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Sati and its abolition in British social and political discourses c. 1832 – 1895

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Thesis submitted for the degree of PhD

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Abstract

The historiography of sati is almost entirely concerned with its practice from the late eighteenth century through to its abolition in India in 1829. Yet sati and its abolition had a significant, largely unexamined role in many important nineteenth-century British debates on a wide range of social and political issues. These included debates about the rule of India, religious freedom in the 1830s, the nature and settlement of the Indian Rebellion in the 1850s, and the plight of Hindu widows and child brides in the 1850s and 1880s. This thesis focuses on the function of references to sati and its abolition in these debates in the broader context of Victorian liberalism, and its relationship, in particular, to empire and religion, of which the abolition was a product. It thus examines the role sati and its abolition played in constituting and sustaining liberal imperial discourses on British rule in India across time. This thesis further examines the more complex discursive function of sati and its abolition as a moral and legislative benchmark, as a point of alignment and of divergence in testing the limits of religious and social freedom and toleration, and the boundaries of the state in setting these limits. It demonstrates how many of these debates were often about determining these issues in Britain as much as in India at a time when they were not fully settled in Britain. By bringing together empire and metropole this thesis demonstrates in new ways how closely bound up liberal social and political discourses of home and empire were and how embedded sati and its abolition were within them.

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Friends have sustained me with their interest and enthusiasm, by talking to me about my research and by absolutely not talking to me about my research. My daughter, Olivia, and my brother, Steve, have been a constant source of encouragement and have kept me going. I could not have done this without them. I know how much it means to them for me to have got here. I thank them for all of this and, too, for how much they both love the idea of reading this thesis...

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1: Introduction

'S is for suttee'

In the summer of 1894, the candidates for examination in the Manchester Geography Society's paper on India were required to define 'Suttee'. The examiner's subsequent report, the *Manchester Times* drily noted, made interesting reading and the newspaper went on to share some of the answers from the candidates, whose average age was fifteen. One student informed the examiners that it "is a religion in which people are burned alive."¹ Another candidate, in an answer singled out by *The Hampshire Telegraph and Sussex Chronicle*, tentatively suggested: "If a husband died, his wife would have to have him burned, and she would have to be burned probably," before adding, in a crude but not wholly inaccurate reference to the ascetism prescribed for the living Hindu widow, "or wear uncomfortable clothes the rest of her life."²

A few months later, the Blackburn-based *The Weekly Standard and Express*'s puckish serial 'A "Lankisher" Encyclopaedia' reached the letter 's'. The eclectic entries for 's' were 'sun', 'swallow', 'sweating', and, strikingly,

"SUTTEE. - This is a forrun word, an' it used to mean summat horrible – suicidal; it mon ha' bin no moore nor less than a neetmare – to th' Hindoo wimmen, for when their husband's deed an' they were borned they (th' wimmen) had to be borned – alive – wi' 'em! Us English put a stop to th' awful custom welly seventy year sin'...[sic]"³

These delightful titbits, published for the amusement of the late-Victorian newspaper reading public, are not without value in explaining sati as both a term and a cultural construct. In the *Oxford English Dictionary* sati is defined as the (largely historical) practice within some Hindu communities in which a woman kills herself, voluntarily or by coercion, as an act of piety or devotion following the death of her husband, typically by immolation on

¹ *Manchester Times*, Friday 7 September, 1894

² *The Hampshire Telegraph and Sussex Chronicle etc.*, Saturday 22 September, 1894

³ *The Weekly Standard and Express*, Saturday 6 April, 1895, p.2

his funeral pyre.⁴ In English, unhelpfully, the term sati also refers to the woman who dies in this way. The *Oxford English Dictionary*, too, notably binds up the practice with its abolition, noting it was outlawed in 1829.⁵

The value of these late-Victorian pieces here is less about defining the term and more about demonstrating the enduring presence and reach of discourses on sati. As the witty Lancastrian lexicographer noted, it was *welly seventy year sin* December 4th, 1829, the date Governor-General Lord William Bentinck passed in council in Calcutta Regulation XXVII “declaring the practice of suttee, or of burning or burying alive the widows of Hindus, illegal, and punishable by the criminal courts” throughout the Presidency of Bengal.⁶ Yet a life-span later in the mid-1890s, knowledge of sati and its abolition is still pertinent: it is still an examination topic and ‘s’ is for ‘suttee’.

This thesis is, in many ways, about the legacy of the abolition of sati. In broad terms, it asks when, where, how, in which contexts, and why, sati and its abolition occur in British nineteenth-century discourses. Knowledge of sati was not merely historical trivia for the late-Victorians. Sati and its abolition are mentioned many tens of thousands of times in British national and regional newspapers and journals, books, and government records between the early 1830s and the end of the century. Only a small proportion of these references concern new cases of sati or attempted sati. A larger proportion of references indicate how culturally embedded ideas of sati were across Victorian society and across time, something that is largely forgotten today.⁷ A brief indicative survey drawn from

⁴ The *Oxford English Dictionary* does not clarify why death was ‘typically’ by immolation. Though much rarer, some women were buried alive. *Oxford English Dictionary*, 2nd online edition (1989). The most recent edit to the entry for sati at the time of completion of this thesis in October 2023 was in July 2023. <http://www.oed.com.ezproxy.lib.bbk.ac.uk/view/Entry/195256?redirectedFrom=sati#eid> Accessed August 23, 2023

⁵ The *Oxford English Dictionary* as accessed online on August 23, 2023 misleadingly states that sati was outlawed ‘in India’ in 1829. Earlier but still very recent online editions more accurately stated that sati was outlawed in 1829 in *British India*. This is an important distinction. Sati continued legally after 1829 in the independent and semi-independent Indian princely states where the British had no jurisdiction. Most of these states abolished the practice by the late 1840s (this provides some context to Chapter 4 of this thesis) but it is not until the 1860s that it can be considered outlawed in India as a whole.

⁶ In C. H. Phillips (ed.) *The Correspondence of Lord William Cavendish Bentinck, 1828 – 1851*, vol. 1, (Oxford, 1977), p.360. Similar legislation quickly followed in the Presidencies of Bombay and Madras.

⁷ There are a few cultural and interdisciplinary studies eg. Sophie Gilmartin’s study of the sati as both a negative metaphor for the plight of the unhappy bride and as a positive metaphor for idealised widowhood, ‘The sati, the bride and the widow: sacrificial woman in the nineteenth-century’, *Victorian Literature and Culture*, vol. 25, no. 1, (1997), pp. 141-158; for a slightly earlier period, Amal Chatterjee, *Representations of India, 1740 – 1840: the creation of India in the colonial imagination* (Basingstoke, 1998) which includes an interesting study

newspaper archives is useful here, then, to demonstrate the wider socio-cultural context before turning to the references to sati in social and political discourses with which this thesis is primarily concerned.

Sati and Victorian culture: a brief survey

It is clear the Victorian public talked about sati. Sati appears regularly in newspaper accounts of public meetings for decades after it was abolished: in lectures on India, evangelical mission fundraisers, election hustings and campaign events on social and political issues.⁸ Sati even strikingly appears in the rarely recorded quotidian speech of those at the fringes of the social order in some fragments captured in newspaper court reports. Among them are the words of a group of chimney sweeps prosecuted in 1834 for calling out 'Soot, O!' to advertise their services in breach of law curbing this practice. Their lawyer suggested that one of the men "might have called out 'Suttee' if he thought proper", prompting the following exchange:

"'Bless my eyes,' exclaimed one, 'his Lordship is for us, did you not hear him say we can call out 'Suttee'?' 'You are a fool,' observed another of the members, 'I will tell you all about it, for I knows something about gography. The Suttees are a people at the bottom of the world, who has no hacts of Parliament preventing them calling out their hoccupation as we poor coves has, and his Lordship means if ve vere placed in the situation as they are, ve might call out 'Soot o' if ve liked [*sic*]'"⁹

Tentative (and amusing) though the reference is, a morsel of knowledge is there, a vague perception of the sati's position in the world.

of sati in British novels.

⁸ Representative examples include a London Missionary Society meeting report in the *Bradford Observer*, Monday 25 October, 1869, p.4 and a lecture on India by Sir Arthur Hobhouse, retired law member of the Governor-General's council in India, reported in *The Times*, Tuesday 3 August, 1880, p.10. A number of examples of sati being talked about in hustings and campaign meetings are given and analysed in later chapters of this thesis.

⁹ *The Morning Post*, Saturday 25 October, 1834. This is, of course, pre-Victorian; 'Victorian' is used in this section of the chapter in a culturally connotative sense.

In a much later and more serious case in 1866, William Triplett, an inmate of Stepney workhouse, bandied sati as an insult, provoking a crime. Louis Murphy, a fellow inmate and “East Indian boy”, in fact a lascar, was committed for trial for stabbing Triplett in the leg after Triplett “tease[d]” Murphy about the Indian Rebellion and sati, calling him ‘sepoy’ and taunting him that Indian people “burnt their widows”.¹⁰

There is substantial evidence in the thousands of references to sati of it imaginatively embedded in the objects and pastimes of Victorian life. ‘Suttee’ was, for example, the name of a ship and of a racehorse (another racehorse, progeny of ‘Suttee’, was called ‘Cremation’).¹¹ Sati was the subject of poor punning jokes, too; the accomplices in a recent sati had been sent for trial but, wrote *Funny Folks*, “[o]wing to the difficulty in obtaining... evidence, it is thought that the trial will be a *Sut-teedious* one.”¹² A new hymn, praised in *The British Mother’s Magazine*, called to God (long after sati had been suppressed), “Light on the Hindoo shed... The flame of the suttee is dire and red”.¹³ The abolition of sati was marked on December 4th in a calendar of festivals and anniversaries decades after its enactment.¹⁴ Sati regularly featured in popular entertainments through the century such as the well-received pantomime of ‘The Forty Thieves’ at Drury Lane which included (anomalously) “the suttee in the Indian temple”, and in a stage adaptation of Jules Verne’s ‘*Around the world in 80 days* [sic]’.¹⁵ It was the subject of mass-produced engravings and of fine art, such as a painting of English authorities preventing a sati which was proposed by a Royal Commission for the new Houses of Parliament.¹⁶ Queen Victoria and Prince Albert attended a performance of Louis Spohr’s opera *Jessonda* which tells the tale of the widow of a Rajah saved from the pyre.¹⁷

¹⁰ *The Times*, Monday 22 January, 1866, p. 11. The case also indicates the long reach of the Indian Rebellion in the public imagination.

¹¹ Eg. *The Sporting Times*, Saturday 19 July, 1873, p. 232 and (‘Cremation’) *The Sporting Gazette*, Saturday 23 June, 1877, p. 588

¹² *Funny Folks*, Saturday 17 February, 1883, p. 54. This early comic-style magazine’s joke was in fact about a real trial in Jaipur.

¹³ *The British Mother’s Magazine*, Friday 1 May, 1846, p. 147

¹⁴ *Myra’s Journal of Press and Fashion* Friday 1 December, 1882, p. 576

¹⁵ *Pall Mall Gazette*, Tuesday 28 December, 1886, and *The Standard*, Saturday 6 March, 1886 respectively. The rescue of a sati from the pyre by Fogg and Passepartout features in Verne’s 1873 novel too, of course.

¹⁶ *Glasgow Herald*, Monday 23 August, 1847. The painting was not in the end produced.

¹⁷ *The Lady’s Newspaper*, Saturday 13 August, 1853, p. 88

Sati featured in poetry and innumerable stories and serials as both a subject and trope in popular newspapers and magazines like *The Leisure Hour*, *The London Journal* and Mary Elizabeth Braddon's magazine *Belgravia*.¹⁸ A colonel abandoned by his wife declares, "I would make a suttee of the whole of them... and burn them all in the same vast funeral pyre. Yes, I hate women..."¹⁹ A young girl, frustrated in love by the greater charms of the widowed Lady Sweetapple, laments, "'What is the use of widows?...They should burn them at once, as they used to do in India.'"²⁰ The Rotherham School Board worried about the "pernicious influence" of a sensational story in *Young Men of Great Britain* in which a woman plots to bribe a Brahmin priest to effect the sati of a widow, her love rival.²¹

Sati also regularly appeared figuratively in newspaper reportage. It proved to be a useful if lazy and melodramatic rhetorical device for several periodicals when the fashion for wide-hooped crinoline skirts was blamed for a series of domestic fire injuries and deaths: "What were the 'Suttees' of India in comparison with... this?" asked *The Lady's Newspaper*.²² More heavy-handed still, it served to express horror at fiery railway accidents.²³ Or, indeed, to lampoon those who expressed (and were perhaps thrilled by) such horror. These stories "provide a variety of horror... for the public", suggested *Pall Mall Gazette*; sometimes "they are set a-light, and then whirled blazing through the country... as though it had been planned to show what a suttee would look like when going to express speed."²⁴

Newspapers also used sati figuratively in more subtle and sophisticated ways in news reports in ideas of 'political suttee', 'cold suttee' or 'social suttee', and here we begin to see

¹⁸ Eg. Kipling's 'The ballad of the last suttee', published under the pseudonym Yusuf, *Macmillan Magazine*, January 1890; 'The Indian Nabob: or, a hundred years ago', *The Leisure Hour: a family journal of instruction and recreation*, 18 March, 1858, pp. 161-5

¹⁹ 'The Sister's crime; or, the heiress of Ravensdale', *The London Journal*, April 9, 1887, p. 233-37

²⁰ 'Three to one, or some passages out of the life of Lady Amicia Sweetapple', *Belgravia: a London Magazine*, November, 1871, pp. 7-38

²¹ Letter to the Editor, *The Sheffield and Rotherham Independent*, Saturday 8 April, 1876. Sati also appears in many works in the Victorian literary canon eg. in George Eliot's *Daniel Deronda*, Charlotte Brontë's *Jane Eyre*, Dickens' *Dombey and Son*, Thackeray's *The Newcomes* and Trollope's *The Eustace Diamonds* and *Can you forgive her?* *Daniel Deronda* should not expect Gwendolin Harcourt to remain a widow and "burn herself in perpetual suttee"; Susan Nipper, ordered to quit her spirited defence of Florence by her enraged employer Mr Dombey, is determined to go on, just as she would burn herself alive if she made up her mind to do so, though she was not a Hindu widow and would not so become. George Eliot, *Daniel Deronda*, (Wordsworth Classics, London, 2003), p. 666, originally pub. 1876; Charles Dickens, *Dombey and Son* (Wordsworth Classics, London, 1995), p. 541, originally published 1846-1848

²² Saturday 13 December, 1862, p. 100. Also eg. *John Bull and Britannia*, Saturday 17 March, 1860

²³ Eg. 'Railway suttee', *Morning Post*, Saturday 17 September, 1864

²⁴ *Pall Mall Gazette*, Tuesday 27 October, 1868

something more meaningful and discursively functional, more than merely a diffuse cultural presence, in references to sati. Sati was a device for political satire across time and on issues as diverse as the repeal of the Corn Laws and Irish Home Rule, and for mocking political figures.²⁵ *Punch*, in a premature speculation about the retirement of Gladstone soon before his fourth premiership began, fancied “there will be a kind of suttee. There are quite a lot of old wives in this political establishment, who cannot resist... their natural inclination... to immolate themselves on the funeral pyre.”²⁶ (Though when Gladstone did at last retire, in 1894, *The Derby Mercury* acerbically noted his colleagues in fact “preferred to continue to enjoy place and power rather than play the widow’s part in a suttee.”²⁷)

Ideas of ‘social suttee’ or ‘cold suttee’ were used to depict women excluded from society, such as the heiress Augusta Talbot in becoming a nun in 1851, Constance Kent in confessing to the notorious murder of her half-brother in 1865, or Mildred Langworthy in being seduced, duped and abandoned in the 1880s.²⁸ ‘Social suttee’ and ‘cold suttee’ were evocative metaphors for these women but they were also used to pass judgement on those who excluded them and in this way they point to the place of discourses on sati in wider socio-political and ideological contexts: this context is anti-Catholicism in the Talbot and Kent cases, where an idea of Catholic priests and nuns malignly swaying the women to their course is conveyed through an implicit comparison in old tropes to brahmins pressuring Hindu women to the pyre.²⁹

The function of these metaphorical satis is clear enough but they rely on allusion to work. When we examine the countless references to the abolition of sati in newspapers and journals, however, (as well as books and government records), much more explicit and more substantial discursive functions emerge. It is with these that this thesis is primarily concerned.

²⁵ On the Corn Laws eg. *The Times*, Thursday 25 January, 1849, p.4 and Tuesday 23 January, 1849, p.4; on Irish Home Rule eg. *The Yorkshire Herald*, Friday 28 December, 1894, p. 4

²⁶ *Punch*, Saturday 8 August, 1891, p.70

²⁷ *The Derby Mercury*, Wednesday 2 March, 1894

²⁸ See respectively, *The Examiner*, Saturday 22 March, 1851; *The Standard*, Thursday 27 April, 1865, p.4; *Pall Mall Gazette*, Friday 22 April, 1887. The case of Kent has enjoyed renewed attention in more recent times as the subject of Kate Summerscale’s *The suspicions of Mr Whicher or the murder at Road Hill House* (London, 2008). The case of Mildred Langworthy is discussed in Chapter 5 of this thesis.

²⁹ Kent confessed to a Catholic priest who persuaded her to give herself up and accompanied her to the magistrate. There was widespread doubt at the time that she was the murderer.

Overview of this thesis and its foci

The crudest function of references to the abolition of sati was the defence of British rule of India. For *The Times*, which deployed the abolition hundreds of times in this way, the abolition was among the social reforms in which Britain had most reason to be proud, evidence that Britons were “the best rulers India ever had”.³⁰ Corollary to this, the practice of sati, even when long suppressed, was used to argue that Indians were not fit to rule themselves. Whilst it is commonly (and correctly) stated by historians today that the abolition of sati was used in the justification of empire, the precise role it played is largely unexamined. This role will be evident throughout this thesis but is the main focus of chapter 4. In chapter 4, this thesis will demonstrate the role of the abolition in constructing and sustaining a justificatory narrative of empire in books and newspapers, and its role in setting expectations of how India should be ruled and by whom in debates in parliament and the press.

