhere enjoins women to commit sati and offers a reading of it as an allegory of the constellation of the moon's path. In this interpretation, butter signifies "the milky path," collyrium "the unoccupied space between one star and another," husbands "the more splendid of the heavenly bodies." Finally, allusions to ascending and entering the fire are understood as "the rise of the constella-

tions through the south-east horizon, considered as the abode of fire."⁴² Rammohun thus dismisses this, at best inferential, Vedic support for sati in favour of statements from the Vedas that explicitly recommend ascetic widowhood.

Rammohun then considers the *Smritis* which he designates as "next in authority to the Vedas."⁴³ The *Smritis* are seen to be ordered hierarchically, with *Manu* heading the list as the text "whose authority supercedes that of other lawgivers."⁴⁴ Since *Manu* has already been shown to approve of ascetic widowhood, Rammohun turns his attention to those *Smritis* like *Ungira* and *Hareet* that do appear to place a positive value on sati. Rammohun notes a passage from *Ungira* exalting a widow who commits sati as equal to Arundhati, but dismisses its recommendation of sati as inferior since it is avowedly a "means to obtain future carnal fruition"⁴⁵ and as such occupies a lower rung in the spiritual hierarchy of acts.

Having demonstrated that sati is not commanded by the scriptures and argued that, even where it is presented as an option, it is decidedly of inferior virtue as an act undertaken to procure rewards, Rammohun concludes his tract by considering "whether or not *the mode of concretion* prescribed by *Hareet* and others was ever duly observed." (emphasis in original)⁴⁶ Rammohun points out that "these expounders of law" require the widow to voluntarily ascend the pyre and enter the flames. In his opinion violation of either of these provisions "renders the act mere suicide, and implicates, in the guilt of female murder, those that assist in its perpetration."⁴⁷ Rammohun, like colonial officials, is here concerned with the thorny question of the widow's will. His view is similar to that of Ewer. He claims "no widow ever voluntarily ascended on and entered into the flames in the fulfilment of this rite." (emphasis in original.)⁴⁸ No wonder, he says, that those in favour of sati have been "driven to the necessity of taking refuge in *usage*, as justifying both suicide and female murder, the most heinous of crimes." (emphasis in original.)⁴⁹

It is clear even from this brief discussion that Rammohun's discourse shared key features with official discourse on sati. His case for abolition was grounded primarily in a discussion of the scriptures. Both his first and second pamphlets on sati, in which Rammohun stages dialogues between an advocate and opponent of sati are debates on how the scriptures are to be interpreted. The oppo-

nent in both instances takes up, and seeks to demolish, the arguments put forward by advocates of the practice regarding its scriptural foundation. In January 1830, Rammohun joined together with 300 Calcutta residents in presenting a petition to Governor-General William Bentinck in support of the regulation prohibiting sati that had been enacted on December 4, 1829.⁵⁰ The petition offers further evidence that sati is not legitimized by scripture. Rammohun and the petitioners argue that sati originated in the jealousy of certain Hindu princes who, to ensure the faithfulness of their widows, "availed themselves of their arbitrary power, and under the cloak of religion, introduced the practice of burning widows alive."⁵¹ According to them the princes then sought to legitimize the practice: "by quoting some passages from authorities of evidently inferior weight . . . as if they were offering female sacrifices in obedience to the dictates of the *Shastras* and not from the influence of jealousy."⁵² Elsewhere in his writings, Rammohun gives further evidence for regarding sati as a material practice, relating its greater incidence in Bengal to women's property rights under Dayabhaga law.⁵³ Rammohun suggests that such worldly interests are responsible for women being fastened onto the pyre in "gross violation" of the *Shastras*.

At first glance Rammohun does not seem to share the ambivalence that I have argued is characteristic of official attitudes to sati. This ambivalence, I have suggested, sorts *satis* into good and bad ones, the former being those that are properly voluntary, the latter those involving coercion. By contrast, there is neither qualified approval nor fascination for sati in Rammohun's writings. Indeed Rammohun's analysis of Hindu women's status in society is extremely sophisticated for its understanding of what we now call male domination. For instance, in Rammohun's second conference between an advocate and opponent of sati, the opponent sharply criticises the advocate for imputing faults to women "not planted in their constitution by nature" and then persuading others "to look down upon them as contemptible and mischievous creatures, whence they have been subject to constant miseries."⁵⁴ The opponent also proposes that men have taken advantage of their greater physical strength relative to women, to deny "them those excellent merits that they are entitled to by nature, and afterwards they are apt to say that women are naturally incapable of acquiring those merits . . ."⁵⁵ Rammohun was thus clearly cognizant of the societal

basis of female subjugation.

Yet, even in this rousing defence of the character of Hindu women, there is evident a certain ambivalence towards sati. Sati functions both as the act confirming the stoicism of women and as the practice that epitomises their weakness. Thus, of the accusation that women lack resolve, the opponent has this to say:

You charge them with want of resolution, at which I feel exceedingly surprised: for we constantly perceive, in a country where the name of death makes the male shudder, that the female from her firmness of mind offers to burn with the corpse of her deceased husband.⁵⁶

Here Rammohun seems to concede the possibility of 'voluntary' sati. Not only that, he implies that women undertaking sati exhibit heroism and resolve; that sati exemplifies women's strength of mind and character. However, in the very next paragraph Rammohun cites the example of sati to make the opposite claim: the vulnerability of women.