The abolition of sati had a further, more extensive, complex and nuanced function in social and political discourses. In widely varying contexts, we see the abolition of sati positioned as a moral and legislative benchmark for testing the limits of religious, social and cultural freedom and the role and boundaries of the state in setting these limits. The briefest glimpse at the mid-1890s, where this chapter began, hints at the breadth of this function. *The Isle of Wight Observer* used the abolition to mark the limits of religious freedom in England: it criticised the acquittal of a man whose four children died of diphtheria following his refusal to comply with the Vaccination Acts on religious grounds. His religious belief should not have been operative in the acquittal, it argued; sati had been put down though founded on religion.³¹ Lady Henry Somerset suggested the abolition provided a moral precedent for new social legislation in India in a speech to the Women’s Liberal Federation. In this speech protesting against the Cantonment Acts which regulated prostitution in India in ways which compromised the liberty and dignity of the women, she questioned the pride

³⁰ *The Times*, Friday 27 July, 1866, p. 9

³¹ *The Isle of Wight Observer*, Saturday 23 November, 1895, p. 8

the British felt that “...the weight of our civilisation had forever crushed the flames of the suttee” when prostitutes were condemned to a worse fate by that same civilisation.³²

More strikingly still, the government used the abolition of sati at this time to determine new policy and its own limits in so doing. Gladstone’s 1893 Royal Commission on Opium considered whether the government of India should legislate against opium use and trade. When it published its final report the Commission recommended no action be taken. Among the deciding factors was a consideration of how analogous opium consumption was to the practice of sati. The Lieutenant Governor of the North-West Provinces, Sir Charles Crosthwaite, was among those giving evidence on this point. He stated that it was a principle to not interfere in native custom unless it was a matter of morality or humanity, as sati had been, and that he did not regard the opium question as being on that moral footing.³³ In the final report, the Commission agreed that there were “the clearest lines of cleavage” between the two; sati had been a morally repugnant and limited practice whilst opium, it claimed, was wrapped in the personal and dominant customs of the population.³⁴

There is nothing exceptional about these examples. There is substantial evidence of the abolition of sati being used as a benchmark to test the limits of religious and socio-cultural freedom, and the role of the state in setting them, within the thousands of references to it in newspapers, journals, books and government records. It is used in this way by writers, campaigners and politicians across time and place, in social and political discourses about India but also, importantly, about Britain. This function, almost entirely unrecognised and unexamined until now, will be the principal focus of this thesis. Precisely how and why the abolition of sati was used in this way will be examined in depth in chapter 2 on debates about religious freedom in the 1830s, chapter 3 on debates around the role of religion in the causes and settlement of the Indian Rebellion in the 1850s, and chapter 5 on debates about enforced widowhood and child marriage in the 1850s and 1880s. In examining the function

³² *The Women’s Herald*, Thursday 8 June, p. 243. Also *The Dawn*, 1 July 1893, p.2. The Acts mirrored the notorious English Contagious Diseases Acts, repealed in 1886, discussed briefly in Chapter 5 of this thesis.

³³ ‘Royal Commission on opium. Minutes of evidence taken before the Royal Commission from 3rd to 27th January 1894, vol. III’, Command Papers; Reports of Commissioners LXI. 673 (1894), p. 86

³⁴ ‘Royal Commission on opium. Vol. VI. Final report of the Royal Commission on opium, part 1’. Command Papers; Reports of Commissioners XLII. 31, 221 (1895), p. 47

of the abolition of sati in these debates, this thesis also contributes new perspectives on the issues debated and, indeed, on some of the principal actors in them.

This thesis begins in 1832, the year in which an appeal to the Privy Council to repeal the abolition of sati was denied, and concludes towards the end of the century. It thus addresses a time period which is almost wholly absent from the historiography of sati which is largely focused on the 1829 abolition and the campaigns from which it arose in the first quarter of the nineteenth century. This thesis begins, then, where most of the historiography ends; it is in many ways about the legacy of the abolition of sati, about what happened next. In this it adds significantly to the historiography of sati.

This thesis will also offer new perspectives on nineteenth-century liberalism, in particular its relationship to empire and religion. Liberalism was, as Gladstone himself put it, “the solid permanent conviction of the nation”.³⁵ The abolition of sati itself was a product of liberalism, but an authoritarian, interventionist form of liberalism shaped by a particular set of utilitarian and evangelical ideas about sati and about India which came to dominance in the 1810s and 1820s. The significance of this is at the heart of much of this thesis and is key to understanding the presence and discursive role of sati in many of the social and political debates examined here. In many of these debates, on the justification of British rule of India, on religious and social freedom, we frequently see the abolition deployed to test and shape liberal thought and the meaning of liberal government at home and in the empire.

The next section briefly but crucially sets out the circumstances and import of the abolition of sati, its roots in utilitarian and evangelical ideas and discourses and how these shaped its early historicization. An examination of modern historiography of sati and the location of this thesis within this and wider historiography follows.

The abolition of sati

The abolition of sati in 1829 was historically momentous and the result of long and extensively documented campaigns waged over more than two decades; its appeal to historians is clear. In Britain, increasing and often frenzied public scrutiny of the issue of

³⁵ John Morley, *The life of William Ewart Gladstone*, vol. I (London, 1903), p. 128

widow-burning was principally driven by missionary societies and evangelical parliamentarians. By the time sati was abolished, abolition committees could be found across Britain, hundreds of petitions, pamphlets and innumerable letters had been written, and vast numbers of statistics and eye-witness accounts were in circulation.³⁶ In India, campaigns were led by prominent Hindu reformers such as Ram Mohan Roy and his social reform society, the Brahmo Samaj. Roy's detailed exegeses of Hindu texts demonstrating the practice was not prescribed for the Hindu widow were circulated widely in England, too, and in India he would have some influence in persuading Bentinck to legislate.

Bentinck's decision to intervene was not taken lightly, nonetheless. The abolition was an exceptional piece of legislation which, as Brian Pennington puts it, created a "seismic shift" in the long-established British policy of non-interference in Indian religious and cultural practices.³⁷ The abolition overturned not only the principles of toleration under which the late eighteenth-century East India Company had broadly operated, but also undermined the altogether more expedient approach to rule the Company practised in order to avoid rebellion. Bentinck had personal experience of the risks of offending religious sensibilities; he had been recalled from Madras, where he had been Governor-General, following the Vellore Mutiny in 1806, a revolt among sepoys provoked in part by new dress regulations, which included, for example, a ban on Hindus placing religious marks on their foreheads.³⁸

This breach with the principles and practices of toleration was even more remarkable given that sati was relatively uncommon and geographically contained. Indeed, Bentinck himself acknowledged in the preamble to Regulation XXVII outlawing the rite that "by a vast majority of people throughout India the practice [of sati] is not kept up, nor observed: in some extensive districts it does not exist".³⁹

East India Company records give some statistical precision to those districts where the practice of sati did exist. Most known cases in the first quarter of the nineteenth century

³⁶ See, for example, Gilmartin, 'The sati, the bride and the widow', p. 141; Claire Midgley, 'Female emancipation in an imperial frame: English women and the campaign against sati (widow-burning) in India', *Women's History Review*, vol. 9, no. 1 (2000), p. 206

³⁷ Brian Pennington, *Was Hinduism invented? Britons, Indians and the colonial construction of religion* (Oxford, 2005), p. 3

³⁸ Bentinck would also have been all too aware of the more recent Barrackpore Mutiny in 1824 under his predecessor Lord Amherst, among the causes of which were also British insensitivities to issues pertaining to religious and caste identities.

³⁹ *The correspondence of Bentinck*, p.360

occurred in Bengal, mostly around Kolkata. Between 1815 (when figures were first officially collected by the administration) and 1828, 8,134 cases of sati were recorded here. To put this figure in perspective, Anand Yang, in an important analysis of the data for 1824, proposes that satis perhaps represented at least 0.2% of all widows that year but almost certainly no more than 1.2%.⁴⁰ To invert this, at least 98.8% of widows did *not* die in this way. This is not to trivialize these thousands of deaths; Jorg Fisch, for example, suggests in a town with a population of 100,000, a sati would have taken place every year.⁴¹ But it is important to contextualize the issue of sati; as Christopher Bayly evocatively comments, “[t]he British obsession with sati was boundless. Thousands of pages of Parliamentary papers were given up to [these] immolations while the mortality of millions from disease and starvation was only mentioned incidentally”.⁴² Nor did other Indian causes attract quite the same passion or commitment; as Barbara Metcalf and Thomas Metcalf point out, the British “tiptoed gingerly around” practices such as female infanticide among Rajputs in northern India.⁴³

For at least a century after the abolition, the question of how and why this exceptional localised rite excited so much British attention and came to be outlawed was largely unproblematic for many British historians of India: the question was predominantly answered with a simple, laudatory narrative of necessary, unilateral British moral and social reform to civilise and advance India.⁴⁴ In this narrative, the abolition of sati was celebrated as a breach with the past, a model of social intervention and good government.

The roots of this narrative lie in the emergence of evangelicalism and utilitarianism as a powerful political and social force for reform in both Britain and the empire. Between them, evangelicals and utilitarians brought about the shift away from the largely respectful (if often

⁴⁰ Anand Yang, ‘Whose Sati? Widow-burning in early nineteenth century India’, *Journal of Women's History*, vol. 1, no. 2 (Fall 1989), p. 22

⁴¹ Jorg Fisch, *Immolating women: a global history of widow-sacrifice from ancient times to the present* (London, 2006), p. 238. See pp. 236-40 for Fisch’s interesting wider analysis and contextualisation of sati statistics.

⁴² C. A. Bayly, ‘From Ritual to Ceremony: Death Ritual and Society in Hindu North India since 1600’, in *Mirrors of Mortality: Studies in the Social History of Death*, ed. Joachim Whaley (New York, 1981), p. 174

⁴³ Barbara D. Metcalf and Thomas R. Metcalf, *A concise history of India*, 3rd edition, (Cambridge, 2012), p. 83

⁴⁴ See, for example, the Victorian historian John Kaye’s chapter on ‘Suttee’ in *The Administration of the East India Company: a history of Indian progress* (London, 1853), pp. 522 – 544. In the first half of the twentieth century, see, for example, H. H. Dodwell, ‘Introduction’, *The Cambridge History of India*, vol. VI: *The Indian Empire 1858 – 1918* (Cambridge, 1932), p. v

romanticised and essentialising) toleration of Indian customs which had characterised much late eighteenth-century Company scholar-administrator rule in India. As Thomas Trautmann bluntly puts it, 'Indomania' was "killed off" by the 'Indophobia' constructed by evangelicals and utilitarians in the early nineteenth-century; its chief architects, he proposes, were the evangelical (three-time Chairman of the East India Company) Charles Grant, and James Mill".⁴⁵

Grant's early disrupting text was his *Observations on the State of Society among the Asiatic Subjects of Great Britain particular with respect to Morals; and on the means of improving it*. Hindus, said Grant, "...exhibit human nature in a very degraded humiliating state, and are at once, objects of disesteem and of commiseration".⁴⁶ Mill's *History of India* was, of course, his seminal text; Trautmann cites Mill's ten chapters 'Of the Hindus' in this work as "the single most important source of British Indophobia".⁴⁷ First published in 1817 but rarely out of print thereafter, this notoriously vituperative critique of Indian society, culture and character and earlier 'hands off' British rule of India, placed political utilitarianism in the core of imperial government, in which Mill served in the Examiner's office of the East India Company from 1818 in England.

Crucially, utilitarian and evangelical discourses were intertwined. Brian Young provides a valuable analysis of Mill's discourse in which he indicates Mill's indebtedness to the prolific Baptist missionary writer William Ward for his antagonistic picture of Hinduism.⁴⁸ The writings of missionaries were particularly inclined to the sensational and had huge reach. Ward's 1811 voluminous *Account of the Writings, Religion, and Manners of the Hindoos*, published in a significantly more provocative revised version ten years later, went through eight editions and provided extensive material for the missionary campaigns for Indian social reform in journals such as the *Missionary Register*.⁴⁹ Ward's India was soaked in superstition

⁴⁵ Thomas R. Trautmann, *Aryans and British India*, (New Delhi, 2004), p.99. He is right about Mill. Grant was certainly a catalyst but Trautmann overlooks the greater role of Baptists like Claudius Buchanan and William Ward, about whom more comment is made shortly in this chapter.

⁴⁶ Charles Grant, *Observations* (London, 1813), p. 25. First circulated in 1792.

⁴⁷ Trautmann, *Aryans*, p. 117

⁴⁸ Young also highlights Mill's indebtedness to the missionary Claudius Buchanan. Brian Young, "The lust of empire and religious hate": Christianity, history and India, 1790 – 1820' in Stefan Collini, Richard Whatmore and Brian Young (eds) *History, religion and culture: British intellectual history 1750 – 1950* (Cambridge, 2000), pp. 91 - 111

⁴⁹ See Claire Midgley, 'Female emancipation in an imperial frame: English women and the campaign against sati

and the religious violence of Jagganath, hook-swinging and sati: “Since the commencement of the Brahminical system millions of victims must have been immolated on the altars of its gods; ...the whole of Hindoost’han may be termed a field of blood”.⁵⁰ Ward’s was a version of India that was, as Lata Mani sharply summarises, “breathtakingly reductive”.⁵¹ Mani’s more important point is the significance of the intertextuality of Ward and Mill; the absorption of this discourse by Mill gave it gravitas and authority: “...that which was crafted by Ward... in one context – from the margins of Bengal society... was appropriated in quite another as expert evidence.”⁵²

Sati was a central constitutive part of this narrative of a benighted India in need of British civilisation. Grant denounced the “inhuman and astonishing custom” of sati and “...the code [which] imputes to them the most depraved, impure, unsafe nature”, and in widowhood still more “[v]ile...in their nature, and become useless and dangerous”.⁵³ Ward spent pages on eye witness accounts of widow burnings and statistics, with some parts dramatically typeset in capital letters and suffixed with multiple exclamation marks.⁵⁴ Grant’s fellow Clapham Sect evangelical, William Wilberforce, drew on “these horrible exhibitions” of sati to argue for the admission of missionaries to India in the parliamentary debates on the renewal of the East India Company charter in 1813. He estimated (wildly) that “the whole of these annual sacrifices of women, who are often thus cruelly torn from their children... is... I think, in the Bengal provinces, to be ten thousand”. He dismissed the idea that these deaths were voluntary (“the women are always carefully fastened down”) and asserted that the widows were brought to the pyre by Brahmin-influenced deluded “hopes of glory and immortality” and by fear of a “life of drudgery, degradation, and infamy” should they live.⁵⁵

(widow-burning) in India', *Women's History Review*, vol. 9, no. 1 (2000), p.98

⁵⁰ William Ward, *A View of the history, literature and mythology of the Hindoos*, (London, 1822), p.343. For an incisive comparative analysis of the discourse of the two editions of this work, see Lata Mani, *Contentious Traditions: the debate on sati in Colonial India* (Berkeley, 1998)

⁵¹ Mani, *Contentious Traditions*, p. 145

⁵² Mani, *Contentious Traditions*, p.139

⁵³ Charles Grant, *Observations*, pp. 25, 30, 55, 56 respectively

⁵⁴ Eg. Ward, *Account of the writings, religion, and manners, of the Hindoos*, vol. II (London, 1811), p. 564

⁵⁵ William Wilberforce, 'Substance of the speeches of W. Wilberforce, Esq, on the clause in the East India Bill for promoting the religious instruction and moral improvement of the natives of the British dominions in India, on the 22nd of June, and the 1st and 12th July, 1813', *The Pamphleteer*, vol.3, no. 5 (March, 1814), p. 73f. It is interesting to note that the social condition of the living widow featured prominently in anti-sati discourses at this time. It became largely forgotten when the abolition of sati was secured but became a prominent social issue in the 1880s as we shall see in Chapter 5 of this thesis.

More important is the interventionist framework in which Wilberforce went on to place the issue before Parliament, directly challenging the orientalism of the late eighteenth century and its principles of non-interference. Musing on the “public zeal which would be called forth, and every possible endeavour [which] would be used to put an end to sati” if it happened “in any part of England”, Wilberforce questioned “that strange delusion by which our countrymen are led into adopting one set of morals and principles, and even feelings, for this country, and another for India”⁵⁶

A turning point was being reached in the mid-1810s. Between them, utilitarians and evangelicals reshaped attitudes to India and how it should be governed, creating the intellectual and political conditions from which the abolition of sati was later enacted by Bentinck (who was, notably, evangelical and embraced utilitarian-influenced reform in India).⁵⁷ The abolition of sati, the rite that was the favoured exemplar of Indian degeneration, broke the long-standing model of non-interference and marked the legislative turning point towards British understanding of its role in India as a benevolent but necessary interventionist force for the advance of India. This view (along with the tropes through which it was often expressed) was quickly absorbed into nineteenth century historical accounts.⁵⁸ In his voluminous 1853 history of the East India Company, the prolific historian of India, John William Kaye, for example, characterised the abolition as “the emancipation of the country from the cruel slavery which an interested priesthood had riveted upon it.”⁵⁹ For those who promoted the 'improvement' of India and those historians who applauded it, there was noble, moral purpose in the abolition of sati and intervention was seen as right and necessary.

Arvind Sharma, whose edited edition of essays on sati is an essential work on the subject, rightly states that this view became entrenched following the Indian Rebellion: the British justified their rule by emphasising the horrors of the rite and their role in its abolition and suggested that without British governance the barbaric practice would return.⁶⁰ This role of

⁵⁶ Wilberforce, *The Pamphleteer*, p. 76

⁵⁷ Ranbir Vohra, *The Making of India: a historical survey* (New York, 2001), p. 67

⁵⁸ Chapter 4 of this thesis explores the presence and role of the abolition of sati in these accounts.

⁵⁹ John William Kaye, *The administration of the East India Company: a history of Indian progress*, (London, 1853), p.537.

⁶⁰ Arvind Sharma, 'Sati: a study in western responses' in A. Sharma (ed.), *Sati: historical and phenomenological essays* (Delhi, 1988), p. 10-12

the abolition in British discourses on the rule of India would persist well into the twentieth century. Indeed, this politicization is quite evident in Edward Thompson's *Suttee*, published in 1928, for example, where he explicitly links sati to the question of Indian self-determination: "I have no doubt whatever that such things as suttee kept back Indian political progress by many years; until the rite was abolished even a beginning in self-government was impossible".⁶¹ And though sati was gone, Thompson felt its background remained; his implication, suggests Sharma, was so must the British.⁶²

Historiography

In September, 1987, in Rajasthan, witnessed by vast crowds, Roop Kanwar, an 18 year old widow, burned to death with the body of her young husband of eight months who had died suddenly the day before. Her death provoked mass demonstrations in India and a fierce and acrimonious national debate as the secular left clashed with the Hindu religious right over Indian cultural authenticity and the legacy of colonialism.⁶³

Her death also triggered a wave of scholarship reappraising sati and its abolition. Ania Loomba notes that there had been "surprisingly few" extended works on sati since Thompson's study in 1928 but numerous enough after 1987 for Loomba to group writings on sati into three main categories, the third of which are "the spate of writings produced in India after the burning of...Roop Kanwar".⁶⁴ This chronological classification belies the diversity within this body of work and unhelpfully divorces it from her other two categories with which there is often common ground: work on the colonial debate and work by

⁶¹ Thompson, *Suttee: a historical and philosophical enquiry into the Hindu rite of widow burning*, (London, 1928), p.131. Thompson ultimately favoured dominion status for India within the British empire.

⁶² Sharma, *Sati*, p. 11

⁶³ The Indian journals *Manushi* no. 42-3, Sept.-Dec 1987 and *Seminar*, issue 342, Feb 1988 are the seminal texts on sati produced at this confluence of history and modern socio-politics. *Seminar* includes essays by leading scholars KumKum Sangari and Sudesh Vaid (eg. 'The politics of widow immolation', pp. 20 – 23), and another much-cited essay by Romila Thapar, 'In History' (pp. 14 – 19). Also invaluable is the Bombay Union of Journalists Women and Media's *Trial by fire: a report on Roop Kanwar's death* (Bombay, 1987), a review of press coverage, and a highly influential essay by Ashis Nandy, 'Sati as profit versus sati as spectacle: the public debate on Roop Kanwar's death' in John S. Hawley (ed.) *Sati, the blessing and the curse: the burning of wives in India* (Oxford, 1994), pp.131-146

⁶⁴ Ania Loomba, 'Dead women tell no tales: issues of female subjectivity, subaltern agency and tradition in colonial and post-colonial writings on widow immolation in India', *History Workshop Journal*, no. 36 (Autumn 1993), p. 210

feminists in the Western academy. Nonetheless, her temporal point holds and usefully highlights the proliferation of writing that followed this most controversial of deaths. In fact, almost all historiography of sati is post-1987, mostly produced in the 1990s and 2000s, and some explicitly references Roop Kanwar.⁶⁵ The great majority of this historiography, however, concerns the colonial debates about sati in the decades leading up to, and including, the abolition in 1829.⁶⁶

The following two sections survey the historiographical trends and key texts on sati and are organised chronologically and broadly methodologically. A third section will consider literature on liberalism relevant to this thesis.