One fault they have, it must be acknowledged; which is by considering others equally void of duplicity as themselves, to give their confidence too readily, from which they suffer much misery, even so far that some of them are misled to suffer themselves to be burnt to death.⁵⁷

In this instance sati is offered as testimony to women's naiveté, a weakness that is said to make them overly trusting of others. In pointing to the way Rammohun draws on sati to make contradictory claims about women, I am not 'accusing' Rammohun of 'approving' of sati. Rather, I suggest that, even for the staunchest abolitionist, the *idea* of sati continues to provoke ambivalence. This ambivalence is enabled by the construction of woman as either supreme being or victim. It would not have been as credible given a more complex notion of female subjectivity. This discursive construction of sati and of women makes it possible to mobilise the practice to make diametrically opposite claims.

The conservative discourse on sati : the orthodox petition to Bentinck⁵⁸

Whatever ambivalence may have marked 'liberal' discourses on sati is strikingly absent from the conservative writings on the subject, which openly eulogize the practice as one willingly undertaken by devout Hindu widows.

Under the sanction of immemorial usage as well as precept, Hindoo widows perform of their own accord and pleasure, and for the benefit of their husband's soul and their own, the sacrifice of self immolation called suttee, which is not merely a sacred *duty* but a high privilege to her who sincerely believes in the doctrines of their religion; and we humbly submit that any interference with a persuasion of so high and self-annihilating a nature, is . . . an unjust and intolerant dictation in matters of conscience . . . (emphasis in original)⁵⁹

Eulogy is, however, not the petition's main focus. The burden of the orthodox argument was to demonstrate that the East India Company's criminalizing of sati was based on an erroneous reading of the scriptures. This is hardly surprising since, as we have seen, the entire debate turned on the issue of sati's scriptural grounding. The orthodox argument did, however, differ in one respect from that of Rammohun and most colonial officials: it assigned a relatively greater weight to custom. The petition claimed that ". . . the Hindoo religion is founded, like all other religions, on usage as well as precept, and one when immemorial is held equally sacred with the other."⁶⁰ Thus while Rammohun privileges scripture over custom, criticizing his opponents for "being driven to the necessity of taking refuge in *usage*"⁶¹ the orthodox petitioners argued that the antiquity of Hinduism implied an equal status for both. Nevertheless, despite this claim they proceed to argue their case almost exclusively in terms of scripture.

The orthodox strategy was to undermine the credibility of scriptural interpreters held in esteem by the colonial administration, among them Rammohun, as well as the validity of their interpretations regarding the textual basis for the prohibition of sati. The petition charged the government with deriving their interpretations from apostates.

But we humbly submit that in a question so delicate as the interpretation of our sacred books, and the authority of our religious usages, none but pundits and brahmins, and teachers of holy lives, and known learning, ought to be consulted . . . not . . . men who have neither any faith nor care for the memory of their ancestors or their religion.⁶²

Pundits and Brahmins are proposed as authoritative interpreters and the differences of opinion between them reduced to an opposition between believers and unbelievers. The petition was signed by 800 persons and included pundits of the Government Sanskrit

College, Supreme Court, Nizamat and Diwani Adalat. As we know, the claim that the government was dependent on unbelievers like Rammohun is without basis, since officials had relied primarily on their pundits at the civil and criminal courts where many of the signatories were employed.

The petition was accompanied by a "paper of authorities" signed by 120 pundits presenting scriptural evidence in favour of sati or, in the words of the petition, "the legal points declaring the practice of suttee lawful and expedient."⁶³ The enclosure sets out objections to the chief arguments of those who advocate the prohibition of sati: that asceticism has greater value than sati, that sati brings temporary rewards, while ascetic widowhood holds the promise of permanent bliss, and that Manu recommends asceticism and has priority over other *Smritis* since his text "is immediately originated from Sruti."⁶⁴

In response to the suggestion that ascetic widowhood is more highly recommended than sati, the petition quotes *Manu* as cited in *Nirnaya Sindhu*: "On the death of her husband, if, by chance, a woman is unable to perform concretion, nevertheless she should preserve the virtue required of widows."⁶⁵ Here, the petitioners claim, "the order of meaning has preference over that of reading,"⁶⁶ in other words, that ascetic widowhood is a secondary option and one intended for women unable to perform sati. Thus they conclude, clearly overstretching their case, "It appears from the *Shastra* that the first thing which a widow ought to do is to ascend the flaming pile."⁶⁷

The second objection to sati as producing only temporary bliss, is countered with the observation that asceticism is also a "gradual step for final beatitude" and while sati involves only "short term suffering" and delivers "heavenly blessings," ascetic widowhood subjects women to "labouring under austerities for a long time."⁶⁸ The greater 'spiritual' value of ascetic widowhood is thus contrasted negatively with what petitioners see as the greater and prolonged material suffering it implies for widows.

Finally, the following case is outlined for why the absence of a positive injunction to sati in *Manu* presents no particular problem for its scriptural status. Firstly it is pointed out that many acts currently performed in society such as Durga puja or *dola jatra* (religious performance) have no basis in *Manu* and yet their performance is not believed to be inconsistent with scripture; indeed

their non-performance would be regarded as sinful. It is interesting to note that although the petition begins with a general argument for regarding custom as equally important as scripture, this is the only point on which customary support is cited. In any case, the petition continues, the absence of sati in *Manu* cannot be construed as an argument against it. The *Dattaca Chandrika* is offered as positing the opposite — that "non-prohibition constitutes sanction." Finally, the petition ingeniously proposes, if copies of the *Institutes of Manu* in Bengal neglect to mention sati, this cannot be supposed to be the case generally, for it suggests:

the text has been omitted by the mistake of the printers, for the authors of the Nirnaya Sindhu and other works, which are most prevalent in Dravira and other countries, quoted the following text of Manu: "A widow may either practice austerities or commit herself to the flame." (emphasis in original)⁶⁹

A printing mistake is thus made accountable for the status of sati in Manu's text in Bengal!