(i) *Post-colonial and feminist writing on the colonial debates in India*

Writings on sati after 1987 emerged, of course, from radically different socio-political and intellectual contexts than those which had shaped nineteenth and early twentieth century British accounts of sati and its abolition. Of particular influence were works emerging from the intellectual revolutions of the 1960s and 1970s; perhaps the most influential of these was Edward Said's *Orientalism*, published in 1978, which in turn drew on Michel Foucault and the much earlier work of Antonio Gramsci. Of particular importance for the historiography of India was the groundbreaking work of the Subaltern Studies Group. Established in the early 1980s by Ranajit Guha, among others, their work challenged the privileging of elites in existing historiography by seeking to recover the histories of those marginalised within it by, for example, their class, caste or gender.⁶⁷

⁶⁵ Eg. Andrea Major, *Sovereignty and social reform in India* (Abingdon, 2011), p. 1

⁶⁶ Including, for example, the most recently published monograph on sati: Meenakshi Jain, *Sati: evangelicals, Baptist missionaries and the changing colonial discourse* (New Delhi, 2016). There are some sub-sets within this historiography of sati: for example, work on sati and colonial law (particularly work by Tanika Sarkar, eg. 'Something like rights? Faith, law and widow immolation debates in colonial Bengal', *Indian Economic and Social History Review*, vol. 49, no. 3, (2012), pp. 295 – 320). Another subset is studies of sati outside Bengal eg. Jyoti Atwal, 'Foul unhallow'd fires': officiating sati and the colonial Hindu widow in the United Provinces', *Studies in History*, vol. 29, no. 2 (2013), pp. 229 – 272; Nihar Ranjan Patanaik, 'Widow burning in Orissa', *Journal of Historical Research*, vol. 31-32, no. 11 (1992), pp. 53 -67

⁶⁷ On the origins, evolution and impact of Subaltern Studies, see, for example, Dipesh Chakrabarty, 'A small history of Subaltern Studies' in Henry Schwarz and Sangeeta Ray (eds.) *A companion to postcolonial studies* (Oxford, 2005), pp. 467 - 485

New writing on sati from the late 1980s onwards largely dismantled the narrative of benevolent British intervention into constitutive discourses on the creation, exercise and maintenance of political and cultural hegemony. The work of Gayatri Spivak (a formative member of the Subaltern Studies group) and Lata Mani is particularly significant and draws in feminist theory; as a result, their writing goes beyond the sharp and oversimple dichotomy drawn by Said between colonial ruler and (male) indigenous ruled. Instead they see complicity between British and Indian patriarchies.

In Spivak's renowned 1985 essay, 'Can the subaltern speak?', the subaltern woman is an object of both colonial and patriarchal power narratives in which the woman is lost. In imperial discourse, the sati is constituted as 'an *object* of protection' (a discourse Spivak notably reduced to the aphorism "white men are saving brown women from brown men" which is how, she says, the abolition of sati was "generally understood" by the British).⁶⁸ But, she says, the sati is equally lost in a Hindu orthodox narrative where she is endowed with 'free choice as *subject*'.⁶⁹ Thus, "[b]etween patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears... into a violent shuttling" between representations, "caught between tradition and modernization."⁷⁰

Spivak's theoretical analysis finds an historicized counterpart in the writings of Lata Mani, in relation to whose work many scholars have positioned themselves (or each other).⁷¹ In various essays and most notably in her hugely influential *Contentious Traditions*, Mani gives what she herself describes as a 'post-nationalist, post-colonial, post-orientalist, feminist' reading of the abolition of sati.⁷² Examining the sati debate in India, Mani concludes that women were "neither subjects nor even the primary concern in the debate on its

⁶⁸ Gayatri Chakravorty Spivak, 'Can the subaltern speak?' in P. Williams & L. Chrisman (eds.), *Colonial discourse and post-colonial theory: a reader* (New York, 1994), p. 92

⁶⁹ Spivak, *Can the subaltern speak?*, p. 94f

⁷⁰ Spivak, *Can the subaltern speak?*, p. 102. The absence of the voice and experience of the woman in the literature on sati is a key theme in writings on sati emerging from postcolonial and feminist approaches. A notable example of this genre is Rajeswari Sunder Rajan's *Real and imagined women*, which includes her study on the sati's experience of pain. These laudable attempts to recover the subjectivity of the sati have, as Ania Loomba notes, generally been few: Yang's essay ('Whose sati?') attempts to do so, arguably, she rightly says, not wholly successfully as a largely statistical study; Loomba also critiques Spivak's finding that colonial discourses denied space for women's agency ('Dead women tell no tales', p. 217 and p.218 respectively). But Spivak seems largely correct in concluding that the nineteenth-century sati, spoken about and spoken for, 'could not speak'. This thesis recognises its own limitations in this.

⁷¹ Eg. Andrea Major in *Pious Flames: European encounters with sati, 1500 – 1830* (Oxford, 2006), p. 7

⁷² 'Mani, *Contentious Traditions*: p.6

prohibition” but rather the site on which tradition was measured and charted, the “goods and signs of colonial conflict”.⁷³ The official debate was not centred on the morality of tolerating sati but rather on the political feasibility of abolition. Those officials in favour of abolition did not frame their case in terms of moral reform but instead focused on disproving any scriptural basis for sati, disassociating it from 'true' Hinduism and thus making prohibition commensurate with the principles of religious toleration.⁷⁴ In their endeavours, the British were reliant on a Hindu *brahmin* elite creating what Spivak had earlier called “an institutional textuality”.⁷⁵ In this framework, Hindu women were positioned and re-positioned by patriarchal and colonial imperatives in a debate which Rosalind O'Hanlon and David Washbrook neatly encapsulate as “conducted by men among themselves”.⁷⁶ For Mani, the outcome was that “[f]or the British, rescuing women became 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.”⁷⁷

(ii) ‘New imperial historiography’

Since the turn of the current century, postcolonial accounts of the abolition of sati have themselves rightly been critically re-evaluated by sati scholars. Leading work in this has been carried out by Andrea Major, most notably in her seminal 2006 monograph, *Pious Flames*. She rightly challenges, for example, a Saidian homogenizing and over-simplifying tendency to see a unidirectional colonial hegemony which overlooks dissenting voices within the

⁷³ Mani, *Contentious Traditions*, p.15

⁷⁴ Mani, *Contentious Traditions*, p.15

⁷⁵ Spivak, ‘*Can the subaltern speak?*’, p.99

⁷⁶ Rosalind O'Hanlon & David Washbrook, ‘Histories in transition: approaches to the study of colonialism and culture in India’, *History Workshop*, no. 32, (Autumn 1991), p. 119.

⁷⁷ Mani, *Contentious Traditions*, p. 119. Ashis Nandy provides an alternative perspective on the rite among Hindus who sought to protect its status as tradition in colonial Bengal. In his seminal essay ‘Sati: a nineteenth century tale of women, violence and protest’ in A. Nandy, *At the edge of psychology: essays in politics and culture* (Delhi, 1980), Nandy argues that the practice increased exponentially among the Hindu conservative elite as a ‘psycho-social’ response to British rule, as a re-assertion of cultural identity. In this sense, it was a product of colonialism, an ‘invented tradition’. Nandy's body of work is hugely influential on scholarship focused on debate in India on sati among Hindus. Indeed, Jorg Fisch identifies work which is strongly influenced by Nandy as one of two key strands of sati publication from the mid-1980s -2000s, linking it to important feminist and post-modernist perspectives on sati such as those of Rajeswari Sunder Rajan, for example. (See Jorg Fisch, *Burning women: a global history of widow burning from ancient times to the present* (London, 2006), p. 517

ruling culture and the co-dependency, albeit unequal, between colonizer and colonized in the construction of knowledge.⁷⁸

In a direct challenge to the work of Lata Mani, Major importantly criticizes the isolation of the colonial debate in Bengal in the 1820s from the wider debate in Britain and from earlier British attitudes to sati.⁷⁹ Beginning with dispassionate, sometimes admiring, witness accounts of sati by sixteenth – eighteenth century European travellers accustomed to the horror of ‘martyr’ burnings, Major importantly demonstrates how attitudes to sati were shaped across time by the issues and concerns generated by the changing socio-political context of British society. Concluding her study with the abolition debate in Bengal in the early nineteenth century, she explores its links with concurrent domestic debates in Britain. She argues that condemnation of sati arose at this time from the emergence of a particular set of ideas and concerns about, for example, suicide, religion, the body and gender, that coalesced in the early nineteenth century to create a response that was historically specific.⁸⁰

Major's work certainly significantly enhances understanding of sati and its abolition by challenging the dominant scholarship from the late 1980s onwards which largely isolates sati and its abolition within a narrow discursive framework of colonial and/or patriarchal power in British India in the first decades of the nineteenth century. By placing India and Britain in the same field of analysis, as inextricably linked, and widening her focus from political to socio-cultural history, Major's work can be broadly located in 'new imperial historiography'.⁸¹

This thesis owes much in its scope and orientation to new imperial historiography but with some qualifications which it is useful to set out. The origins of the approach can be traced to the foundational work of John MacKenzie and Andrew Thompson in their *Studies in Imperialism* series and rests on the premise that imperialism as a cultural phenomenon had

⁷⁸ Major, *Pious Flames: European encounters with sati 1500-1830* (New Delhi, 2006), pp. 7-10

⁷⁹ Major, *Pious Flames*, p. 7

⁸⁰ Major, *Pious Flames*, p. 5

⁸¹ See, for example, Durba Ghosh on the definition of new imperial history, 'Gender and colonialism: expansion or marginalization?', *The Historical Journal*, vol. 27, no. 3 (September 2004), pp. 737 – 755

a profound effect on the rulers as much as the ruled.⁸² Debate about the impact of the empire and its cultural phenomena on the people of Britain has been “keen and sometimes acrimonious”.⁸³ In particular, Bernard Porter’s *The Absent-Minded Imperialists* took aim at John MacKenzie and others, including Catherine Hall and Antoinette Burton, for “seeing imperialism everywhere” in British culture.⁸⁴ His argument has been well-counteracted in, for example, Catherine Hall and Sonya Rose’s seminal *At Home with the Empire* and Andrew Thompson’s *The Empire Strikes Back?*⁸⁵ A more recent and growing body of work on material culture and empire has added further important evidence, such as the series of studies by Margot Finn.⁸⁶

This thesis, in arguably ‘seeing sati everywhere’, nonetheless takes seriously Porter’s metaphorical warning that the shards excavated in an archaeological dig can be mistakenly reassembled in a new form.⁸⁷ It is hoped that what follows establishes beyond reasonable doubt that British culture was, in fact, to recontextualise two phrasal verbs Porter objects to in his criticism of Catherine Hall, ‘steeped in’ or ‘imbricated with’ discourses on sati. Its presence will, then, be clear.

Porter’s more pertinent critique here is about the cultural and post-colonial perspectives of some new imperial historians which see ideologies of, for example, modernisation or liberalism as intrinsically ‘western’ and thus as imperial impositions, precluding the possibility they might represent universal human values. Sumit Sarkar had earlier made a comparable point that the insistence on the intrinsic malevolence of imperialism in Saidian-based scholarship prevented any consideration of the idea that colonial rule might have

⁸² See, for example, John M. MacKenzie, *Imperialism and popular culture* (Manchester, 1987), *Propaganda and Empire: the manipulation of British public opinion, 1880–1960*, (Manchester, 1986)

⁸³ Richard Huzzey, ‘Minding civilisation and humanity in 1867: a case study In British imperial culture and Victorian anti-slavery’, *Journal of Imperial and Commonwealth History*, vol. 40, no. 5, (December 2012), p. 808

⁸⁴ Bernard Porter, *The Absent-Minded Imperialists: empire, society and culture in Britain* (Oxford, 2004), p. 6

⁸⁵ Catherine Hall and Sonya O. Rose (eds.), *At home with the empire: metropolitan culture and the imperial world* (Cambridge, 2006); Andrew Thompson, *The empire strikes back? the impact of imperialism on Britain from the mid-nineteenth century* (Harlow, 2005). An interesting middle ground is presented in Richard Price, ‘One big thing: Britain, its empire, and their imperial culture’, *Journal of British Studies*, 45, (2006), pp. 602-27

⁸⁶ Eg. Margot Finn and Kate Smith (eds), *The East India Company at Home* (London, 2018) and Finn’s lecture series on the material turn in British history in *Transactions of the Royal Historical Society* (eg. ‘Material Turns in British History: III: Collecting: Colonial Bombay, Basra, Baghdad and the Enlightenment Museum’, *Transactions of the Royal Historical Society*, no. 30 (December 2020), pp. 1-28

⁸⁷ Porter, *The absent-minded imperialists*, p. 12

provided some good.⁸⁸ In the case of sati, Porter accepts that objections to it were ethnocentric, probably culturally ignorant, and likely motivated by a desire to control. It does not mean, he goes on, that this condemnation could not also have represented an objectively 'enlightened' view, a view that is more 'general', less characteristically western, and thus less necessarily imperial.⁸⁹ Porter himself goes on to anticipate some of the criticisms of this position: these values were a product of the European Enlightenment whose universality has been questioned by post-modern critiques so they may hold no more weight than other perspectives; importantly, these values were often, as a point of fact, imposed on others.

However, Porter and Sarkar touch on issues with the intellectual framework which underpins some new imperial historiography with which this thesis has some sympathy in its examination of sati. Nancy Cassels, for example, sees the notion of the colonial state, or imperialism, as a limiting and misleading interpretative tool. Whilst not sharing her rather dismissive view of historians of India as "swept up in the conspiracy theories of anti-elitist defenders of the subaltern ranks of Indian society or by the anti-Orientalist literary deconstructionist followers of Edward Said", it nonetheless agrees with her that this focus detracts from the enormous variety of circumstances and patterns of thought which led the British to enact some legislation and not other.⁹⁰

This is, of course, where Andrea Major's work in *Pious Flames* is so ground-breaking. But Major herself, if critical of 'Saidianism', is nonetheless swayed to a postmodern deconstruction of British discourse on sati into discrete, time-specific, exigent issues, missing the ideological overview, the connective web. This thesis argues that this is liberalism.

⁸⁸ Sumit Sarkar, 'Orientalism revisited: Saidian frameworks in the writing of modern Indian history', *Oxford Literary Review*, vol. 16 (1994), pp. 204 - 224 cited in Padma Anagol, 'Rebellious wives and dysfunctional marriages: Indian women's discourses and participation in the debates over restitution of conjugal rights and the child marriage controversy in the 1880s and 1890s' in Sumit Sarkar and Tanika Sarkar (eds), *Women and social reform in Modern India: a reader* (Bloomington, Indiana, 2008), p. 283. Sarkar also associates the argument in India that the abolition of sati was a 'surrender to western values' with the "crudest and most obscurantist" forms of Hindu nationalism. 'Orientalism revisited', p. 214, cited in Padma Anagol, *The emergence of feminism in India, 1850 - 1920* (Abingdon, 2005), p. 6

⁸⁹ Porter, *The absent-minded imperialists* p. 11f

⁹⁰ Nancy Gardner Cassels, *Social legislation of the East India Company: public justice versus public instruction* (London, 2010), p.4

(iii) *Liberalism*

Liberalism is, of course, a notoriously imprecise term. It is easy to sympathize with T. A. Jenkins' dry remark on its fluidity among nineteenth century contemporaries that "one must call them something".⁹¹ For Duncan Bell, the mutating term embraces a "squabbling family of philosophical doctrines, a popular creed, a creature of a party machine, a comprehensive economic system, a form of life: ...all of these and more."⁹² At different times it encompassed *laissez faire* economists, radicals, utilitarians, and others, with whom evangelicals were, as Thomas Metcalf has it, "locked in an uneasy embrace".⁹³

The abolition of sati was entirely a product of liberalism. Jonathan Parry makes the important point that because of its heterogeneity, "...to a peculiar degree, liberal politics was issue politics".⁹⁴ Sati was, after slavery, the great issue of empire in the late 1820s to early 1830s, the period when liberalism was in many ways at its most radically legislatively productive. In Britain this period saw Roman Catholic emancipation in 1829, the extension of the franchise in 1832, and interventions on improving the lot of children in the education and factory Acts in 1833, for example. In the empire, the abolition of sati in 1829 would swiftly be followed by the abolition of slavery in many of its territories in 1833. Liberalism in this period was characterised by the ascendancy, variously, of *laissez faire* economics, utilitarian concern for good laws and administration, middle-class concern for civil and religious liberties and representative government, evangelical propagation of Christianity, concern with the social and moral improvement of society.⁹⁵

At this high point of liberal vision and reform the abolition of sati settled and codified a particular liberal position, influenced by utilitarian and evangelical discourses on India, on what was or was not tolerable in a good and well-governed society. As a product of this legislatively confident and productive age, the abolition became an ideological reference point and practical precedent for both evaluating and determining British policy both in Britain and in the wider empire. Much of this thesis demonstrates how this played out and

⁹¹ T. A. Jenkins, *The Liberal Ascendancy, 1830 – 1886* (Basingstoke, 1994), p. x

⁹² Duncan Bell, *Reordering the world: essays on liberalism and empire* (Princeton, 2016), p. 2

⁹³ Thomas Metcalf, *Ideologies of the Raj* (Cambridge 1995) p. 34

⁹⁴ Jonathan Parry, *The rise and fall of liberal government in Victorian Britain* (Yale, 1993), p. 14

⁹⁵ George. D. Bearce, *British attitudes towards India 1784 – 1858* (Oxford, 1961), p. 155

throws light in this way, too, on changes in liberalism over time. William Thomas, for example, suggests that the late-Victorians, viewing the early to mid-century through the lens of John Stuart Mill's autobiography, envied (and exaggerated) the certainty and unity found in utilitarian thought which they longed for in their own age.⁹⁶ The abolition of sati provided a reference point and a lens in its own way for much of the century to this earlier intellectually and legislatively confident period. It was used to tease out what liberalism meant as it evolved across time, especially in relation to religious and cultural freedom, illuminating differences and changes in liberalism within and across the decades. The evangelical and utilitarian forms of liberalism from which the abolition of sati emerged in 1829 was not the liberalism of, for example, Thomas Babington Macaulay or, indeed, John Stuart Mill. It was not the liberalism of John Bright in the 1850s when the abolition of sati was referred to in debates by those seeking to determine what liberal governance of India meant, nor again of the 'new liberalism' that emerged in the 1880s when the abolition of sati again featured in debates about social reform and the role and limits of the liberal state in it.⁹⁷

As a liberal legislative act which would be repeatedly discursively deployed to influence British policy and justify its rule of India, the abolition of sati is a very valuable case study of the complex relationship between liberalism and imperialism. The abolition has not previously been examined in this light. Theodore Koditschek, in his excellent examination of the relationship between liberalism and imperialism, usefully notes that liberal imperialism was relatively neglected until quite recently: liberalism was seen as British, imperialism pertained to the periphery.⁹⁸ There were exceptional earlier works, as he notes, for example Eric Stokes' 1959 classic *The English Utilitarians and India*, Henry C. G. Matthew's 1973 post-Gladstonian study, *The Liberal Imperialists*, and Thomas Metcalf's 1997 *Ideologies of the Raj*; but both Koditschek and Jennifer Pitts, in her important study of liberal imperialism, *A Turn to Empire*, pick out Uday Singh Mehta's *Liberalism and Empire* in 1999 as a ground-breaking

⁹⁶ William Thomas, *The philosophical radicals: nine studies in theory and practice, 1817- 1841* (Oxford, 1979), cited in H.S. Jones, *Victorian political thought* (Basingstoke, 2000), p. xiii

⁹⁷ The discursive use of the abolition of sat in liberal debates about the governance of India in the 1850s is dealt with in Chapter 4 of this thesis, and in debates about social reform in the 1880s in Chapter 5.