The petitioners wrap up their case for regarding sati as a scriptural practice, by returning to a consideration of interpretive principles. They suggest that the fragment from the *Rig Veda* "let not these women be widowed . . ." (the passage that Rammohun debunks as obscure) implies that sati was conformable to *Sruti* and proposes that where *Sruti* and *Smriti* conflict, 'the former has preference over the latter.'⁷⁰ Thus they conclude that "it is unobjectionable that concretion, being enjoined by the Sruti, which is the most prevalent authority and original of all the Smritis, must be performed."⁷¹ Where Rammohun prioritises *Manu Smriti* as a founding text containing "the whole sense of the Veda" and insists that no code be approved which contradicted it, the orthodox petition argued the absolute priority of *Sruti* in every case, although within the *Smritis*, *Manu Smriti* is conceded a premier position.

A common discourse on sati

It is evident from the foregoing discussion of the official and indigenous arguments for and against sati that, whatever their attitudes to the practice, all participants in the debate on abolition held in common certain key ideas about sati and Indian society, and

employed rather similar procedures for arguing their case. Advocates both for and against sati grounded their case in a discussion of brahmanic scriptures, with opponents endeavouring to prove that sati had no clear scriptural status and proponents contesting these conclusions. One could analyse these arguments for logical consistency and conclude that by and large the orthodox pro-sati lobby had a weak case and resorted to disingenuous and facile arguments to make its point. One could also conclude appropriately that the use of scripture was strategic; each side read the texts in a manner that supported its ideological position. However, given my interest in the discursive aspects of the debate, I will adopt a different focus. I will elaborate the internal logic and parameters of the discourse, examine the kinds of arguments admissible within it, and the ideological implications of these for arguing for an improved status for women.

From this perspective what is interesting is the fact that the entire issue was debated within the framework of scripture. In other words, however clumsy or unconvincing the use of scripture in a particular argument, what is significant is the explicit coding of arguments as scriptural. Even Rammohun, commonly regarded as the first modern champion of women's rights, did not base his support for abolition on the grounds that sati was cruel to women. He did of course develop critical analyses of the status of women in India of a more 'secular' variety, but these are marginal to his arguments against sati.

Not only did colonial officials and the indigenous male elite consider the issue mainly in terms of religious texts, they also shared, with minor differences, remarkably similar ideas of what counted as evidence. Scriptural evidence was consistently treated as superior to evidence based on custom or usage. Thus officials ordered pundits to revise *vyavasthas* that depended on customary practice, and the orthodox petition abandoned customary evidence even though it claimed an equivalence between scripture and usage.

Officials and the indigenous elite also shared general principles for ordering the enormously heterogeneous and unwieldy corpus designated 'the scriptures.' These were ranked as follows: *Srutis*, *Smritis* or *Dbarmasbastras*, and commentaries. The *Srutis*, including the Vedas and the *Upanishads* were placed at the apex since they were believed to have been transcriptions of the revealed

word of God. Thus the anti-sati petition describes the *Sruti* as "the most prevalent authority, and original of all the Smritis."⁷² Next in line were the *Smritis* or *Dbarmasbastras*, texts supposed to have been written by particular sages. *Manu Smriti* is conceived as the most important among these. Thus Rammohun quotes approvingly Sir William Jones' description of *Manu* as a "system of duties, religious and civil, and of law, in all its branches, which the Hindoos firmly believe to have been promulgated in the beginning of time by Menu . . . a system so comprehensive and so minutely exact, that it may be considered as the institutes of Hindoo law."⁷³ As we have seen, Ewer also regards *Manu* as "the parent of Hindoo Jurisprudence." The orthodox petitioners are less vociferous about the founding status of *Manu*, for their argument for sati was complicated by the text not having addressed the issue. However, they indirectly concede the importance of *Manu*, at least in this debate, by their great pains to prove that *Manu's* neglect of the issue does not compromise the stature of sati, even going so far as to suggest that the text outside Bengal does contain references to concremation. The problematic status of *Manu* for their perspective also prompts the orthodox community to insist on the priority of *Sruti* over *Smriti* in case of conflict. By contrast, given the value of *Manu* to his position, Rammohun holds *Manu* to override *Sruti* although elsewhere — in his reformulation of Hinduism for instance — it is to the *Upanishads* that he turns.

Another interpretive principle that marks the reading of scripture is the greater value assigned to passages that were explicit in their references to sati. The more literal a passage, the more authoritative its value as evidence. Thus, as we have seen, Rammohun rejects a passage from the *Rig Veda* for being too abstract, while colonial officials reject the testimony of pundits that is in their view based on "mere inference." The orthodox lobby is less committed to literalness since it does not serve them.

To recapitulate, whatever their stands on the prohibition of sati, colonial officials and the indigenous male elite agreed that scripture overrode custom, that explicit scriptural evidence had greater weight than evidence based on inference and that, in general, the older the text the greater its value. This privileging of the more ancient texts was tied to another discursive feature: the belief that Hindu society had fallen from a prior Golden Age. We have noted how the ideology of abolition conceived the prohibition of sati as a

restorative act that returned to natives the 'truths' of their own tradition. Bentinck spells this out in his response to the orthodox petition when he claimed that the regulation, by enabling ascetic widowhood, only enforced that which was "commanded above other course [sic] in books usually considered of the highest authority . . . and stated to be adapted to a better state of society; such as by the Hindoos, is believed to have subsisted in former times."⁷⁴ Bentinck goes on to note that, by practising ascetic widowhood, widows could be true both to the laws of government and to "the purest precepts of religion."⁷⁵ Further, according to Bentinck, the widows would provide "an example to the existing generation of that good conduct which is supposed to have distinguished the earlier and better times of the Hindoo people."⁷⁶