⁹⁸ Theodore Koditschek, *Liberalism, Imperialism and the Historical Imagination: nineteenth-century visions of a Greater Britain* (Cambridge, 2011), p. 4

moment in the study of liberal imperialism.⁹⁹ Mehta provides a sharp challenge to the view that liberalism is necessarily anti-imperial given the centrality of liberal belief in self-determination. He argues that far from contradicting imperialism, it arose naturally from liberal ideology; the cultures and institutions of the empire could only ever be seen as backward when measured against the universalised liberal ideas of western reason and progress.¹⁰⁰

Mehta focuses primarily on the Mills and John Locke; as Pitts shows, his argument doesn't hold so well for other liberal theorists, such as Jeremy Bentham who showed "none of the enthusiasm for 'progressive' despotism over backward subjects" that would emerge in "self-designated successors" like James and John Stuart Mill.¹⁰¹ In practice, liberals were among both fierce critics and staunch supporters of imperialism; what this shows, Pitts astutely points out, is that this cannot be explained by theoretical analysis of liberal thought which in itself does not lead ineluctably to either position. Rather, these conflicting positions arose from historical specificity; liberal theory was constituted by engagement in politics and the creation and consolidation of empire was central to that process.¹⁰²

This thesis broadly shares Pitts' position on this and much of what follows will show how discourses on sati demonstrate this synergy between practice and theory. This thesis does proceed, though, with more sympathy towards Mehta than Pitts allows. This is because of the specific origins of liberal attitudes to sati in evangelical and (*Millian*) utilitarian thought. Metcalf and Metcalf note that there was always an authoritarian strain in evangelical-utilitarian reform and that this became more explicit from the mid-nineteenth century as attitudes about the essential differences between ruler and ruled, rather than the earlier sense of innate similarity between them, became more embedded and justified greater

⁹⁹ Jennifer Pitts, *A turn to empire: the rise of liberal imperialism in Britain and France* (Princeton, 2006); Uday Singh Mehta, *Liberalism and imperialism: a study in nineteenth-century political thought* (Chicago, 1999). Pitts also sees new ground broken in Man To Leung, *Extending Liberalism to Non-European Peoples: A Comparison of John Locke and James Mill* (Oxford, 1998)

¹⁰⁰ See, Mehta, *Liberalism and imperialism*, Chapter 2 (pp. 46 -76) where he examines the exclusionary 'impulse' embedded in Locke and in James and John Stuart Mill, and Chapter 3 (pp. 77 – 114) in which he examines how James Mill and J. S. Mill, in particular, justified empire as a remedy for what they saw as India's stalled historical progress (see, for example, p. 81f for Mehta's overview and pp. 87 -97 for his analysis of James Mill's *The History of British India*).

¹⁰¹ Pitts, *A turn to empire*, p. 8

¹⁰² Pitts, *A turn to empire*, p. 4f. Bell characterises this as the 'contingency thesis' and eg. Mehta's position as the 'necessity thesis'. *Reordering the World*, p.21

imperialism.¹⁰³ This thesis will demonstrate the role of discourses on sati in these harder attitudes and thus their association with those aspects of liberalism most closely aligned with the support and maintenance of imperialism.

This thesis proceeds on an understanding that the constitution of liberal thought and policy through the engagement of individuals in political debate and action has clear implications for how we approach what they said and did. In particular, this thesis agrees it is important to, as Quentin Skinner puts it, *attempt* to 'see things their way'.¹⁰⁴ This thesis therefore places considerable emphasis on context; it is interested in knowing who the actors were and excavating the wider intellectual, social and political ideas, events and concerns shaping them. This thesis brings the actors in the debates it examines and their context into the foreground of analysis as valuable interpretative tools.

Sources and methodology

This thesis uses a variety of primary sources. These include Hansard and Parliamentary Papers. Use is made, too, of the histories, memoirs and biographies of Government of India officials (particularly in Chapter 4 examining their role in the construction and maintenance of a liberal narrative of empire) and the writings of Indian reformers. The Privy Council registers at the National Archives at Kew and the India Office Records at the British Library are the principal manuscript and document archival sources for the new examination this thesis provides in Chapter 2 of the appeal against the abolition of sati in 1832.

The principal sources for this thesis are the vast digital archives of nineteenth century British national and regional newspapers, journals and periodicals. In the Victorian period, there were in excess of thirty thousand periodical and newspaper titles which had huge circulation and demographic reach.¹⁰⁵ Their content included domestic and Indian news, editorials and opinion pieces, book reviews, letters from the public, accounts of public meetings and parliamentary sittings, excerpts from the press in India, literary offerings and much else.

¹⁰³ Metcalf and Metcalf, *A concise history of modern India*, p. 93

¹⁰⁴ Quentin Skinner, 'Introduction: seeing things their way' in *Visions of politics*, vol 1. (Cambridge, 2002)

¹⁰⁵ Laurel Brake, 'Writing, cultural production, and the periodical press in the nineteenth century', in J.B Bullen (ed.) *Writing and Victorianism* (Harlow, 1997), p. 54. For a detailed presentation of newspaper distribution and circulation, see Lucy Brown, *Victorian news and newspapers* (Oxford, 1985), pp. 26 - 53

These newspapers, journals and periodicals provide a powerful insight into Victorian social and political culture and thought, both shaping it and reflecting it, and herein lies their great value as source material for social and political discourses. Laurence Fenton, for example, addresses the symbiotic relationship between newspapers and public opinion, acknowledging that newspapers were a principal channel through which public opinion was expressed as well as a channel for editors and politicians to mobilize it.¹⁰⁶ This function is key throughout this thesis in the discursive use of sati by newspapers in many different contexts: in press editorials about the relationship between religion and the state in the 1850s in Chapter 3, for example, or in reports in the 1880s on campaigns to alleviate the plight of Indian child widows in Chapter 5.

Lucy Brown notes more broadly that newspapers had a “central position in public life” and were “part of the normal furniture of life for all classes” by the second half of the nineteenth century.¹⁰⁷ The latter point is important; newspapers were not the preserve of a small intellectual or social elite and this enhances their value as sources of evidence. Brown points, for example, to the London tradesmen and clerks who were believed to be the main readers of the *Daily Telegraph* in the 1850s or the artisans thought to favour the *Daily Chronicle* in the 1870s; by the end of the century, she asserts, we can be certain that even the poorest read and bought newspapers.¹⁰⁸

The demographic reach of newspapers also provides valuable evidence of the reach of discourses on sati which may not be as easily established in other sources; evidence that, as this thesis asserts, discourses on sati were present and embedded across Victorian society and across time. This thesis excavates references to sati in newspaper reports but in so doing it also often identifies who is making them: from the chimney sweeps in court in London in 1834 mentioned earlier in this introduction, to the Mayor of Gateshead speaking to working men about the Indian Rebellion in Bristol in 1858, to the “earnest young” woman speaking to working and middle class women in a suburban private home in London about the position

¹⁰⁶ Laurence Fenton, *Palmerston and the Times: foreign policy, the press and public opinion in mid-Victorian England* (London, 2012, p.3f

¹⁰⁷ Brown, *Victorian news and newspapers*, p. 273

¹⁰⁸ Brown, *Victorian news and newspapers*, p. 50 and p. 48 respectively.

of women in India in 1890.¹⁰⁹

This thesis is careful to avoid over-reliance on national newspapers like *The Times* and takes into account the political leanings of the press. Indeed, particular attention is paid to the regional press, the majority of which (at least until the 1880s) was liberal.¹¹⁰ Many of the most substantial discourses on sati, as we shall see, are in liberal newspapers based in towns and cities in the Midlands and north of England, newspapers such as *The Leeds Mercury*, *The Sheffield and Rotherham Independent*, *The Liverpool Mercury*. This is not surprising. This thesis shows that discourses on sati often occurred with the greatest frequency and substance in debates on matters of concern to particular liberal constituencies, such as the issue of the relationship between the state and religion for nonconformists, and whose presence and influence was broadly very strong in these locations for much of the century.¹¹¹ *The Leeds Mercury* is a good example of this. The newspaper was owned by the Congregationalist (and Liberal MP from 1859 – 1874) Edward Baines, a vehement advocate of the separation of church and state. Under his leadership, the newspaper used discourses on sati across time to work through tensions between its support for this position in England and its advocacy for what could be seen as interference in religion in India by the state.¹¹²

The principal methodology of this thesis' analysis of the newspaper archives is a simple, qualitative form of text mining. Luke Blaxill has done much to pioneer 'big data' qualitative and quantitative computerised text mining techniques based on corpus linguistics, particularly in his seminal *The War of Words* in which he explores the development of political communication in late Victorian and Edwardian Britain.¹¹³ In this monograph, he

¹⁰⁹ *The Morning Post*, Saturday 25 October, 1834; *The Bristol Mercury*, Saturday 6 February, 1858, discussed below in Chapter 3; *The Women's Penny Paper*, Saturday 29 November, 1890, vol. III, issue 110, p. 83, discussed in Chapter 5 below.

¹¹⁰ Brown, *Victorian news and newspapers*, p. 32f

¹¹¹ On the geographical spread and political affiliations of nonconformist communities, see, for example, Michael Watts' monograph, *The Dissenters: the expansion of evangelical nonconformity*, vol. II (Oxford, 1995)

¹¹² See, for example, this thesis' analysis of *The Leeds Mercury* editorials in the section on debates about the nature and limits of government neutrality in Chapter 3, and on the abolition of sati and widow remarriage in the 1850s in Chapter 5. On Baines, see, J.R. Lowerson, 'Baines, Sir Edward (1800–1890)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/1090>. For a case study of nonconformist liberal campaigns in newspapers and of liberal affiliation and ownership of newspapers, see also eg. Aled Jones, *Powers of the press: newspapers, power and the public in nineteenth-century England* (Aldershot, 1996), pp. 148 – 155.

¹¹³ Luke Blaxill, *The War of Words: the language of British elections, 1880–1914* (London, 2020)

was thus able to bring together and analyse around a billion words in speeches in late Victorian and Edwardian election campaigns, words which, he points out, could not otherwise have been physically read in their totality.¹¹⁴

This thesis, faced with a similar challenge, used key word searches, beginning with 'suttee', to identify references to sati and its abolition across the period with which it is concerned among the billions of words in the digitalised archives of newspapers and periodicals. Hits were plotted on a grid to record when sati was being talked about, in reference to what, where, by whom and in which newspapers and journals. When this showed that multiple references were clearly concentrated around particular issues and times, and even people, additional key word searches of these issues and names were made to develop a fuller picture and provide cross-references. An example of this is references to 'suttee' in the early 1830s: the name Stephen Lushington was frequently found in the same articles where the word 'suttee' occurred and this led to this thesis' excavation of his role in the appeal against the abolition of sati and to the evidence presented here in Chapter 2 of how bound up debates about freedom of religion in England were with those in India.

There is a risk with the methodology used here of losing sight of the wider context, of all the far more numerous occasions that sati was *not* being talked about. This thesis recognises this and is mindful of it. Nonetheless, references to sati are indisputably substantial in the archives and the central findings of this thesis clearly emerge in analysis of them. It is clear, then, that among the many thousands of disparate references to sati and its abolition (briefly surveyed at the beginning of this introduction), sati and its abolition had two clear and substantive functions in social and political discourses: in the liberal defence of empire; and as a benchmark to test the limits of social and religious freedom and the role of the state in setting them. The topics chosen as the main foci of the chapters of this thesis to demonstrate these findings are those in which references to sati and its abolition are most frequent and developed.

¹¹⁴ See www.lukeblaxill.com

2: Sati and religious freedom in the 1830s

Religion was so central in political conflict in the generation after the passage of the 1832 Reform Act that, J.P. Ellens strikingly asserts, “Liberals and Tories faced each other as Dissenters and Churchmen.”¹¹⁵ This is an over-simplification and the division lines he draws were not so clearly defined as this suggests, as we shall see, but there is a core truth here. Political life and debate in Britain were to a large extent shaped and disrupted in the 1830s by controversies about religion and its relation to the state. The extent to which non-Anglicans could participate on equal terms in civil and religious life and, underpinning this, the security of Britain’s religious settlement as a confessional state with an established Anglican church, were contested throughout the decade (and beyond, of course). There was a ferocity and passion to these debates which reflected the personal religious investment so many of the participants had in their particular side of the debate and which did not always align neatly along ‘party’ lines.¹¹⁶

The primacy of these issues in the 1830s had its immediate roots in the pioneering liberal legislative changes of 1828-32. Norman Gash, in his important political-ecclesiastical history, *Reaction and Reconstruction in English Politics 1832-1853*, notably argues that the “whole constitutional revolution of these years could be represented in religious terms.”¹¹⁷ The Church-state relationship was directly affected by two of the principal legislative changes: the repeal of the Test and Corporations Act in 1828 dismantled the Anglican monopoly in offices of state and in municipalities; the emancipation of Roman Catholics in 1829 gave them admission to the legislature. The third great change, the Reform Act, had its own, indirect effect by politically strengthening those opposed to the Anglican establishment.¹¹⁸ On these foundations Dissenters and Catholics, who were the principal beneficiaries, Jews, who were still excluded, and their allies, sought further religious and civil liberties while the

¹¹⁵ J. P. Ellens, *Religious routes to Gladstonian liberalism: the church rate conflict in England and Wales, 1832-1868* (Pennsylvania, 1994), p. 1

¹¹⁶ In asserting this, this thesis aligns itself with historians who take seriously the religious motivation of those involved in forming government policy in the nineteenth century. See, for example, Jonathan Parry, *Democracy and Religion: Gladstone and the Liberal party 1867 – 1875* (Cambridge, 1986), p. 5f

¹¹⁷ (Oxford, 1965), p. 61

¹¹⁸ Gash, *Reaction and Reconstruction*, p 61

Church party, fearful of the 'Church in danger' from any further concessions, sought to entrench its establishment.

No historian has yet considered the abolition of sati and its legacy in the context of these domestic debates in the 1830s. Yet the abolition of sati, a direct intervention in religious freedom, was a product of this same liberal revolution, enacted in 1829 in India. There are, moreover, multiple references to sati in the 1830s which show that some contemporaries variously used the sati legislation as either a point of alignment or divergence in their pursuit of either lesser or greater religious freedom in England. Indeed, it is in these debates that we see the first systematic use of sati after its abolition to test the limits of religious freedom and the boundaries of the state in England.

This chapter examines this discursive use of sati in these charged domestic debates through a case study of the liberal Anglican Dr. Stephen Lushington, a Whig MP and ecclesiastical lawyer. Lushington was deeply committed to the advance of religious and civil liberties in England and was also committed to reform of the Church of England which he saw as necessary for the survival of the Anglican establishment. Lushington was also, significantly, the lawyer for the appellants in the barely studied appeal against the abolition of sati put before the Privy Council in London in 1832. In examining discourses on sati through a case study of Lushington, this chapter brings together these debates about religious freedom in the empire and at home. In so doing it will throw new light on the appeal against the abolition of sati and on debates about the relationship between religion and the state in England in the 1830s, as well as on Lushington himself.

This chapter begins with an introduction to Lushington. This is followed by a substantial study of the appeal against the abolition. Lushington's involvement in the appeal attracted wide disapprobation; he became the 'Suttee doctor'. The second part of the chapter will examine how and why sati was used discursively to attack Lushington in the years after the appeal. It will show this was certainly bound up with anger at the challenge the appeal represented to the boundaries abolition had set to religious toleration. But it will also argue that hostility to Lushington was, in significant ways, about his support for religious freedom in England rather than in India and the threat his pluralism was perceived to pose to the Anglican establishment. Discourses on sati were used to express this.

The 'Suttee Doctor'

On December 12th, 1834, the liberal newspaper *The Morning Chronicle* reported on a meeting held the previous day for the electors and residents of Tower Hamlets, attended over the course of the day, it claimed, by several thousands. The meeting had been convened to allow those assembled to express their views on the recent “fearful changes in the Government.”¹¹⁹ Indeed, in November, King William IV had abruptly dismissed Melbourne’s elected Whig government in what was the last exercise of this ancient power of royal prerogative in Britain. He had called on the Tories to form a new government and the Duke of Wellington thus headed a short, interim administration until Sir Robert Peel, who was in Italy, returned and (reluctantly) took up his post on December 10th.

In this sensational political moment, the Tower Hamlets meeting assembled. So soon after the extension of the franchise in 1832, the perceived threat to the prerogative of the new electorate from the prerogative of the monarch was keenly noted by the participants. But the principal actuating force of the meeting was not anger at the King but rather, as *The Morning Chronicle* depicted it, a “spirit of hostility to Toryism.” In their opening remarks, the speakers expressed alarm at the handing of government to men decried as “demonstrably hostile to civil and religious reform”.¹²⁰

Among the several speakers was the constituency’s Whig MP, Dr Stephen Lushington. His address to the crowd on this theme, which the newspaper reported in full, included some audacious though seemingly very well-received rhetoric:

“When...I hear the people say, ‘Oh, for God’s sake, trust the Duke!’- ‘for heaven’s sake, listen kindly to Sir Robert Peel, who carried Catholic emancipation!’ – I cannot help exclaiming against such folly and absurdity. The man who patiently listens to such stuff is an idiot... How do men act in private life? Do you confide in those you know to be convicted swindlers? (Loud cheers.) If you seek a woman to be your companion for life, do you take as a wife, or as a mother to your families, a prostitute from the streets? (Hear, hear, hear.) If then, men are governed in private

¹¹⁹ *The Morning Chronicle*, Friday 12 December, 1834

¹²⁰ *The Morning Chronicle*, Friday 12 December, 1834

life by such feelings, should they not feel equally jealous of the character of those who govern them? ...What safer or wiser course can we pursue with regard to those men called to the councils of the Sovereign, than be warned by the past, instead of blindly trusting to hope for the future? (Cheers.)”¹²¹

In a separate editorial in the same issue, *The Morning Chronicle* reprinted this extract from the speech and provocatively asserted that Lushington had thus “admirably handled” the subject. “We leave the Duke and Sir ROBERT, and their organ *The Times*, to digest it as they may”, it concluded.¹²²

It was the response of the outraged Tory newspaper *The Standard*, which is of principal interest here, however. In its evening edition on December 12th, it too published the extract and fumed against the “*Suttee* doctor”, as the newspaper called him. The newspaper demurred to go further to describe him as it would like, it rhetorized, but proffered its approval to readers who in its place might select the worst words expressive of meanness, malice and falsehood. This was a man, it raged, who had both worked with and accepted favours from Peel and Wellington, “...and here we have him likening his benefactors to convicted swindlers and common prostitutes! We possibly have read nothing so disgusting as this extract, since the celebrated *Suttee* speech in defence and for the continuance of Oriental abominations.”¹²³ Another Tory newspaper, *The Morning Post*, shared both the sense of outrage and the disparaging nickname for Lushington, condemning the “seditious scurrility” and “disgusting oration...inflicted upon the public” by the “‘*Suttee*’ Doctor”.¹²⁴ *The*

¹²¹ *The Morning Chronicle*, Friday 12 December, 1834

¹²² *The Morning Chronicle*, Friday 12 December, 1834. Peel, hearing of the speech, wrote immediately to Lushington to ask if he had said this. Lushington replied that he couldn’t remember with precision exactly what expressions he had used but that he had undoubtedly used some of these words. He assured Peel there was no personal allusion and that he meant nothing other than Peel and Wellington could not be expected to become zealous reformers any more than a great change of character and principles could be expected in any individual. Peel was satisfied and had their correspondence published the following day in *The Morning Chronicle*. (Saturday 13 December, 1834). However, it does seem possible Lushington was alluding to Wellington’s unflattering appearance in the courtesan Harriette Wilson’s memoirs published in 1825 and, perhaps, to a much earlier public scandal in 1809 when the mistress of the Duke of York, Mary Anne Clarke, claimed the prince was an accomplice to her practice of procuring bribes for army commissions. She claimed Wellington’s name was also used to procure bribes; in the ensuing inquiry, it was not accepted that Wellington knew of the swindling. On these events, see Rory Muir, *Wellington: The Path to Victory 1769-1814*, (London, 2013) p. 286f, 290f. *The Times* appears not to have responded to the *Chronicle*’s provocation though it published an edited account of the Tower Hamlets meeting which covered Lushington’s intervention on December 13, p. 3, and the Peel-Lushington correspondence on December 15, p. 2

¹²³ *The Standard*, Friday 12 December, 1834

¹²⁴ *The Morning Post*, Wednesday 17 December, 1834

Standard was particularly fond of the appellation, however, and seems to have been its originator; the newspaper's fury at him over his apparent slurring of Wellington and Peel was not even the first occasion that year the newspaper had used it, mockingly calling him "the learned *Suttee* advocate" in a report on a Commons debate in April.¹²⁵ It was a curious insult and a seemingly inapt context in which to deploy it. This chapter is in part concerned, then, with its origins and the occasions of its use.

The origins of the 'Suttee doctor', or 'Suttee advocate', slur are, in part, easy enough to recover. Lushington was, indeed, a prominent lawyer, as well as a liberal MP. In the course of his long career he would become one of the most senior secular court judges in England and one of the most senior ecclesiastical court judges.¹²⁶ At the time of the Tower Hamlets meeting in 1834, he had been a member of Doctors' Commons, the society of civil lawyers which at that time held the monopoly in the practice of ecclesiastical law (which included probate and marital disputes) for twenty six years; he had been a judge in the Consistory Court of London, the most important diocesan court, since 1828.¹²⁷ Among the notable cases in which he had acted by the time of *The Standard's* attack on him were the infamous matrimonial disputes of Lady Byron and Queen Caroline, both of whom he defended.¹²⁸ It was a different legal controversy that was the source of *The Standard's* 'Suttee doctor' slur.

(I)

The appeal against the abolition of sati, 1832

Two years before the Tower Hamlets meeting, over three days in the summer of 1832, the Privy Council in London heard an appeal from the Dharma Sabha, an organised group of mostly conservative Hindus led by Radhakanta Deb, against the abolition of sati which had

¹²⁵ Lushington had spoken in support of a bill to admit Dissenters to the universities (the bill failed on this occasion). *The Standard*, Friday 18 April, 1834

¹²⁶ Stephen M. Waddams, *Law, Politics and the Church of England: the career of Stephen Lushington 1782-1873*, (Cambridge, 1992), p. xiff

¹²⁷ Stephen M. Waddams, 'Lushington, Stephen (1782-1873)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.109/ref:odnb/17213> accessed 3 December 2020. Doctors' Commons also had a monopoly on Admiralty law; Lushington became a judge in the Admiralty high court in 1838 which also brought him a seat on the judicial committee of the Privy Council.

¹²⁸ On his involvement in these cases, see Waddams, *Law, politics and the Church of England*, pp. 100 – 159; and David Taylor, *The remarkable Lushington family: reformers, pre-Raphaelites, positivists, and the Bloomsbury group* (Lanham, 2020), pp. 19 – 21, p. 26f

been enacted in 1829 by Bentinck's Government of India. Lushington was the lead counsel for the appellants. The appeal against the abolition is mentioned only in passing in almost all the historiography of sati, where it is mentioned at all, including in the most substantive works, where it is generally treated as a brief coda to the abolition itself.¹²⁹ This is surprising. The work of Nandini Chatterjee, for example, examining appeals to the Privy Council, particularly in relation to religion and the family, shows how important a source they are for understanding the ideologies, practice and social impact of colonial law, the complex relationship of colonial law and Indian law and custom.¹³⁰ The cursory treatment of the appeal against the abolition of sati means that the few references in the historiography of sati are often frustratingly littered with omissions and errors. In some of this historiography, for example, where the lawyers acting for the petitioners are even mentioned at all, Lushington is entirely omitted.¹³¹ In a number of works, other names or dates are incorrect.¹³²

One reason for the neglect of the appeal by historians is perhaps revealed by a comment Lata Mani makes in her paragraph about it in her seminal *Contentious Traditions*; she simply

¹²⁹ Cursory mentions are made in eg. Major, *Pious Flames* p. 219; Mani, *Contentious Traditions* p.65. The appeal is not mentioned at all in eg Sharma, *Sati*; Fisch, *Burning women*.

¹³⁰ See, for example, Nandini Chatterjee, 'Muslim or Christian? Family quarrels and religious diagnosis in a colonial court', *American Historical Review*, volume 117, no. 4 (2012), pp. 1101-1122, which focuses on the Privy Council's role in 1872 in determining a widowed mother had lost her right of custody to her husband's family as a result of her conversion to Christianity. Chatterjee also co-created the useful online catalogue of historic Privy Council papers: <https://privycouncilpapers.exeter.ac.uk> Other work by Chatterjee on marriage law in India and its relation to English marriage law and on Christian personal law is referenced in Chapter 5 of this thesis.

¹³¹ Possibly because their main primary source material about the appeal was produced in India, they name Francis Bathie as the lawyer presenting the petition: Mani, *Contentious Traditions*, p. 65; A. F. Salahuddin Ahmed, *Social ideas and social change in Bengal. 1818 – 1835* (Leiden, 1965) p. 125. Nancy G. Cassels also names Bathie (but not Lushington) in *Social legislation of the East India Company* despite using the India Office records at the British Library as a source. It is not inaccurate to name Bathie but is a little misleading. Bathie was the Calcutta lawyer appointed by the Dharma Sabha in India to take the petition to England but he did not present the case at the Privy Council.

¹³² In fact, no historian who cites the dates gives all the dates correctly. Mani, for example, has the case being presented until July 11 (it concluded on July 7), *Contentious Traditions*, p. 65. Dates for the hearing are also incorrect in Jatindra K. Majumdar's collection of primary sources, 'Accounts of the hearing of the suttee appeal before the Privy Council (November, 1832)' in *Raja Rohammun Roy and progressive movements in India: a selection from records (1775 – 1845)*, (Calcutta, 1941), pp. 195 – 218; this seems to be because he has used the dates when news of the hearing was published rather than the dates of the hearing itself. In a more grievous error, in V.N. Datta's study of sati, Sir James Graham and Sir John Leach, two of the Privy Councillors who heard the case, are merged as 'Sir James Gram Leech' in an account of the outcome of the case: *Sati: a historical, social and philosophical enquiry into the Hindu rite of widow burning* (New Delhi, 1988), p. 144. This could be, albeit more frustratingly, a typographical error as Datta elsewhere in the text correctly names Sir James Graham, though the error is repeated in the Index, p. 275.

notes the “by now well-rehearsed arguments of either side” put to the Privy Council.¹³³ This is true to some extent, as we shall see, but it is a reductionist view of the case resulting from the narrow geographical and intellectual scope of Mani’s postcolonial interpretation of British interest in sati in Bengal.¹³⁴ It thus misses the nuance and shift of emphasis brought to the issue when it moved to Whitehall through the involvement of men like Lushington who had no India experience and whose principal interest as an ecclesiastical lawyer and liberal MP in this momentous period of religious change was in the parallel debate about religious freedom in Britain.

Perhaps of more concern, then, is that there is no detailed discussion of the sati abolition and no mention at all of the appeal in the historiography of religious reform in England in the early 1830s. In their historical survey of the development of reforming opinion and activity between 1780 and 1850, for example, Arthur Burns and Joanna Innes have only two sentences noting that sati was the focus of moral reform campaigns in the 1820s.¹³⁵ This omission in the historiography has occurred despite the abolition of sati being enacted contemporaneously with liberalising religious reforms in England, as we have already noted, and despite the appeal being heard as new domestic reforms were being proposed to ameliorate the religious and civil status of Dissenters, Catholics and Jews. A glance at

¹³³ Mani, *Contentious Traditions*, p.65

¹³⁴ Mani’s work was discussed more fully in the literature review in the introduction to this thesis.

¹³⁵ Arthur Burns and Joanna Innes, ‘Introduction’ in A. Burns and J. Innes (eds), *Rethinking the Age of Reform: Britain 1870-1850* (Cambridge, 2003), p. 42. This volume, though concerned with reform more widely in this period, also contains other essays relevant to the discussion of religion in this chapter, in particular Arthur Burns’ essay ‘English church reform revisited, 1780-1840’ (pp. 136 – 162) which includes a useful overview of the varying meanings of ‘church reform’ in this period (p. 139f) and Michael Lobban’s essay “‘Old wine in new bottles’: the concept and practice of law reform, c. 1780 – 1830’ (pp. 114 -135), though both are concerned only with the English context. Lobban provides a useful historical and intellectual context for the English ecclesiastical law reforms of the mid- 1830s discussed in this chapter. Burns and Innes’ volume does, interestingly, include essays which make the link between English reform and empire, but these focus on political not religious reform eg. Miles Taylor’s essay ‘Empire and parliamentary reform: the 1832 Reform Act revisited’ (pp. 295 -311) which examines the impact of empire on reform thought and practice about colonial representation and parliamentary reform in the early 1830s. Penelope Carson’s pioneering *The East India Company and religion, 1698 – 1858* (Woodbridge Boydell, 2012) comprehensively examines the impact of diverse religious denominations and factions on the Company’s religious policy in India across time, including their role in the abolition of sati, though not the appeal (see pp. 183ff). Carson does not, though, address the interplay, the bi-directionality, of religious policy in India and religious policy in England. There has been other work bringing together domestic religious reform and empire into the same field of analysis to tease out the interconnections between them. A valuable example is Justin Biel’s ‘Maynooth, the “Godless colleges” and liberal imperial thought in the 1840s’, *Irish Historical Studies* vol. 42, No. 161 (2018), pp. 26–49. In this essay Biel links the passage of British legislation in 1845 which stipulated that religious instruction in the Queen’s colleges in Ireland must be supported by voluntary organisations, and not the state, to the colonial knowledge, experience and liberal imperial sensibilities of men like Macaulay.

Hansard for just the three-week period in which the three Saturdays in June and July, 1832, on which the appeal hearing fell, for example, shows multiple debates on Irish tithes and a debate on whether the new university at Durham would confer degrees on Dissenters. Even Stephen Waddams, in his monograph examining Lushington's legal career, dedicates only a single clause of a single sentence to the appeal, even though this notes it was "a notorious case" and even though he elsewhere rightly identifies Lushington's influential agency in an age of significant political and religious transformation as justifying a study of his career.¹³⁶ At the very least, as this chapter will show, the association with sati caused Lushington reputational damage, which Waddams seems entirely unaware of. More importantly, however, the reciprocity of Lushington's attitudes to non-Anglicans in England and Hindus that this chapter will demonstrate provides a new perspective on the domestic debates about the scope of religious freedom. The purpose of the next sections, therefore, is to both fill a gap in the historiography by providing a fuller and more accurate account of the appeal against the abolition of sati and to consider the appeal, and the role of the actors in it, for the first time in the wider context of domestic debates on religious reform.

The appeal hearing

It is possible to reconstruct the substance of the hearing from newspaper reports and extant archival documents, although there are omissions in all of these, on the significance of which more comment will be made as we go on. There was naturally extensive press coverage in India, albeit inevitably delayed by a few months.¹³⁷ In Britain, news from the hearing was reported in at least fifteen national and regional newspapers, including in

¹³⁶ Waddams, *Law, Politics and the Church of England*, p.8. Also p xi for Waddams' rationale for writing about Lushington.

¹³⁷ Majumdar provides a very useful edited collection of Indian newspaper reports and commentaries on the appeal and its outcome, most of which are dated November, 1832 in 'Accounts of the hearing of the suttee appeal before the Privy Council (November, 1832)' in *Raja Rohammun Roy and progressive movements in India: a selection from records (1775 – 1845)*, (Calcutta, 1941), pp. 195 – 218. These include editorials in the *Samachar Chandrika*, the newspaper of the Dharma Sabha, which highly praise Lushington ('Accounts of the hearing etc.', pp. 205-7 and pp. 209f). Additionally, the collection includes some pertinent meeting minutes of the Dharma Sabha ('Accounts', pp. 199 – 205) and some correspondence, including Francis Bathie's memorial to the Privy Council following the rejection of the appeal ('Accounts', p.217 -219)

Scotland, Ireland and Wales, as well as a number of periodicals.¹³⁸ The principal, largely unpublished document and manuscript archival sources for the appeal are the India Office records. These include the documents submitted to the Privy Council in advance of the hearing by both parties and some correspondence of the legal team for the East India Company pertaining to the preparation of their case. Additionally, the Privy Council Register for 1832 in the National Archives contains the long manuscript Committee report for the hearing which summarises the appellants' arguments and concludes with the Council's judgement. The paragraph-length judgement was published in newspapers a few days after the hearing but the Committee report itself does not seem to have been used by any historians writing about sati to date. There appear to be no transcripts or official summaries of the speeches made by the advocates or by the Council in deliberation. The only published account of these from a participant at the hearing (and this a brief commentary on some of the speeches and deliberations and not descriptive), appears to be from the long-serving Clerk to the Privy Council and (in)famous diarist, Charles Greville.¹³⁹

Despite being overlooked by historians, the wide press coverage of the appeal case demonstrates it was of some moment. There are other, indirect hints of this, too. In August, the Whig MP Vernon Smith submitted a new petition from the people of Cheshire against sati and against slavery, perhaps an indication that the appeal had caused some concern that it may succeed and certainly an indication that the practice still excited strong feelings.¹⁴⁰ In September, *The Monthly Repository* published an appeal from a Polish literary society to the people of Great Britain in what is presumably the context of the failed uprising of young Polish army cadets against Russian rule a year earlier and the repression that had followed. The magazine urged Britons to support the Polish appeal: "Is all our justice, humanity, and Christianity evaporated by Hindoo suttees and negro slavery?... the suttee of the Hindoo widows is an immolation more tolerable than the agony of a many a Polish mother."¹⁴¹ This may again be an indication that sati was again in the public

¹³⁸ For example, *The Aberdeen Journal*, Wednesday 18 July, 1832; *Freeman's Journal and Daily Commercial Advertiser*, Wednesday 17 July and Monday 16 July, 1832 (a Dublin-published newspaper); *North Wales Chronicle*, Tuesday 24 July, 1832

¹³⁹ Charles Greville, *The Greville Memoirs: a journal of the reigns of King George IV and King William IV*, First series, vol. II (London, 1874), p. 307 - 308

¹⁴⁰ *The Morning Chronicle*, Friday 10 August, 1832

¹⁴¹ Published in *The Leicester Chronicle etc.* Saturday 15 September, 1832

imagination that summer and is an early example of the discursive use of sati to rally support for a cause by morally aligning it with the rite.

More immediately, the Privy Council hearing attracted a prestigious audience. Thomas Babington Macaulay was among those who went to Whitehall to hear the proceedings when they opened. He wrote to his sisters Hannah and Margaret on the morning of the first day of the hearing, explaining the purpose of the case to them with notable levity: “Lo[rd] W Bentinck, you know, forbade ladies to burn themselves with their husbands. The ladies have in consequence appealed to Caesar, - that is to the government here.”¹⁴² Ram Mohan Roy, the Hindu reformer whose fame in England was such that he was referred to as ‘celebrated’ in the news reports of the hearing, was also present. He had been personally invited by the Lord President of the Privy Council, Lord Lansdowne.¹⁴³ Roy had travelled to Britain to (among other reasons) counter-petition in support of the abolition order and it was Lansdowne who had presented this petition to the House of Lords. Roy attended every day of the hearing. The news reports noted that he sat near the Council members following “with lively interest”.¹⁴⁴

Roy, as noted in the introduction to this thesis, had had a significant role in the campaign that led to the abolition of sati and now, in England, had some further involvement in the preparation of the East India Company’s defence of the abolition after offering his services. He met with the Company’s solicitor Edward Lawford and the ‘standing council’, Serjeant Robert Spankie, a former Advocate General in Bengal, in January, 1832.¹⁴⁵ Spankie told Roy he wished to consult him on the Hindu textual authorities the Company planned to cite in the case and sent him copies of the extracts they had printed for the Privy Council.¹⁴⁶ Following their meeting, Roy wrote to Lawford enclosing “a few remarks which I hope will

¹⁴² 23 June, 1832 in Thomas Pinney (ed.) *The Letters of Thomas Babington Macaulay vol. II (March 1831 – December 1833)*, (Cambridge, 1976), p. 138

¹⁴³ Lynn Zastoupil, *Rammohun Roy and the making of Victorian Britain* (Basingstoke, 2010), p. 54

¹⁴⁴ *The Lancaster Gazette etc.*, Saturday 30 June, 1832; *The Times*, Monday 25 June, 1832, p.6. The reports cover the hearing on Saturday 23 June; the report as published in *The Times* also appeared the same day in eg. *The Morning Chronicle* and *The Morning Post*.