Rammohun also subscribed to the notion that nineteenth century Indian society represented a decline from an earlier greatness. In thanking Bentinck for the prohibition of sati he notes his satisfaction "that the heinous sin of cruelty to females may no longer be committed, and that the ancient and purest system of Hindu religion should not any longer be set at nought by the Hindus themselves."⁷⁷ This notion of a fall from grace is also manifest in the claims made, by officials and by Rammohun, that the apparent scriptural legitimacy of sati was secured by tampering with the texts, or as Rammohun put it, by "interpolations and inventions, under the name of traditions."⁷⁸ According to Rammohun this necessitated a return to the 'original' texts, in this instance *Manu*, "the only safe rule to guard against endless corruptions, absurdities, and human caprices."⁷⁹ It can be argued that this desire to restore the original texts contributed to the general neglect in the debate on sati, of the commentaries written between the eleventh and eighteenth century. The theme of glorious past/degraded present is less prominent in the writings of the orthodoxy since their claim is that sati is part of the original canon and not an 'accretion.' Even so, this idea of a fall grew to be crucial to nineteenth century indigenous discourses, 'progressive' and 'conservative,' and was to intersect with the idea that Britain rescued Hindu India from Islamic tyranny, to produce specifically 'Hindu' discourses of political and cultural regeneration. I will return to this issue below.

I would now like to relate this discussion of the details of the debate on sati to the argument set out at the beginning of this

paper, namely, that the concept of tradition is reconstituted in the nineteenth century, that women and scripture are the terms of its articulation and that this development is specifically colonial. So far, I have tried to demonstrate this historical specificity with reference to the process by which knowledge about sati was produced, the ideas that were central and marginal to this process and the ways in which these ideas shaped the main arguments advanced by proponents and opponents of sati both indigenous and official.⁸⁰

My argument regarding the historical specificity of this discourse can also be made from another angle, by contrasting Rammohun's rhetoric in *Tubfatul Muwabiddin* with that employed by him in the sati debate. I am drawing here on the excellent work of Sumit Sarkar⁸¹ who has argued that the Bengal Renaissance should be regarded "not as a 'torch' race . . . but as a story of retreat and decline."⁸² This decline is examined by Sarkar in terms of what he sees as the increasing conservatism of Rammohun's later writings. Sarkar discusses how Rammohun's argument for monotheism in *Tubfat* is developed rigorously in terms of reason and the criterion of social comfort.

Only three basic tenets—common to all faiths and hence "natural" are retained: belief in a single Creator (proved by the argument from design), in the existence of the soul, and faith in an afterworld where rewards and punishments will be duly awarded — and even the two latter beliefs are found acceptable only on utilitarian grounds. Everything else — belief in particular divinities . . . faith in divinely inspired prophets and miracles . . . "the hundreds of useless hardships and privations regarding eating and drinking, purity and impurity, auspiciousness and inauspiciousness" is blown up with relentless logic.⁸³

Sarkar observes that Rammohun in *Tubfat* comes "perilously close to the vanishing point of religion,"⁸⁴ a position he draws back from in his post-1815 arguments for monotheism, which are primarily grounded in a reinterpretation of the *Upanishads*. As Sarkar puts it, "the claims of reason are now balanced and increasingly limited by Upanishadic authority as well as by a conservative use of the social comfort criterion."⁸⁵

From my perspective, what is significant is that the shift in Rammohun's rhetoric parallels his increasing involvement with colonial presence. It is known, for instance, that Rammohun did not know much English at the time of writing *Tubfat* in 1803-4. He was at the time employed by Thomas Woodforde in a private

capacity at Murshidabad. In 1805 he is said to have formally entered East India Company service under John Digby. There is much controversy over the chronology of key events in Rammohun's life⁸⁶ and in any case problems of 'influence' are complex and do not lend themselves to dating in any simple sense. However, one can agree with Rajat K. Ray, that the evidence suggests that the "three main influences in Rammohun's thought — Persian, Vedantic and occidental — were imbibed by him successively, strictly in that chronological order."⁸⁷ I would argue that although this may have been the chronological order in which Rammohun encountered these various systems of thought, their influence on him was not cumulative but that he reinterpreted his earlier ideas in terms of the occidental. In other words, the move from a trenchant critique of religion to a strategy which argued for social reform in terms of the scriptural was related to the emerging dominance of an official western discourse on India, a discourse of moral superiority that acknowledged India's greatness but only in terms of her scriptural past.

This colonial discourse not only privileged brahmanic scriptures as the key to Indian society, it distinguished sharply between the 'Hindu' and the 'Islamic,' conceiving of these as mutually exclusive and autonomous heritages. Once again Rammohun's own history is suggestive, for as Sarkar points out, "The Hindu intelligentsia of nineteenth century Bengal (and maybe Rammohun, too, to some extent, after he had mastered English) turned their backs entirely on....[the] secularism, rationalism, and non-conformity [of] pre-British Muslim ruled India. . . ."⁸⁸

The centrality and importance given to brahmanic scripture by the British and the construction of 'Hindu' law from these texts raises the question of the relationship between brahmanic scripture and society in pre-British India. The British saw themselves as resurrecting an ancient tradition that had been interrupted by the corruption of preceding centuries, but was this in fact the case? Were brahmanic scriptures the basis of law in pre-colonial India? D.D. Kosambi, among others, argues otherwise.⁸⁹ Kosambi is sharply critical of the British 'brahmanising tendency' which ignored the laws enforced by caste *sabbas* (associations) and focussed exclusively on brahmanic texts for the formulation of 'Hindu' law.⁹⁰ It seems to me that we must pose the following questions: Have brahmanic texts always been prioritized as the

source of law? To what extent have pundits been monopolists of scriptural knowledge as officials and Rammohun have claimed? Did this access to scripture give them social or political power? Put another way, did their access to scripture matter? What use of scripture was made by the caste councils that were said to have handled most cases? Is the development of a legal discourse on scripture a colonial phenomenon?⁹¹