¹⁴⁵ See letter of introduction to Roy from J. Auber, January 2, 1832, British Library, India Office Records: IOR L/L/13 (1030) (unnumbered series), vol. III, fol. 327

¹⁴⁶ Letter from Spankie to Roy, January 4, 1832, British Library, India Office Records: IOR L/L/13 (1030) (unnumbered series), vol. III, fol. 331

serve to corroborate your arguments against the practice of widow burning”.¹⁴⁷ These remarks were in a memorandum which was in substance a manuscript copy of a pamphlet Roy had published in 1830 in response to the appellants’ petition to Bentinck against the abolition, recapitulating his arguments in his earlier publications against sati.¹⁴⁸

As well as preparing the case, Spankie was one of the Company’s legal team who argued it at the hearing. It was a fairly large team which included the Solicitor-General, the Attorney-General, Sir Edward Sugden and Sir Charles Wetherell. Sugden and Wetherell had both formerly held the post of Solicitor-General and, interestingly, both had set personal limits to religious toleration. Sugden had expediently supported Catholic emancipation despite disapproving of the admission of Catholics to state office but opposed Jewish emancipation.¹⁴⁹ Wetherell had fought against Catholic emancipation with such immoderation that Wellington had dismissed him.¹⁵⁰

The appellants’ team was small. Lushington was supported by the Dharma Sabha’s London solicitor, W. C. Macdougall of Macdougall and Bambridge, and the advocate John Elliot Drinkwater.¹⁵¹ Macaulay, who knew Drinkwater, rather mischievously named him in his letter to his sisters simply as “Drinky- short and shabby” and, again with notable frivolity, as “...counsel for the burning.”¹⁵² The appellants themselves were not present. As they wrote in their letter granting power of attorney to Francis Bathie, they were prevented by “Religion and Caste from going on Ship Board”.¹⁵³

¹⁴⁷ January 16, 1832, British Library, India Office Records: IOR L/L/13 (1030) (unnumbered series), vol. III, fol. 334

¹⁴⁸ Memorandum, British Library, India Office Records: IOR L/L/13 (1030) (unnumbered series), vol. III, fol. 336-341. Published as *The abstract of the arguments regulating the burning of widows considered as a religious rite* (Calcutta, 1830), in Jogendra Chunder Ghose (ed.) *The English works of Raja Rammohun Roy, vol. II* (Calcutta, 1901), pp. 181 -192. Roy also enclosed some annotated extracts from the orientalist Sir William Jones’ translations of the *Institutes of Manu* and engaged to forward copies of the congratulatory addresses on the abolition from the inhabitants of Bengal to Bentinck, having already given Spankie and Lawford the addresses from the inhabitants of Benares at their meeting.

¹⁴⁹ Joshua S. Getzler, ‘Sugden, Edward Burtenshaw, Baron St Leonards’, *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/26765>, accessed March 15, 2020. On Sugden’s opposition to Jewish emancipation, see his speech in the Commons, April 1st, 1830, *Hansard*, 2nd series, vol. 23.

¹⁵⁰ Elizabeth Baigent, ‘Wetherell, Sir Charles’, *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/29146>, accessed March 15, 2020

¹⁵¹ British Library, India Office Records: IOR L/L/13 (1030), vol. 3, fol. 156, 164. Drinkwater is better known by the surname he adopted later, Bethune.

¹⁵² Pinney (ed.) *Letters of Macaulay*, p. 138

¹⁵³ British Library, India Office Records: IOR L/L 13 (1030), fol. 152

Lushington opened for the appellants on June 23rd and spoke, according to *The Lancaster Gazette*, for three hours.¹⁵⁴ He was followed by Drinkwater who also presented on the second day of the hearing on June 30th followed by the advocates for the East India Company. Lushington and the Company made their closing speeches on July 7th. Comparison of the archival documents and newspaper reports show that Lushington's speeches at the hearing were constructed both from quotation from the *Dharma Sabha* documents and his own arguments, emphases and interpretations.

The case for the Dharma Sabha was premised on five main points in Lushington's summary document submitted in advance to the Privy Council.¹⁵⁵ Two of these were clearly procedural: that Bentinck had passed the regulation without prior notice or opportunity to present objections, and that Bentinck had latterly dismissed out of hand their subsequent petition to him.¹⁵⁶ Another point challenged the factual accuracy of Bentinck's Preamble to the abolition order in relation to both the practice of sati and Hindu opinions about the rite.¹⁵⁷ Part of this, and listed as a ground for appeal in its own right, was the claim in the Preamble that the practice of sati was subject to the worst abuse. Lurid, shocking, mainly missionary reports of women drugged and murdered had, of course, inspired the domestic abolition campaign. The Dharma Sabha disputed that the practice was abused but submitted that abuse was already prohibited in Hindu law and that existing criminal laws could be used to punish any that occurred; the interdiction of the rite itself was thus unnecessary to this end.¹⁵⁸

¹⁵⁴ *The Lancaster Gazette*, Saturday 30 June, 1832. This detail was not reported in other newspaper accounts of the hearing.

¹⁵⁵ These are set out in British Library, India Office Records: IOR L/L/13 (1030), vol. II, fol. 156, afterwards printed in *The Asiatic Journal's* account of the hearing (Vol. 8, May – August, 1832, p. 167 and pp. 223-4) and summarised in some Indian newspapers eg. *Samachar Durpan*, November 10, 1832 (cited in Majumdar, *Accounts*, p. 200)

¹⁵⁶ Points I and IV, British Library, India Office Records: IOR L/L/13 (1030), vol. II, fol. 156

¹⁵⁷ Point II, British Library, India Office Records: IOR L/L/13 (1030), vol. II, fol. 156 The Dharma Sabha's challenge to the Preamble, point by point, is the main substance of the Privy Council committee report: National Archives, Privy Council Registers: PC2/213

¹⁵⁸ Point III, British Library, India Office Records: IOR L/L/13 (1030), vol. II, fol. 156. None of the accounts of Lushington's speeches mention him speaking to this point. The point is, though, fully and lengthily developed in the Committee report of the appellants' case, National Archives, Privy Council Registers: PC2/213 fol. 411, 412, 413, 414. There are some strikingly stinging criticisms of the government of India here. The appellants suggest, for example, that any abuses were the result of local government "too feeble to detect or punish" them and that the lack of success of previous measures to curb abuses, if admitting these occurred, argued rather "the imperfections of the judicial establishment of the Company's Government" than a necessity to abolish sati. Fol. 412. If Lushington did not include it, it may be because he felt the rebuke to the government

A more fundamental part of the challenge to the accuracy of the Preamble centred on the claim that the practice was nowhere enjoined in Hindu law as an imperative duty and that, indeed, a life of austerity was more particularly enjoined to the widow.¹⁵⁹ Both the East India Company and the Dharma Sabha submitted Hindu textual authorities to the Council for their contrary claims on this point and it was, as noted earlier, a point on which Roy, who had contributed so much to this intellectual aspect of the debate about sati in the preceding years, particularly interested himself in London. In this much, Mani was correct that these were 'well-rehearsed arguments'.¹⁶⁰ *The Times*, in fact, gave substantial space in its account of the first day of the hearing to a summary of several of the texts cited by the appellants, doing so, it said, as they formed a main part of the appellants' case.¹⁶¹

It was only true that evidence for the scriptural authority for sati formed a central part of the Dharma Sabha's case up to a point, however. It was certainly crucial to the appellants' case that they establish that sati was a religious practice and Lushington indeed put textual evidence that it was before the Council.¹⁶² But he sought to establish this only in the service of the more substantial point of the appeal which was securely about the scope of the state in determining where the limits to religious freedom lay. Indeed, the fifth ground for appeal expressly addressed this, as a matter of principle and as a point of specific law, as we shall see shortly.¹⁶³ Significantly, Lushington seems to have privileged this argument at the hearing, a likely clear indication that the appeal was conducted as much from British interests as Indian. That *The Times* took a rather reductionist view of the case is perhaps indicative of the sway of negative tropes of the tenacious and superstitious religiosity of Hindus which had come to dominance through utilitarian and evangelical discourses about India and sati in particular; certainly, *The Times* selected some scriptural gobbets likely to amplify this view.¹⁶⁴ This reductionism may have been laziness from the newspaper or a

would not incline the Council towards the appellants. It seems certain Lushington did not include it; the East India Company charter was up for renewal, accompanied by much public debate, and the newspapers would surely have seized on this criticism in the reports of the hearing.

¹⁵⁹ Regulation XVII, parag. 1 in Phillips (ed.) *Correspondence of...Bentinck*, p 360

¹⁶⁰ Mani, *Contentious Traditions*, p. 12, discussed earlier in this chapter.

¹⁶¹ *The Times*, Monday 25 June, 1832, p.6

¹⁶² Majumdar, 'Accounts of the hearing etc.', p. 195

¹⁶³ Point V, British Library, India Office Records: IOR L/L 13 (1030), vol III, fol. 156

¹⁶⁴ *The Times*, Monday 25 June, 1832, p. 6

more calculated alienation of the deeper substance of the appeal from the parallel debate in Britain.

Importantly, the question of whether sati was prescribed by Hindu law was also only a subsidiary part of the East India Company's case. Indeed, after meeting Roy (the authority on the scriptural basis for sati most respected by the British) and receiving his papers earlier in the year, Spankie wrote to Lawford that these should not be added to the supporting documents presented to the Privy Council; it was not, he stated, "the case the Government acted on".¹⁶⁵ Nor, as Cassels implies, did Roy give evidence at the Privy Council.¹⁶⁶ This marginalisation of Roy at the appeal was a departure from the strategy of the Company in managing the abolition itself. In this, Roy's publications and activism against sati had been crucial to the Government's case that sati was not a prescribed practice and its abolition would not be opposed by the majority of the Hindu population.

The motives in leaving Roy out of the appeal indicate the shift in emphasis a British hearing brought. Certainly, it mattered to the defence of the abolition to establish that the rite was not prescribed and therefore its prohibition was not in breach of established principles of toleration, and, indeed, it submitted this was so. But the legal team placed more emphasis on the right of the Company to pass the legislation regardless. Significantly, it asserted this right even in cases where the religious status of a practice was not disputed. When the Solicitor-General, followed by Spankie, began the case for the Company on the second day of the hearing on June 30th, then, one of the arguments put forward was that the Government of India had previously overturned the immunity of Brahmins, which they recognised was enshrined in Hindu law, to allow them to be subject to capital punishment under criminal law.¹⁶⁷ This is notable and, this chapter argues, there is more to this than the assertion of imperial authority which it also clearly was. The Government of India's argument here for the supremacy of the state in matters of religion made it well-suited to the hearing in London where the rights of Irish Catholics, Jews and Dissenters and the rights of the state to reform the Church of England were in contestation; the emphasis placed on the priority of the state at the hearing suggests a mirroring, conscious or not, of these

¹⁶⁵ British Library, India Office Records: IOR L/L 13 (1030), vol. III, fol. 156

¹⁶⁶ Cassels, *The social legislation of the East India Company*, p. 84

¹⁶⁷ Majumdar, 'Accounts of the hearing etc.', p. 196

debates or, at the very least, a conceptual framing of the case in the language of the domestic debates.

Part of the Company's defence of the abolition was nonetheless simple iteration of the justification Bentinck gave in the Preamble to the abolition order, though this too resonated with aspects of the debates in Britain. The Company argued that toleration could be, and was, exercised only so far as this was "compatible with the paramount claims of humanity and justice"; there was, the Company asserted, no incompatibility between a regard for the religious opinions of Hindus and "the suppression of practices repugnant to the first principles of civil society, and... natural reason."¹⁶⁸ This part of the case was, as Mani incorrectly assumes for the whole case, a recycling of the abolition debates. The universal claims this defence entailed were entirely commensurate with the shift in attitudes to India that utilitarian and evangelical thought had engendered, of course, with their privileging of European, (Protestant) Christian modes of being and thought; it was precisely out of this framework that the abolition of sati had emerged.¹⁶⁹ It is worth emphasising again, though, how radical this legislation by Bentinck was, though, given the long-established context of legal pluralism in India at the time of its enactment.¹⁷⁰

The Dharma Sabha contested the argument that the abolition was justified by a universal notion of justice and humanity with notable rhetorical force. There were two aspects to this contestation. Firstly, the Dharma Sabha rejected the premise on which the Government of India presumed to legislate which relegated their faith in a hierarchy which privileged such concepts of universal justice and humanity. This is most clearly stated in their response to Bentinck's letter rejecting their first petition in 1830 and which they cited in the documents

¹⁶⁸ 'Law. Privy council, July 13', *The Asiatic Journal and Monthly Register for Britain and for India, China, and Australasia*, vol. III, series 2, May - August (London, 1832), p.224

¹⁶⁹ This was discussed in the introduction of this thesis.

¹⁷⁰ On the development of legal pluralism and its purposes in India, see, for example, Bernard Cohn's chapter on law and the colonial state in his seminal *Colonialism and its forms of knowledge: the British in India* (Princeton, 1996), pp. 57 -75. Here he outlines the development of a body of Indian law from readings of selected classical Indian texts under men such as Warren Hastings and William Jones for the administration of India. Lauren Benton has a more substantial study of the nature, ideologies and practice of legal pluralism as a colonial project in Bengal in her monumental, *Law and colonial cultures legal regimes in world history, 1400-1900* (Cambridge, 2004). See, in particular, pp. 127 – 140 and pp. 149 -152. In these latter pages she sets out the shift to greater British legal hegemony in India, noting very briefly the place of the abolition of sat in this (p. 149).

they presented in the Privy Council appeal. In this letter, Bentinck commented that a particular usage which “the common voice of mankind would except from indulgence” was the practice of sons lighting the funeral pyre on which their mothers suffered a terrible death. This practice had been another focus of much of the missionary abolitionist literature in Britain, particularly that targeted at women.¹⁷¹ “We are told”, the Dharma Sabha responded, “‘of the common voice of mankind,’ but by what right are the holy dictates of our Religion brought down to be measured by so low and vague a standard? We appeal from the common voice (if voice it be) of all mankind to the voice of the Creator of man... delivered by him to our Holy Sages, and by them to our sacred books; we deny the Right of our Rulers to judge, to reason, or to feel for us on such points.”¹⁷²

Secondly, the appellants questioned the authority of the Company to interpret and interfere with their faith. On the Government of India’s use of scripture to justify prohibiting sati, the appellants asked,

“...on what ground can strangers to our faith, even though rulers, assume the right to determine that the option which our Holy Religion... expressly gives [to perform sati], shall exist no longer, and what right can they have to choose for us?...Of what value to us are the opinions, of what authority are the glosses and expositions of strangers to our Faith and feelings? Our belief and our practice is that of countless generations of Forefathers and even if our Customs or our practice were not in precise agreement with the letter of our sacred writers (which however we do not admit) still we humbly urge that we ought not to be questioned or dictated to in such matters by any Human power, and especially by Rulers of a religion, Faith, and system of moral and manners..., so essentially and entirely different from our own, that it is impossible for them to understand our feelings or even comprehend our Sacred Books.”¹⁷³

The crux on both sides of the appeal, therefore, was about the rights and limits of the state in legislating in matters of religious belief and practice. This is worth emphasising. The historiography focused on the sati debates in India largely frames Hindu opposition to the

¹⁷¹ Eg. James Peggs’ very influential pamphlet, *The Suttees’ Cry* (London, 1827)

¹⁷² National Archives, Privy Council Registers: PC2/213, fol. 117

¹⁷³ National Archives, Privy Council Registers: PC2/213, fol. 409

abolition of sati as in essence a battle with Hindu reformers over competing visions of religious and secular forms of modernity and culturally authentic tradition.¹⁷⁴ K. N. Panikkar tentatively suggests it is “worth considering” that Deb was more concerned with change introduced through external intervention. Consideration of the Dharma Sabha’s submissions to the Privy Council allows us to put rather more weight on this idea. The Dharma Sabha were motivated by opposition to the Hindu reformists’ version of their faith but fundamentally they refuted the right of the non-Hindu state to privilege one side of the internal debate on the basis of external criteria and ultimately challenged its right to be involved at all. It is interesting to note that sati was not in fact practised in Deb’s own family (it had been in Roy’s, equally interestingly) and that Deb was progressive in a number of social causes, including female education.¹⁷⁵ It was a clear point of principle for the Dharma Sabha. Indeed, they would not, they submitted, “consent in such matters to be judged by any other standard than their own conscience and their own belief.”¹⁷⁶

In London, Lushington presented the case in just such terms. As the core of his case, and this is the language in which contemporaries expressed it, Lushington argued that the abolition of sati should be rescinded on the grounds of freedom of religion.¹⁷⁷ The petitioners complained, Lushington told the Privy Council, that the abolition order had impinged upon the sacred right to perform sati “under pretence that it was repugnant with our feelings of justice.” However, he strikingly argued, it was “impossible to try the question upon Christian principles. It was a religious custom of a nation professing a different faith; and must be tried by the laws and customs of that nation.”¹⁷⁸ Lushington’s subsequent development of this point tellingly shows that he conceived this not so much as the question of political power which it clearly also was in the colonial context, but as a fundamental question of religious parity and pluralism which was not simply about India. He compared, in fact, the Dharma Sabha case with a decision by Lord Stowell in England on divorce among Jews in which Stowell pronounced a judgement “quite contrary to our sense of justice” because he

¹⁷⁴ Eg Mani, *Contentious Traditions*. For debate on this issue, see eg. S. N. Mukherjee’s essay, ‘Class, caste and politics in Calcutta, 1815-38’ in Edmund Leach and S. N. Mukherjee (eds.) *Elites in South Asia* (Cambridge, 1970) pp. 67-9, p74f; and K.N. Panikkar, *Culture, Ideology, Hegemony: intellectuals and social consciousness in colonial India* (London, 1995), pp. 89f, p.113

¹⁷⁵ Panikkar, *Culture, Ideology, Hegemony*, p. 89f

¹⁷⁶ National Archives, Privy Council Registers: PC2/213, fol. 411

¹⁷⁷ Eg. *The Times*, Monday 25 June, 1832, p.6

¹⁷⁸ *The Times*, Monday 25 June, 1832, p. 6

saw the decision as regulated by Jewish law.¹⁷⁹ Although none of the records of the abolition appeal cite the judgement Lushington is referring to, it is surely the 1795 case of Esther Lindo and Aaron Mendes Belisario in which Stowell had to determine whether their religious betrothal ceremony constituted a binding marital contract between the two. Stowell took evidence from Jewish jurists and determined the marriage was not valid, Esther was not Belisario's wife.¹⁸⁰

The appellants had pointed to the toleration which had previously been shown by the Government, even to religious opinions held blameable by Europeans, in the knowledge that they were closely held dictates of caste and morality.¹⁸¹ Lushington thus argued at the hearing that the prohibition breached the tolerant tenor of British rule in India that had preceded the intervention and went on to the more specific point of law that the abolition was (and he here directly quoted the Dharma Sabha appeal documents) an "unjust, impolitic, and direct infringement" of the regulations of the East India Company. In particular, Statute 37 Geo.III. cap. Cxlii. Sec. 12 expressly stated that in due regard to Indians' civil and religious usages, the rights and authorities of fathers as prescribed in religious law were preserved to them within their families. The regulation thus provided that these rights would not be violated by the proceedings of the Supreme Court nor would any act committed within the family in consequence of the law of caste be treated as a crime even where it was not justifiable under English law.¹⁸² Sati, as he argued it, fell precisely within this legal provision and Statute 37 had been passed, moreover, by the Government in full cognisance of the practice.¹⁸³

Lushington also expressed the concern of the appellants about the precedent set by Bentinck's order for further interference in their revered rites and practices.¹⁸⁴ This fear was expressed in the abstract in the Dharma Sabha's submissions but in the hearing Lushington

¹⁷⁹ *The Times*, Monday 25 June, 1832, reporting on the hearing on Saturday 23 June; the same report also appeared that day in eg. *The Morning Chronicle* and *The Morning Post*.

¹⁸⁰ See John S. Littell (ed.), *The Law Library*, vol. XXXIII (Philadelphia, 1841), p. 75-7 and Norman Bentwich, 'Lord Stowell', *Journal of the Society of Comparative Legislation*, Vol. 11, No. 1 (1910), pp. 114-125, p. 119. Stowell's judgement is recorded in full in John Haggard (ed.) *Reports of cases argued and determined in the Consistory Court of London; containing the judgments of the Right Hon. Sir William Scott*, vol. I, pp. 216- 261.

¹⁸¹ National Archives, Privy Council Registers: PC2/213, fol. 407

¹⁸² Point V, British Library, India Office Records: IOR L/L 13 (1030), vol III, fol. 156

¹⁸³ Majumdar, 'Accounts of the hearing etc.', p. 195

¹⁸⁴ National Archives, Privy Council Registers: PC2/21/3, fol. 413, 416

elucidated by asking if attempts might next be made to make them Christian or to put a stop to idolatry. Idolatry was, he pointed out, as offensive to the feelings of Christianity as suicide yet whilst sati was abhorred, idolatry was not simply tolerated but encouraged in India.¹⁸⁵ It was well-known, he pointedly added, that the government derived a large revenue from it.¹⁸⁶ Indeed, the Government of India was controversially directly involved in managing a number of Hindu shrines and collected a tax from pilgrims visiting them.

Lushington's approach in giving these examples was astute and timely. Firstly, he was reminding the Council that the sati legislation was not an impartial act of government but the result of a campaign in large part (in England) spearheaded by evangelicals. It certainly could be (and was) seen as setting a precedent and, as it happened, the question of idolatry was at that time a focus of evangelical proprietors of the East India Company. John Poynder, for example, who had been a vehement anti-sati campaigner, also doggedly challenged the pilgrim tax at India House meetings and in letters to *The Times* (often using the precedent of the abolition of sati to press for action).¹⁸⁷ The issue had generated pamphlets and petitions, and the question of whether the collection of the pilgrim tax identified the Government with idol worship was discussed that summer by the Select Committee on the Affairs of the East India Company which had been set up pursuant to the imminent renewal of the Company's charter.¹⁸⁸ It was an uncomfortable and clever reminder that Government policy and practice could be framed as inconsistent.

Finally, the appellants had warned of the unsettling effect of the prohibition on a vast and hitherto loyal Hindu population and of the apprehension it generated that this was the beginning of greater religious interference.¹⁸⁹ Lushington made a more emphatic statement

¹⁸⁵ *The Times*, Monday 25 June, 1832

¹⁸⁶ Majumdar, 'Accounts of the hearing etc.', p. 195

¹⁸⁷ He was a prolific letter writer. See eg. *The Times*, Monday 5 March, 1832, p. 4; Monday 12 March, 1832, p. 7; Friday 23 March, 1832, p. 2. These letters were sometimes republished in the regional press eg. *Bury and Norwich Post*, Tuesday 29 February, 1832. Poynder also followed the appeal closely and wrote to Roy afterwards to congratulate him on the outcome. See Dilip Kumar Biswas (ed.), *The Correspondence of Raja Rammohun Roy: vol II: 1831-1833* (Calcutta, 1997) p. 728

¹⁸⁸ Eg. the petition from the Rector and inhabitants of Stafford presented to the Commons by the Whig MP John Wilks on October 14, 1831. See also *Minutes of evidence taken before the Select Committee on the affairs of the East India Company; and also an appendix and index, III, part II* (1832), p.796. For discussion of the issue, see eg. Kenneth Ingram, 'The English evangelicals and the pilgrim tax in India, 1800-1862', *The Journal of the Royal Asiatic Society of Great Britain and Ireland*, No. 1/2 (April, 1953), pp. 13-22

¹⁸⁹ National Archives, Privy Council Registers: PC2/213. Fol. 418, 419

to this effect. Persecution, he argued, tended to “make the wavering steadfast, and invariably defeated its object”¹⁹⁰; it might thus be productive of such discontent as might even endanger the Indian empire.¹⁹¹ The Company had given this perceived risk as a reason for many years for delaying legislation to prohibit sati. It was objectively the weakest part of the appellants’ case, though; the risk of unrest had been, like the question of the religious status of sati, an over-exercised argument in the years of debates preceding the abolition and, with no such unrest having occurred at more than two years since the enactment of the prohibition, the argument should have had no real force. Yet this argument from expediency was not redundant given Lushington’s audience: the Privy councillors hearing the appeal included the former Governor-General, Lord Amherst, who had resisted interference in sati on just such grounds and who had been in post at the time of the Barrackpore mutiny in 1824. Lushington concluded the appellants’ case by urging the Council to repeal the “obnoxious order” and “trust to the influence of knowledge and information for that change in the customs and religion of the Hindoos which every friend of religion and humanity must ardently desire.”¹⁹²

The appeal outcome

The appeal was dismissed. The decision was released in a short paragraph on July 11th, 1832, which was widely published in newspapers throughout July.¹⁹³ The judgement did not include reasons for the dismissal though the Company had asked for a dismissal in advance of the hearing on the grounds that sati was not prescribed by Hindu law and that as an occasion for murder and an offence against society its abolition was not only not intolerant but justified.¹⁹⁴ The lack of formal explanation for the judgement was a source of consternation for the appellants. Their solicitor Francis Bathie wrote to the King-in-Council on their behalf in January 1833 submitting that the decision would occasion great alarm

¹⁹⁰ *The Times*, Monday 25 June, 1832

¹⁹¹ Majumdar, ‘Accounts of the hearing etc.’, p 195

¹⁹² *The Times*, Monday 25 June, 1832

¹⁹³ Eg. *The Morning Chronicle*, Thursday 12 July, 1832; *The Newcastle Courant etc.* Saturday 21 July, 1832

¹⁹⁴ British Library, India Office Records: IOR L/L 13 (1030) fol.s 213-218

unless accompanied by some explanation and he further sought assurance that a precedent had not been set for new intolerance.¹⁹⁵

A further reason for the neglect of the case by historians is perhaps because they assume that the failure of the appeal was a foregone conclusion. Again, this is perhaps because those who have addressed it at all have largely viewed the case from postcolonial perspectives which tend to interpret the abolition simply as an imperial assertion of western political and cultural hegemony in India. But, again, viewing the appeal from the perspective of the relocation of the debate to England, tried and heard by many with British, as well as (or, in some cases, instead of) Indian preoccupations with religion, this assumption is undermined. Indeed, the evidence shows that the failure of the appeal was by no means certain.

Lushington's advocacy was not without its admirers. The account in *The Times* notably described his case as "a very able argument", a view shared by Charles Greville, the Clerk to the Privy Council, who noted Lushington's two "very able and ingenious speeches" at the hearing.¹⁹⁶ Admiration for the quality of Lushington's argument did not necessarily entail agreement with it, of course. *The Times'* account also appeared, among other newspapers, in *The Morning Post* which, as we saw at the start of this chapter, slighted him hereafter as 'The 'Suttee' Doctor' for his association with the case. The periodical *The Satirist* mockingly wrote a few days before the judgement was published that the "grave and learned" Lushington "was heard to argue as warmly... as if he were a sincere admirer of that ancient and respectable custom." Commenting on the eloquence of his argument nonetheless, it exclaimed, "[w]hat an achievement... if his oratory prevail!" before consolingly concluding that the Privy Council "will, there is no question, turn a deaf ear".¹⁹⁷

But Lushington's arguments did persuade some members of the Privy Council. This was not reported by the newspapers (who announced only the appeal's ultimate dismissal) but the lack of consensus is hinted at in some of them; *The Morning Post*, for example, noted that when the arguments for both sides had concluded, their Lordships "remained a

¹⁹⁵ Majumdar, 'Accounts of the hearing etc.', p. 217ff

¹⁹⁶ Greville, *Memoirs*, p. 308

¹⁹⁷ *The Satirist*, Sunday 8 July, 1832, p. 221

considerable time in deliberation.”¹⁹⁸ The appellants were certainly made aware of the lack of unanimity, though. When Radhakanta Deb wrote to inform fellow Dharma Sabha member Tarini Charan Mitra of the outcome he told him the decision “...was not unanimous and impartial as 4 Lords of the Privy Council were in favour of the Petition and 6 against it. [sic]”¹⁹⁹

In fact, the Council was more sympathetic than Deb thought. There were nine members sitting, not ten, and four of them indeed opposed Bentinck’s abolition order.²⁰⁰ In what Greville called a “very neat speech”, the lawyer Sir John Leach, Master of the Rolls, who had no India experience, went so far as to recommend the suspension of the order.²⁰¹ Also condemning the abolition order, but demurring from supporting its suspension, were two old India hands, Sir Edward East, a former judge and Principal of the Hindu College in Kolkata, and Lord Amherst, Bentinck’s predecessor as Governor-General. East was clearly impassioned by the case; Greville noted his “long and diffusive harangue”.²⁰² East’s background suggests he may well have been persuaded that the abolition breached the policy of non-interference, a policy which Amherst had certainly adhered to either through principle or expedience, arguing instead for patience and education to effect change. In India, the newspaper of many British merchants and civil and military staff, *The Bengal Hurkaru and Chronicle*, brutally concluded that Amherst’s motives were clearly self-interested: if he had not opposed the abolition, “he would pass a very plain censure on his own government for not performing an act of humanity repeatedly urged upon him, and which his successor has accomplished without difficulty, and without any other terrible consequence than the mission of a half-witted Attorney.”²⁰³

¹⁹⁸ *The Morning Post*, Monday 9 July, 1832

¹⁹⁹ In Jogesh Bagal, *Radhakanta Deb*, 5th ed. (Calcutta, 1957), p.39

²⁰⁰ This thesis uses Greville as its source for this assertion and contends he is the most reliable source as the Clerk to the Council, present on the day; his account is also supported by the newspaper reports of the Council members hearing the case. In a further historiographical error, V.N. Datta names Charles Grant in *Sati* as one of the councillors who spoke against the abolition despite noting that Grant wrote to Bentinck and told him he had voted to dismiss the appeal. The source for Datta’s error appears to be the *Bengal Hurkuru*, November 17, 1832

²⁰¹ Greville, *Memoirs*, p. 309

²⁰² Greville, *Memoirs*, p. 309

²⁰³ *The Bengal Hurkaru and Chronicle*, November 17, 1832 in Majumdar, ‘Accounts of the hearing etc.’, p.212. The half-witted Attorney is certainly a reference to Francis Bathie, not Lushington.

Perhaps more intriguing for us here is that Sir James Graham was the fourth Privy Councillor to condemn the abolition (though he stopped short of recommending its suspension).

Graham, an architect of the Reform Act which had passed only a month before, was, as we shall note later, one of the Stanleyites who would part from the Whigs over concessions to Catholics in Irish church reform proposals in 1834. Yet here he was, only two years before this, seemingly willing to recognise the religious claims of conservative Hindus.

Graham's reasons for supporting the appeal are not recorded. He had no India experience but he knew Bentinck; he had worked as Bentinck's Private Secretary in Sicily as a young man and wrote of his immense admiration for him when he was appointed in 1813.²⁰⁴ But the mature Graham had a reputation for almost excessive sensibility to public disorder and for the maintenance of government authority and he was a devout churchman who feared for the future of the established church.²⁰⁵ These characteristics do not all fit easily with his decision. He effectively denied the government's authority in this case, for example. But a consideration of the evidence put to the Council and of the wider ecclesiastical-political context in Britain does present an hypothesis which can account for his decision.

At the simplest level, Graham may have been influenced by Lushington's hints of the risk of insurrection in his addresses to the Privy Council. This is entirely plausible given Graham's fear of public unrest but is too facile as a single account. He had no India experience to frame this hypothetical risk as anything other than an abstract concern. It is more likely he considered the issue of the abolition in the framework of the domestic religious debates in which he was closely invested and in which Lushington had skilfully presented it. It is useful to consider the influence his Anglican establishment views brought to this Indian question. There is a good case for arguing he projected onto the Indian issue his own sympathy for traditional forms of religion which also maintained social structures. There is contextual evidence to support this view; a similar position was held by others. James Bryce, an editor

²⁰⁴ Charles S. Parker, *Life and Letters of Sir James Graham, second baronet of Netherby, P.C., G.C.B., 1792-1861*, vol. I (London, 1907), p. 30

²⁰⁵ Jonathan Parry, 'Graham, Sir James Robert George, second baronet (1792-1861)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/11204>, accessed 24 March 2020. See also J. T. Ward, *Sir James Graham* (London, 1967), p. xiv

of *John Bull*, attacked the sati legislation (along with Catholic relief) as violations of established religion, for example.²⁰⁶

Graham's position also reflected that of the Church in India. It is worth recalling that the abolition was in large part driven by evangelicals. These certainly included many individual, and many notable, Anglicans (such as Shaftesbury) but the leadership of the Church of England was conservative and muted on the question of intervention in sati. The Privy Council had been reminded of this by the appellants: "...even the Church of England in India had considered coercive measures an unwarranted interference."²⁰⁷ The Church was hardly an advocate of religious pluralism. What we may detect here is a projection of the Church's anxiety at state interference in religion in Britain which it saw as a threat to the religious settlement. The threat to the established church was certainly a part of Graham's view of the Irish church question;²⁰⁸ it is reasonable to imagine him capable of the same projection of this anxiety at the Privy Council that the Church had made in its own hesitancy to support interference in sati.

The Church was less cautious about speaking out against the religious rights of others closer to home where these threatened its status and privileges. The cry of the 'Church in danger' sounded through much of the 1830s, and this was a fear Graham certainly shared. The caution shown by the Church around interfering in Hindus' religious freedom over sati would haunt it as it, conversely, resisted the increasing religious freedom of others. As late as 1865, when the disestablishment of the Church in Ireland which Graham so feared in 1834 was finally imminent, but which he did not live to see, a speaker at a meeting held by the National Reform Union in favour of the move by Gladstone, railed:

"In India we had been ridiculously scrupulous in dealing with the consciences of the Parsee, the Buddhist, the Mahometan, and the Brahmin; there were times when we almost encouraged suttee and Juggernaut, and the great Church of England made no protest. Civil and religious justice was quite right for the heathen and the pagan; but the moment we came to Ireland, and proposed equal civil and religious justice, up

²⁰⁶ C. A. Bayly, *Recovering Liberties: Indian thought in the age of liberalism and empire* (Cambridge, 2012), p. 91

²⁰⁷ National Archives, Privy Council Registers: PC2/213, fol. 407

²⁰⁸ And the consequent threat he saw to the union from interference in the religious settlement in Ireland. See eg. Ward, *Sir James Graham*

went the Orange flag. (*'Shame.'*) This was playing fast and loose with principle. What was right for the heathen in India was surely right for the Catholic Christian in Ireland. (*Hear, hear, hear.*)”²⁰⁹

At more than thirty years distant from the appeal against the abolition of sati, this serves as a valuable reminder that the debates about religious freedom in Britain and India were coterminous and closely bound; any account of either needs to take some account of the other. And while we do not know Graham's reasons for supporting the appellants, the factors considered above are surely pertinent. They have too the advantage of showing, in a desire to protect established forms of religion, a consistency in Graham's different attitudes to conservative Hindus in 1832 and Irish Catholics in 1834 with a clear strand of (albeit not fully coherent) Anglican thought about religion in India in this period.

The first part of this chapter has provided a deeper study of the appeal against the abolition of sati than has previously been undertaken. At the heart of the appeal case was the issue of religious freedom and the right of the state to limit it. This was, at the time of the appeal, as vital an issue for those outside the Anglican communion in England as it was for the Dharma Sabha in India.²¹⁰ It has been argued that Lushington's emphases in his presentation of the case were in significant ways reflective of the premises and concerns of the English debates, a connection not previously examined in the historiography of either.

Lushington's involvement in the appeal damaged his reputation among sections of the press and public: he became the 'Suttee doctor'. The second part of this chapter examines the use of discourses on sati in attacks on Lushington in the years following the appeal. This will show that for those using these discourses to slur Lushington, the practice of sati had placed limits on religious freedom in India and anger at Lushington was in part because he argued against these limits. But the chapter will also show that anger at Lushington was more about his defence of religious freedom in England and that the 'Suttee doctor' slur was most commonly used when Lushington's support for reforms in favour of non-Anglicans were seen as a threat to the established Church. The following sections will also align Lushington's contributions to the domestic debates with his advocacy in the sati appeal. This will

²⁰⁹ *Manchester Times*, Saturday 4 April, 1865

²¹⁰ Though it is important to recognise the different context of imperial power in India.

demonstrate that Lushington's involvement in the appeal was driven primarily by an unqualified commitment to religious freedom (and was not for the reasons we will see below that some contemporaries and historians have attributed to him). It will demonstrate, too, that this same commitment underpinned his positions on the rights of non-Anglicans and reform of the Church.

(II)

Reputational damage

Only Lushington was damaged by his association with the sati appeal. Sir James Graham's condemnation of Bentinck's legislation at the Privy Council, for example, seems not to have brought him any public criticism later (quite probably because it was not widely known). More strikingly, John Drinkwater appears never to have attracted public disapprobation, though he too had strong credentials in supporting the removing of the religious and civil disabilities of non-Anglicans; he was involved in drafting the momentous Municipal and Corporations Act in 1835 and the Tithe Commutation Act of 1836, for example.²¹¹ Dilip Biswas states that Drinkwater later regretted his involvement in the sati appeal though he provides no evidence for this. Drinkwater (by now Bethune) did go on to have a long and much-admired role in India supporting female education which Biswas suggests was some form of expiation but this is not wholly convincing.²¹² Even if this was the case, this was more than fifteen years later, however; if the press attacked Lushington and not Drinkwater in the 1830s, the explanation could not lie in approval of Drinkwater's work in India supporting female education. These sections will show that Lushington's position within the Church, as an ecclesiastical lawyer, and the absoluteness of his commitment to religious freedom, set him apart.

Lushington's decision to represent the appellants in the appeal against the abolition was brave. The abolition, as has been recalled, had been brought about by extensive,

²¹¹ Katherine Prior, 'Bethune, John Elliot Drinkwater (1801-1851)', *Oxford Dictionary of National Biography* <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/2310>, accessed 20 March, 2020

²¹² Biswas, *Correspondence*, p. 727

impassioned and vociferous public campaigns against sati. Lushington's participation in the appeal inevitably attracted immediate condemnation from those involved in bringing about the abolition. When Roy wrote to Lord Lansdowne three days before the hearing, he sardonically confirmed that "R.R [sic] will not fail to be present... to witness personally the scene in which an English Gentleman... of highly liberal education professing Christianity is to pray for the re-establishment of suicide, in many instances, actual murder."²¹³

It was not only horror at the practice of sati, and a consensus that the abolition had set the boundary of toleration which Lushington had challenged, which drove criticism of him, though there is clear evidence this was a substantial element in it. An editorial in the Tory *Royal Cornwall Gazette* on the failure of the appeal opined that "the labours of Dr. Lushington have had no effect other than that of tarnishing his fame almost beyond redemption. No more let him pretend to be the champion of humanity – any good cause would only be encumbered by his help"²¹⁴ The newspaper did not elaborate on the 'good cause' Lushington championed but the allusion is unlikely to have been lost on the readers. Lushington was a deeply committed anti-slavery campaigner, well-known at the time though largely overlooked in the historiography.²¹⁵ He was a close friend and particular associate of the much better-known Thomas Fowell Buxton; Buxton had also been an important figure in the domestic campaign against sati.²¹⁶

The campaigns against sati and slavery were deeply entwined, driven in part in England by the same parliamentary evangelicals, such as Charles Grant, Buxton and Wilberforce, and the focus of the same public campaign groups. Lushington's apparent inconsistency in the matter of sati was thus early seized on by critics. On occasion this could be disingenuous criticism from those whose inconsistency operated inversely. When Lushington spoke as a candidate at the election hustings at the Bald Face Stag public-house in Shoreditch in December 1832, an attendee wrote viciously (and pseudonymously as 'Veritas') to the Tory

²¹³ Letter dated June 20, 1832. Biswas (ed.) *Correspondence*, p. 232

²¹⁴ *Royal Cornwall Gazette*, Saturday 21 July, 1832

²¹⁵ On Lushington's role in the anti-slavery movement, see David Eltis, 'Dr. Stephen Lushington and the campaign to abolish slavery in the British Empire', *Journal of Caribbean History*, vol. 1 (1970), pp. 41 – 56; Waddams, *Law, Politics and the Church of England*, pp.63-99

²¹⁶ It was Buxton who secured the publication of the annual Parliamentary Papers on sati (1821-1830), the principal source of much of the historiography of sati centred on the sati debates in Bengal. See the introduction to this thesis.