There is interesting evidence in the materials presented here, that in the beginning at least, the responses of pundits appointed to the court did not reflect the kind of authority that colonial officials had assumed, both for the texts and the pundits. As I have discussed, the vyavasthas did not claim to state scriptural truths. Pundits qualified their responses as opinions, their readings as interpretive. In other words their authority was by their own admission circumscribed. Further, vyavasthas drew equally on custom as on scripture, although such responses were invariably treated as marginal and pundits required to revise them. By contrast there is nothing tentative about the 1830 orthodox petition, no qualifiers prefacing textual excerpts. To the petition is attached "a paper of authorities" described as "A translation of a *decision of the legal points* declaring the practice of suttee lawful and expedient." (emphasis mine)⁹² The *Astic Journal*, in reporting the submission of this petition to William Bentinck, remarks that it is "accompanied by legal documents." (emphasis mine)⁹³ Here the equation between scripture and law is complete.

Equally significant in its ideological consequences for women was the equation of tradition with scripture. As we have seen, colonial officials, Rammohun Roy and the orthodox Hindu community all deliberated the matter of sati in terms of religious texts. The scriptures, or rather various versions of them, provided the basis for arguments for and against the practice. Given that the debate on sati is premised on its scriptural and, consequently, its 'traditional' and 'legal' status, it is little wonder that the widow herself is marginal to its central concerns. The parameters of the discourse preclude this possibility. Instead women become sites upon which various versions of scripture/tradition/law are elaborated and contested. It is thus that the alternatives to sati are also drawn from the scriptures. There is after all nothing necessarily logical or inevitable about ascetic widowhood as an option. Why

widowhood? Why *ascetic* widowhood? Why not an argument for widow remarriage?⁹⁴

The fundamental importance given to scripture in the debate on sati raises the following question: in what ways can it be regarded as an instance of a 'modernizing' discourse? It is clear that the debate was not conducted along lines that are normally held to constitute the modern. It was not a secular discourse of reason positing a morality critical of 'outmoded' practices and a new conception of 'individual rights.' By contrast, as we have seen, at the ideological level the debate was a scriptural deliberation of the legitimacy of sati that was critical of its contemporary form for not being, in a sense, 'outmoded enough,' not true to its original principles. (One must of course insist on the equally mythic status of this so-called original sati.)

The discussion of the rights of women as individuals is also absent except insofar as it is posed indirectly in the context of the widow's will. As we have seen, this will is conceded primarily in the abstract and only reluctantly, and by a few, in practice, thus justifying interventions on the widow's behalf, whether by the European official or the indigenous male social reformer. However, whatever the scepticism regarding the widow's subjecthood, this concern with individual will may itself be read as suggesting the modernity of this discourse.

But the discourse on sati was also modern in another more important sense: it was a modern discourse on tradition. It exemplifies late eighteenth century colonial discourses that elaborated notions of modernity against their own conceptions of tradition. I suggest, in other words, that what we have here is not a discourse in which pre-existing traditions are challenged by an emergent modern consciousness, but one in which both 'tradition' and 'modernity' as we know them are contemporaneously produced. The modernity of this discourse on tradition needs to be more fully recognized.

Tradition in this discourse is posited as a timeless and structuring principle of Indian society enacted in the everyday lives of indigenous people. 'Tradition,' interchangeable for the most part with 'religion' and 'culture,' is designated as a sphere distinct from material life. It is thus that officials can speak of returning to natives the truth of traditions that had been interrupted by the 'Islamic interlude.' This conception is also evident in Ewer's arguments that

when Indians acted religiously they acted passively, and in his legitimization of intervention in sati given evidence for it as a material practice.⁹⁵

There are two consequences to this concept of culture or tradition as a transhistorical and ubiquitous force acted out by people. Firstly, it produces analyses of sati in purely 'cultural' terms that empty it of both history and politics. Secondly, this notion of culture effectively erases the agency of those involved in such practices. However, as we noted in Ewer's description of how the widow is dragged to the river, not everyone involved in a sati is seen to be equally subjected to the imperatives of culture. Family members, especially the males, and the pundits present at the pyre are given alternate subject positions. The former are often seen to be acting in their own interest, the latter almost always so. Such interest is always coded as corrupt and to the detriment of the widow. Even so, within the general subjection of all indigenous people to 'religion' or 'tradition,' men are offered some measure of will.

Not so the widow. She is consistently portrayed as either a heroine — entering the raging flames of the pyre with no display of emotion — or an abject victim — thrown upon the heap, sometimes fastened to it by unscrupulous family members or pundits. We saw both these in Rammohun's descriptions of sati. These poles, 'heroine' and 'victim' preclude the possibility of a complex female subjectivity. Indeed, given the definition of tradition operative in the discourse on sati, the portrayal of the immolated widow as heroine merely rewrites her as victim of an higher order: not of man but of God (or religion). This representation of the widow makes her particularly susceptible to discourses of salvation, whether these are articulated by officials or the indigenous elite. It thus comes as no surprise that both offer to intercede on her behalf, to save her from 'tradition,' indeed even in its name.

We can concede then, that women are not subjects in this discourse. Not only is precious little heard from them, but as I have suggested above, they are denied any agency. This does not, however, imply that women are the objects of this discourse; that this discourse is *about* them. On the contrary, I would argue that women are neither subjects nor objects, but rather the ground of the discourse on sati. For as we saw, analysis of the arguments of participants very quickly indicates that women themselves are marginal to the debate. Instead, the question of women's status in

Indian society posed by the prevalence of widow burning becomes the occasion for struggle over the divergent priorities of officials and the indigenous male elite.

Indeed, as the nineteenth century progresses, at a symbolic level, the fate of women and the fate of the emerging nation become inextricably intertwined. Debates on women, whether in context of sati, widow remarriage or *zenanas* (seclusion of women), were not merely about women, but also instances in which the moral challenge of colonial rule was confronted and negotiated. In this process women came to represent 'tradition' for all participants: whether viewed as the weak, deluded creatures who must be reformed through legislation and education, or the valiant keepers of tradition who must be protected from the first and be permitted only certain kinds of instruction. For the British, rescuing women becomes part of the civilizing mission. For the indigenous elite, protection of their status or its reform becomes an urgent necessity, in terms of the honour of the collective — religious or national. For all participants in nineteenth century debates on social reform, women represent embarrassment or potential. And given the discursive construction of women as either abject victims or heroines, they frequently represent both shame *and* promise.⁹⁶

Tradition was thus not the ground on which the status of woman was being contested. Rather the reverse was true: women in fact became the site on which tradition was debated and reformulated. What was at stake was not women but tradition. Thus it is no wonder that even reading against the grain of a discourse ostensibly about women, one learns so little about them. To repeat an earlier formulation: neither subject, nor object, but ground — such is the status of women in the discourse on sati.

I suggest that part of what enables this intimate interlocking of women and tradition is that this was a discourse of salvation: a recuperation of authenticity and purity, a vigorous protection of the weak and subordinated aspects of culture against their corrupt manipulation by the strong and dominant. We can see how easily this conception of tradition can intersect with patriarchal notions about women as pure, weak and submissive to produce a discourse in which both are intimately interwoven.

Epilogue

We have accepted for too long and at face value, the view that colonization brings with it a more positive reappraisal of the rights of women. It is of course true that women become critical matter for public discourse in the nineteenth century. But does this signify concern for women, or do women become the currency, so to speak, in a complex set of exchanges in which several competing projects intersect? The contemporary example that illustrates an analogous situation — and one which also exemplifies the continuing persistence of colonial discourse — is the Shahbano case. On April 23, 1985 the Supreme Court of India in the *Mohammed Ahmed Khan vs Shabbano Begum* case gave divorced Muslim women the right to lifelong maintenance. Mohammed Khan, Shahbano's ex-husband had contested her claims for maintenance insisting that he had, according to Muslim personal law, supported her for three months after their divorce. The Supreme Court stressed that there was no conflict between its verdict and the provisions of Muslim personal law which, in its view, also entitled women to alimony if they were unable to maintain themselves. The judgement has sparked off nationwide controversy on the question of religious personal law and the desirability or otherwise of a uniform civil code. The Shahbano case dramatizes the working of the woman-tradition-law-scripture nexus, now complicated by a political environment that is blatantly communal.

The Shahbano affair has raised many of the same questions as the debate on sati: issues of scriptural interpretation, the relation between scripture and society, the role of protective legislation for women, the tension between Shahbano as an individual and Shahbano as a member of a community. Still current, though challenged by feminists and other progressives, is the notion of women and scripture as repositories of tradition. There are also important differences. Shahbano initiated legal action against her husband, while intercession in sati was undertaken not by widows but on their behalf. In addition, there has been active participation by women and feminists in the debate, and a successful pushing of the parameters of the discussion, so that it has not (unlike sati) developed merely, or even primarily, as a scriptural issue.

Despite this, elements of an earlier colonial discourse haunt the debate and entangle it. Communalism, whose emergence is inex-

trically linked with colonialism, conditions what strategies are appropriate in the case at the present time. We are required to maintain a delicate balance. On the one hand we need to counter the arguments of Muslim fundamentalists who claim that 'an attack on Muslim personal law is an attack on the Muslim community as such.' (One can see in this claim, the equation between law, scripture and the integrity of religious identity that underwrote the colonial ideology of so-called 'non-interference,' an equation that was later key to the arguments of the indigenous orthodoxy in favour of sati.) Simultaneously, we need to challenge disingenuous Hindu fundamentalists and others who, carrying on the civilizing mission, are lamenting the fate of Muslim women and demanding that they be brought 'into the twentieth century.' (The echoes of colonial rhetoric here are too obvious to labour.)

One progressive response to the Shahbano affair has been to defer the demand for a uniform civil code given current communal tensions, and to seek instead reforms in specific aspects of personal law. Other progressives have persisted in the desire for a uniform civil code, suggesting that demands for legal reforms should be rooted in political principle and that political space should not be conceded to fundamentalists in either camp — Hindu or Muslim. Whatever one's strategy, we are all inscribed in the webs of a history whose claims on us are real and pressing. If Rammohun's arguments against sati were shaped by the discursive and political context of early nineteenth century Bengal, we are faced with a situation that can be said to represent the unfolding of this same discursive and political history. And our interventions will in turn set precedents for the struggles to come.⁹⁷

I believe it is important to write the history of colonial discourse, to trace its effects on the constitution of our systematic and commonsense knowledges of our tradition, culture and identity. Given the colonial privileging of scripture, is it any wonder that when we speak of tradition with a capital 'T' it invariably refers to a textual tradition? Similarly, how far has the nineteenth century location of culture and tradition in texts contributed to analyses that treat both as essentially unchanging? Such a perspective is implicit in statements regarding 'the antiquity of Indian culture' or 'the weight and persistence of tradition,' or in discussions of the status of women in India that begin with unqualified references to *Manu Smriti* and the scriptures. Historically grounded analyses of

nineteenth century social reform that take seriously the notion of a colonial discourse on India can serve to preclude analytic complicity with this discourse, or its replication. Such work would clarify the continuities and discontinuities in the ideologies of colonial and post-colonial debates on women. Equally significant, it will problematize once and for all, any insertion of these debates into narratives of progressive modernization in which the meaning of the terms 'tradition' and 'modernity' are assumed, not specified.

NOTES

1. These figures are drawn from the *Parliamentary Papers on Hindoo Widows*, (hereafter *PP*). The 8,134 satis were recorded between 1815-28. The proportion of burning in the Calcutta region is an average for this period. Break-down of satis by caste has been tabulated in the *PP* for 1823: Brahmin 234; Kayasth 25; Vaisya 14; Sudra 292 (source *PP*, 1825). Sati was proportionately higher among Brahmins.
2. There is considerable debate among political economists as to whether or not colonial rule produced conditions that were favourable to the development of capitalism in India. For instance, A.K. Bagchi has argued that colonial rule de-industrialized India. See his "De-industrialization in India in the Nineteenth Century: Some Theoretical Implications," *Journal of Development Studies*, 12 (1975-76), pp. 135-64. This debate does not affect my argument here for, whatever their analysis of the impact of colonialism on India's transition from feudalism to capitalism, all scholars agree that colonialism held the promise of modernity and inspired a critical self-examination of indigenous society and culture.
3. See V.C. Joshi, ed. *Rammobun Roy and the Process of Modernization in India* (Delhi: Vikas, 1975), especially Sumit Sarkar, "Rammohun Roy and the Break with the Past," pp. 46-68 and Rajat K. Ray's introduction to the volume, pp. 1-20.
4. Sarkar in *Rammobun Roy*, ed. Joshi, p. 63.
5. For my purposes the elite may be defined as well-to-do, urban, mercantile and/or landed individuals whose business and social activities required them, in one way or other, to confront and negotiate the apparatus of the East India Company.
6. Sarkar in *Rammobun Roy*, ed. Joshi, pp. 47-55.
7. I do not suggest here that nineteenth century Bengal is neither feudal

- nor semi-feudal, but that Rammohun's use of scriptural arguments should be understood not as a 'feudal residue,' but in terms of the emerging dominance of a colonial discourse on India.
8. For a very suggestive discussion that relates early nineteenth century sati to socio-economic changes wrought by colonial rule see, A. Nandy, "Sati: A Nineteenth Century Tale of Women, Violence and Protest," in *Rammobun Roy*, ed. Joshi, pp. 168-94.
 9. This discussion of official discourse draws on the more detailed analysis presented in my article "The production of an official discourse on sati in early nineteenth century Bengal," *Review of Women Studies in Economic and Political Weekly*, 21 no 17 (26 April 1986), pp. 32-40. This article documents the legislative history of sati and includes a fuller discussion of the institutional context of the debate. Parts of it are included here since my arguments in this paper build on this earlier work. For Walter Ewer's letter, see *PP* 1821, xviii, pp. 521-23.
 10. "Material" in official discourse refers to anything that can be shown to be without basis in scripture or counter to it. Given British colonial assumptions regarding the hegemony of scriptural texts and the passive relation to them of indigenous people, this category often included actions that represented will, whether of individuals or groups. To say more here, however, would be to anticipate my argument.
 11. Mani, pp. 34-36.
 12. *PP*, 1821, p. 521.
 13. *Ibid.*
 14. *Ibid.*
 15. For the legislative history of sati, see Mani, pp. 33-34.
 16. *PP*, 1828, xxiii, p. 169.
 17. *PP*, 1830, xxviii, p. 918.
 18. *PP*, 1821, p. 532.
 19. *Ibid.*, p. 410.
 20. *Ibid.*, p. 411.
 21. *Ibid.*, pp. 410-11.
 22. *Ibid.*, p. 412.
 23. *PP* 1821, p. 321.
 24. *Ibid.*, p. 406.
 25. *Ibid.*, p. 322.
 26. *Ibid.*
 27. *Ibid.*, p. 323.
 28. *Ibid.*, p. 325.
 29. *Ibid.*, p. 334.
 30. *Ibid.*, p. 407.
 31. *Ibid.*
 32. Vidyalankar's vyawastha is included in the appendix to the 1817 proceedings of the Nizamat Adalat and appears to have been written by him after becoming pundit of the Supreme Court in July 1816. It thus precedes Rammohun's first pamphlet on sati which was published in 1818. Vidyalankar and Roy furnished officials with sufficient scriptural grounds for prohibiting sati; but abolition came over ten years later. Its timing was related to political factors and not primarily, as officials had claimed, to ambiguity of the scriptures (see Mani).
 33. *PP* 1821, p. 327.
 34. "Translation of a conference between an advocate for and an opponent of the practice of burning widows alive," Calcutta, 1818. Two years later, Rammohun published "A second conference between an advocate for and an opponent of the practice of burning widows alive," Calcutta, 1820. See *The English Works of Raja Rammobun Roy*, vol 2, ed., J.C. Ghose (New Delhi: Cosmo, 1982).
 35. *Ibid.*, pp. 367-84.
 36. Chronology is not significant here since the nature and structure of Rammohun's arguments remained essentially the same throughout his campaign against sati.
 37. *English Works*, pp. 367-84.
 38. *Ibid.*
 39. *Ibid.*
 40. *Ibid.*
 41. *Ibid.*
 42. *Ibid.*
 43. *Ibid.*
 44. *Ibid.*
 45. *Ibid.*
 46. *Ibid.*
 47. *Ibid.*
 48. *Ibid.*
 49. *Ibid.*

50. "Address to Lord William Bentinck," 16 January 1830, *English Works*, pp. 475-77. This petition was specifically intended to counter the mobilizing efforts of the anti-sati 'obby and was believed to have been drafted by Rammohun. See, editor's note, *English Works*.
51. Ibid.
52. Ibid.
53. "A pamphlet of Rammohun Roy containing some remarks in vindication of the Resolution passed by the Government of Bengal in 1829 abolishing the practice of female sacrifices in India," 1831, in J.K. Majumdar, ed. *Raja Rammohun Roy and Progressive Movements in India* (Calcutta: Art Press, 1941), pp. 186-87.
54. *English Works*, p. 360.
55. Ibid.
56. Ibid., p. 361.
57. Ibid.
58. "The petition of the orthodox community against the Suttee regulation, together with a paper of authorities, and the reply of the Governor-General thereto," 14 January, 1830, in *Raja Rammohun*, ed. Majumdar, pp. 156-63.
59. Ibid.
60. Ibid.
61. Rammohun, "Abstract of the arguments etc.," *English Works*, p. 372.
62. "Petition of the orthodox community etc.," in *Raja Rammohun*, ed. Majumdar, p. 157.
63. Ibid., p. 159.
64. Ibid., p. 160.
65. Ibid.
66. Ibid., p. 161.
67. Ibid.
68. Ibid.
69. Ibid., p. 162.
70. Ibid.
71. Ibid.
72. Ibid.
73. "A pamphlet of Rammohun Roy containing some remarks in vindication of the resolution etc.," in *Raja Rammohun*, ed. Majumdar, p. 188.
74. "The petition of the orthodox community etc.," in *Raja Rammohun*,

- ed. Majumdar, p. 162.
75. Ibid., p. 163.
76. Ibid.
77. "Address to Lord William Bentinck etc.," *English Works*, p. 477.
78. "A pamphlet of Rammohun Roy containing some remarks in vindication of the resolution etc.," in *Raja Rammohun*, ed. p. 189.
79. Ibid.
80. The argument that the scripturalizing of tradition is specifically colonial is also borne out in my analysis of Baptist missionary preaching narratives from this period. Here missionaries are to be found interrogating peasants on the scriptural authority for their 'religious' practices and responding to their inability to answer such questions with the accusation that the peasants were ignorant of their own tradition! Mani, "Early Missionary Discourse on India : The Journals of Carey, Marshman and Ward," unpublished ms.
81. Sarkar in *Rammohun Roy*, ed. Joshi.
82. Ibid., p. 47.
83. Ibid., pp. 49-50. It is important to note that reason here is located within the tradition of Islamic rationalism.
84. Ibid., p. 50.
85. Ibid., pp. 53-54.
86. See the editors' comments in S.D. Collett, *The Life and Letters of Raja Rammohun Roy*, eds. D.K. Biswas and P.C. Ganguli (Calcutta: Sadharan Brahmo Samaj, 1962).
87. Ray in *Rammohun Roy*, ed. Joshi, p. 7.
88. Sarkar in *Rammohun Roy*, ed. Joshi, pp. 52-53.
89. D.D. Kosambi, "Combined Methods in Indology," in A.J. Syed, ed. *D.D. Kosambi on History and Society* (Bombay: University of Bombay, 1985), pp. 1-2. There is, in addition, a rich body of literature on law in colonial India. For references, see Mani, fn. 9.
90. Kosambi's criticism of such textualism also extends to reformers like R.G. Bhandarkar arguing against widow remarriage in terms of the *Rig Veda* without reference to actual social practice, and to P.V. Kane whose *History of Dharmashastras* is castigated for restricting "the discussion to *smriti* documents, avoiding any disagreeable contact with anthropology, sociology or reality" (ibid. p. 2). Kosambi's criticism, rooted in a materialist conception of history, is well taken. I would, however, suggest that in addition the strategies of Bhandarkar and Kane should be historicized.

91. Needless to say, similar questions need to be posed regarding the constitution of Islamic personal law. Such an analysis would probably find parallel processes of codification at work, as also similar ambivalences towards women.
92. "The petition of the orthodox community etc.," in *Raja Rammobun*, ed. Majumdar, p. 159.
93. *Asiatic Journal*, June 1830, in *Raja Rammobun*, ed. Majumdar, p. 172.
94. In this respect it is interesting, as Sumit Sarkar notes, how Rammohun's painstaking detailing of the merits of ascetic widowhood was to complicate Vidyasagar's case for widow remarriage! Sarkar in *Rammobun Roy* ed. Joshi, p. 53.
95. This conception of tradition finds its clearest expression in descriptions of incidents of sati and in what Mary Pratt has elsewhere termed the "manners and customs" material, discussion of which is beyond the scope of this paper. See Mary Louise Pratt, "Scratches on the Face of the Country; or What Mr. Barrow Saw in the Land of the Bushmen," *Critical Inquiry*, "Race, Writing and Difference" 12, no. 1 (Autumn 1985), pp. 119-43.
96. For an excellent analysis of the ambivalent attitudes to women of social reformers active in the debate on widow remarriage, see Sudhir Chandra, "Widow Remarriage and Later Nineteenth Century Literature," unpublished ms.
97. I do not intend to suggest that communalism today is essentially the same as communalism in pre-independent India. Nor am I interested in blaming colonialism for all our current ills. The point here is to document the way colonial history shapes the present, to question the 'post' in 'post-colonial.'