The Morning Post that whilst the one hundred and twenty or so present were for Lushington, a portion of the wider electorate was unfavourable to him:

“... to their plain understandings it appears strange that the Doctor should be incessantly whining over the whippings that his friend Mr. BUXTON tells him are inflicted on naughty negresses in the West Indies, and at the same time that he should, for a fee of a few guineas, advocate the system of burning widows in the East Indies.”²¹⁷

That there was some organised disavowal of Lushington before his election to the Tower Hamlets seat rooted in his advocacy in the sati appeal is certain. The nonconformist activist, John Towil Dutt, who had attended the Privy Council hearings with Ram Mohan Roy, wrote in a letter to the liberal *The Examiner* that he had been unsurprised to hear that “a respectable body” among the constituents had published their ‘Objections to Dr. Lushington, on the ground of his defence of the practice of burning Hindoo widows’.²¹⁸ Dutt himself questioned Lushington’s professional morality in arguing the petitioners’ case. He criticised Lushington in particular for ignoring evidence that many women were forced to the pyre by those who stood to materially gain from their deaths and for ignoring the consequences for women had the appeal been successful.²¹⁹

Lushington secured the seat but it is clear that his association with the appeal against the abolition of sati was damaging to his reputation with the public, as well as with the press.²²⁰ Interestingly, *The Morning Chronicle’s* report of Lushington’s speech scandalously referencing Wellington and Peel notes, emphasised with satisfaction by *The Standard*, that he was not well-received by the crowd when he first rose to speak.²²¹ No account is given for this by the newspapers and no other contemporary issue presents itself as a probable cause for the crowd’s disapprobation for a man with whom they held common cause on the issue of religious reform; it seems very much that this initial poor reception was the taint of his association with the appeal. It is an early hint, too, of debates during the Indian Rebellion

²¹⁷ *The Morning Post*, Monday 1 October, 1832

²¹⁸ There appear to be no surviving copies of this publication.

²¹⁹ *The Examiner*, Sunday 7 October, 1832

²²⁰ Interestingly, the first instance of *The Standard’s* slur seems to be on January 1, 1833 when it reported him as ‘Dr. Suttee Lushington’ in the list of reform MPs returned to parliament.

²²¹ *The Morning Chronicle*, Friday 12 December, 1834; *The Standard*, Friday 12 December, 1834

about the religious policy of the government of India in which many nonconformists in particular, wholly certain that the abolition of sati was justified, worked through how to reconcile this conviction with the principle of religious freedom which they claimed as unassailable in England.²²²

Lushington's association with sati was used against his family, too. The erratic and intemperate Anglican vicar, Michael Gathercole, a former Dissenter, published an aggressive attack on Dissent and defence of the Anglican establishment in 1833, *Letters to a Dissenting Minister*; the offence it caused to Dissenters was compounded by a recommendation of its contents to Anglican clergy by the Bishop of London, Charles Blomfield.²²³ Stephen Lushington's brother, Charles, also a liberal Anglican, published a remonstrance to the Bishop of London for his endorsement of the polemical pamphlet. Charles initially published his address to the Bishop anonymously but assured him in it that the author belonged to a family "whose fame has never been sullied by bigotry, or the practice of malignant defamation."²²⁴ Incensed at the criticism of his *Letters*, Gathercole published an address to Charles Lushington which included a furious attack on his family. Remarkable in itself, Gathercole quoted *The Standard's* months-old comment from December 1834 that Stephen Lushington's speech in Tower Hamlets was possibly the most disgusting they had read since his speech defending sati.²²⁵ Gathercole elucidated, his ire captured in typesetting:

"This '*Suttee* speech' was delivered by this *liberal* and *civil* Doctor Lushington, in DEFENCE of the inhuman and horrid practice of BURNING WIDOWS ALIVE ON THE FUNERAL PILES OF THEIR HUSBANDS!!! So much for the *unsullied* fame of Dr. Stephen Lushington! Shall we again be foolishly told that the fame of your family 'has never been sullied' by bigotry or the practice of *malignant defamation*'?"²²⁶

²²² These debates are examined in Chapter 3.

²²³ Ged Martin, 'Michael Augustus Gathercole (c.1802-1886): controversial Anglican cleric', <http://www.gedmartin.net/martinalia-mainmenu-3/168-michael-augustus-gathercole-c-1802-1886-controversial-anglican-cleric> accessed 23 October, 2020

²²⁴ *A remonstrance addressed to the ... Bishop of London, on the sanction given in his late charge to the clergy of that diocese, to the calumnies against the Dissenters, contained in certain letters, signed L. S. E*, 2nd ed. (London, 1834), p. 36

²²⁵ *The Standard*, Friday 12 December, 1832

²²⁶ *A letter to Charles Lushington, Esquire, M.P. in reply to a remonstrance addressed by him to the Lord Bishop of London, on account of his Lordship's having recommended in his late charge to the clergy of his diocese the letters to a dissenting minister, signed L.S. E* (London, 1835), p.65

Waddams proposes that Lushington's agreement to act against the abolition of sati "...suggests that the practice did not arouse the same horror in Lushington's mind as among others [like Buxton] in the anti-slavery movement."²²⁷ Lushington's decision to act in the case certainly invites some account given how embedded public hostility to the practice of sati was and how much its abolition was lauded (and certainly an account more sophisticated than 'Veritas' imputed pecuniary motive²²⁸). Waddams disappointingly does not offer any further explanation for Lushington's engagement with the case, yet two particular reasons are strongly indicated by the evidence. Firstly, Lushington was certainly attracted to the case intellectually and technically as a point of law and there is some recognition of this, in fact, in John Towil Dutt's letter to *The Examiner* criticising Lushington's participation.²²⁹ There was cogency in Lushington's argument at the Privy Council on the specific legal point that the abolition breached Statute 37 (codified when sati was extant) which committed not to treat any act within the family governed by laws of caste as a crime, even when it was not justifiable under English law, for example. An unrelated legal case a few years later further suggests that Lushington saw legal coherency as entirely independent of any moral considerations. It is no coincidence that this later case is also an occasion in which he was slurred as the 'Suttee doctor'.

In 1838, the MP Stratford Canning proposed to parliament that a Select Committee be appointed to inquire into the confiscation of the British ship *The Vixen* by the Russian government. The ship had been taken in the Black Sea region of Circassia two years previously and this was an early incident in the escalating tensions between Britain and Russia. The proposal was warmly supported by *The Standard*. Lushington was opposed to the proposal. Tellingly, in parallels with his argument at the Privy Council at the sati appeal, he told the House he did not see the case as a matter for the British government to intervene in since he conceived the issue, in essence, as one in which a private ship engaged in private activity had breached Russian law. Lushington's intervention was followed in the Commons by Lord Stanley's in support of an enquiry. Stanley, effused *The Standard*, gave "a speech of extraordinary animation and power, which left nothing to regret but that the

²²⁷ Waddams, *Law, Politics and the Church of England*, p. 8

²²⁸ This accusation was repeated elsewhere eg *Royal Cornwall Gazette* wrote that his "cupidity triumphed over his compassion". Saturday 21 July, 1832.

²²⁹ *The Examiner*, Sunday 7 October, 1832

noble lord's transcendent talents were not employed on something more worthy than the *Suttee* doctor's tissue of quibbles and evasions."²³⁰

These two legal cases obviously had no connection beyond Lushington opining on them. The newspaper's use of the 'Suttee doctor' appellation in this context was clearly intended to asperse Lushington's judgement by drawing a parallel with the earlier case in which the newspaper felt Lushington had also missed the moral point of the issue. Indeed, *The Standard* saw *The Vixen* affair in just such a moral light, asserting "the *prima facie* claim of every British subject to the protection of his government".²³¹ The idea that the Hindu widow had a similar claim on the British government had been at the heart of the abolition campaign and had been absorbed into British understanding of its role in India. Lushington's support for the appellants was entirely at variance with this.

The legal flaws in the East India Company's position seem certainly to have attracted the lawyerly intellect in Lushington, regardless of any moral stance he or others may have held on the practice of sati. But a second, far more fruitful and fuller account of his involvement in the appeal against the abolition of sati can be found by considering his wider engagement with debates about religion in this period: the principle of freedom of religion.

The principle of religious freedom

It is useful to return to the Tower Hamlets meeting in December 1834 protesting the King's dismissal of Melbourne's Whigs and his appointment of the Tories, and to what had motivated William to make this sensational intervention. The context is important. The King had become increasingly unsettled by liberal Whig proposals for reforms of both state and church. Many of these were designed to address the grievances of Dissenters and Irish radicals who, empowered and encouraged by the repeal of the Test and Corporations Act, Catholic emancipation and the Reform Act, sought further concessions from a liberal Whig government which was dependent on them for, respectively, votes and parliamentary support.²³² The leading Congregationalist (and much later Liberal MP) George Hadfield's

²³⁰ *The Standard*, Friday 22 June, 1838

²³¹ *The Standard*, Friday 22 June, 1838

²³² Not all Dissenters were liberal just as not all liberals were Dissenters, of course. But on the broad correlation between religious dissent and political liberalism in the mid-1830s, see, Michael Watts, *The*

intervention in the nonconformist newspaper *The Patriot* a year earlier is among the most renowned statements of the sense of grievance at their religious and civil disabilities felt by many English Dissenters at this time:

“We are required to submit to the domination of a corrupt state church;...to have the universities closed against us;...to be taxed, tithed and rated to the support of a system which we abjure; to be compelled to submit to objectionable rites and ceremonies at marriage, baptism, and burial;- in one word, to be left out of the social compact, and degraded...”²³³

In Ireland, the burden of the maintenance of a church to which they did not belong on a large-majority peasant Roman Catholic population was a source of bitter resentment and protest.

The Whigs had made many attempts to pass legislation which would address the grievances of both Dissenters and Irish Catholics in the previous couple of years. Some were successful, like the abolition of the Irish cess in 1833, but many others failed, such as Althorp’s proposals for the reform of church rates and an attempt to grant Dissenters admission to the universities, both in the Spring of 1834, and the latter of which provided another opportunity for *The Standard* to comment furiously on the ‘Suttee doctor’ who supported the bill.²³⁴

The King, though, had been particularly vexed and emboldened by Whig attempts to address Irish discontent through proposals for Irish church reform.²³⁵ The issue had split Grey’s cabinet on the issue of the partial appropriation of tithes from the Church of Ireland to the Roman Catholic church. For Grey’s more conservatively-minded ministers, the proposal was a threat to the established Church and, with conflict over wider Irish policy irresolvable, a group led by Lord Stanley had resigned. The group included Sir James Graham who had condemned the abolition of sati at the Privy Council two years earlier.²³⁶ These

Dissenters: the expansion of evangelical nonconformity, vol. II (Oxford, 1995), p. 456; G. I. T Machin, *Politics and the churches in Great Britain 1832-1868* (Oxford, 1977), p.40; T. A. Jenkins, *The Liberal Ascendancy, 1830-1886* (London, 1994), p.16ff

²³³ *The Patriot*, 13 November, 1833, p. 387

²³⁴ *The Standard*, Friday 18 April, 1834

²³⁵ See eg. Gash, *Reaction and reconstruction* p. 6

²³⁶ The others were Lord Ripon and the Duke of Richmond. The group, dubbed the Derby Dilly, would eventually join Peel’s Tories, of course.

resignations had led in turn to Grey's resignation in July that year. Melbourne replaced Grey and more reforms were proposed. These included Lord John Russell's raft of new draft legislation to alleviate Dissenters' civil disabilities. Russell, in another interesting convergence of the sati case and domestic religious concerns, had also been one of the Privy Council hearing the appeal; quite the opposite of Graham, however, he opposed the Hindu appellants and supported the Irish proposals. Russell's new proposals under Melbourne included civil registration of births and deaths and a new attempt to secure admissions to the universities.²³⁷ It was all too much for the King; William, as Gash dryly summarised, regarded the 1832 Act "as the terminus and not the starting-point of the reform movement."²³⁸

The King's dismissal of the Whigs postponed the Irish appropriation controversy but also other Whig reforms. Frustration among those seeking greater religious and civil liberties ran high. Periodicals such as the *Baptist Magazine* condemned the new Tory ministry as opponents of Dissenters' interests and a number of large protest meetings were held.²³⁹ In this febrile climate, the Tower Hamlets meeting convened. Thus, at the start of the meeting, the constituency's returning officer expressed the meeting's apprehension and regret at the dismissal of the Whigs just at the moment "long-delayed and anxiously-awaited" reforms had been imminent. Lushington was clearer still, proclaiming to cheers: "We seek to obtain reform at home, both to Church and State."²⁴⁰

Lushington was deeply committed to the cause of religious reform. He had supported the repeal of the Test and Corporations Act in 1828, emancipation of Catholics in 1829 (and the Reform Act in 1832) and continued to support further bills in parliament for the removal of the civil disabilities of Jews, Catholics and Dissenters as these became proposed through the 1830s.²⁴¹ In 1834 alone, for example, the year of the Tower Hamlets meeting, Hansard shows seventeen or more contributions from Lushington in debates about sources of

²³⁷ Richard Brent, 'Whigs and Protestant Dissent in the decade of Protestant Reform: the case of church rates, 1831- 1841', *The English Historical Review*, Vol. 102, No. 405 (Oct., 1987), pp. 887-910

²³⁸ Gash, *Reaction and reconstruction* p. 6

²³⁹ Gash, *Reaction and reconstruction*, p. 68f

²⁴⁰ *The Morning Chronicle*, Friday 12 December, 1834

²⁴¹ As this is not discussed here, for his support for the relief of Jews' civil disabilities, see eg. Waddams, *Law, Politics and the Church of England*, p. 61

religious grievance, including the registration of births, marriages, church rates, tithes, admission to universities; this included presenting a petition from Dissenters in March.²⁴²

Lushington's wider attitudes strongly indicate that his commitment to religious freedom was a matter of objective justice and principle. His vehement support for Catholic relief in Ireland came despite his personal prejudice that Catholicism was 'superstition', for example.²⁴³ Nor can his support for Dissenters be reduced to political expediency as some historians have traditionally characterised Whig attitudes to reforms in this period.²⁴⁴ The strong disapprobation his support for the Dharma Sabha was always likely to engender (and was clearly realised as we have seen) among the Whig Dissenting constituency, the majority of whose denominations were evangelical, discounts this by itself.²⁴⁵ There is much to suggest that Lushington's involvement with the appeal against the abolition of sati was driven by the same principles of an absolute commitment to religious freedom, a right to practise religion even when its tenets and practices were at variance with those which for him were 'true'. The most striking evidence of this commitment to religious freedom and the pluralism it indicated can be gleaned from Lushington's arguments in 1837 in support of the reform of church rates, the compulsory tax on all inhabitants of each Church of England parish, regardless of their religious affiliation, which paid for the fabric of the church building and items required for Anglican worship. These debates are the site of the most sustained attacks on the 'Suttee doctor', these discourses used to undermine Lushington personally but also to implicitly point to the limits of religious freedom, limits which Lushington was testing.

Church rates debates, 1837

By 1837, Parliament had made some progress in addressing Dissenters' grievances, despite the political turbulence of 1834 and the further upheaval when Peel's Tory ministry

²⁴² Hansard, <https://api.parliament.uk/historic-hansard/people/mr-stephen-lushington/1834>. Accessed 20 January, 2020

²⁴³ *Mirror of Parliament*, March 20, 1829, p. 744, cited in Waddams, *Law, Politics and the Church of England*, p. 60

²⁴⁴ Eg. For a useful, short literature review on this point, see Brent, 'Whigs and Protestant Dissent', p. 887

²⁴⁵ For example, Congregationalists and Baptists. Baptists had been particularly prominent in the campaign for the abolition of sati.

collapsed after only four months in 1835, defeated by the Irish appropriation issue, and the Whigs returned with Melbourne again at the helm. In 1836, for example, limited admission to the universities was granted through the establishment of the University of London, and the creation of a civil registry for births, deaths and marriages finally meant Dissenters were no longer subject to Anglican rites.

The question of the maintenance of the Church of England, as in Ireland, proved considerably more problematic, however. A number of attempts at reform failed for going too far for conservatives or, like Lord Althorp's plans to replace church rates with a land tax in 1834, not far enough for liberals.²⁴⁶ The intractability of the issue of financial support for the Church was not at all surprising. While the 1836 concessions, for example, clearly tampered with the monopoly of the Church of England in some areas of public life, the issue of endowment went more directly to the very heart of the question of the establishment of the Church.

Controversy over church rates was the site of probably the acutest conflict between the idea of an Anglican confessional state and the liberal concept of religion as individual and private which admitted of a religiously plural polity.²⁴⁷ This was as clear as anywhere in this period in the Spring of 1837 when parliament and public fiercely fought over a new proposal for financing the Church of England. Gash notably comments that had the bill passed, it would have constituted in an important respect a denial of the national character of the Church.²⁴⁸ No wonder, then, that *The Westminster Review* observed that the proposal evoked "an outbreak of Episcopal fury almost unparalleled in the annals of Ecclesiastical turbulence."²⁴⁹ It is no coincidence that it was an intervention by Lushington in favour of the proposal in these fierce debates which occasioned *The Standard's* most substantial and developed assault on the 'Suttee doctor'.

In March, Thomas Spring Rice, the Chancellor of the Exchequer, proposed another bill to abolish church rates. He proposed to replace them with a fund raised from the surplus

²⁴⁶ On this, see, eg Watts, *The Dissenters*, p. 456-7. Dissenters objected to Althorp's plans as the Church would still be maintained from public funds. See also Brent, 'The Whigs and Protestant Dissent', p. 891

²⁴⁷ See, for example, Waddams, *Law, politics and the Church of England*, p. 249; Ellens, *Religious Routes to Gladstonian Liberalism*, p2-4; Gash, *Reaction and reconstruction*, p. 72

²⁴⁸ Gash, *Reaction and reconstruction*, p. 72

²⁴⁹ Vol. 127, p.126, April, 1837, cited in Gash, *Reaction and reconstruction*, p.72

income which he anticipated would be generated from better management of church land.²⁵⁰ Critically, the plan meant the Church would be supported from its own resources. This was a fundamental aim of many Dissenters, for many of whom the rates were the greatest material and symbolic indicator of their civil and religious disabilities. Congregationalists, Presbyterians and Baptists, for example, were explicit in their call for disestablishment by this time; Hadfield's letter to *The Patriot* in 1833 notably lamented Dissenters "asking for trifles when we ought to have been contending for great principles" and went on to demand a total disconnection between church and state, including the repeal of all legislation granting compulsory payments for the support of (any) church.²⁵¹ Frustration at the Whigs' postponement of plans to abolish the rates a year earlier, in 1836, had led directly to widespread protest and the founding of the Church Rate Abolition Society. There was consequently significant support from many Dissenting groups for Spring Rice's plan; by mid-July, parliament had received over two thousand petitions with well over half a million signatories in favour of it.²⁵²

That the proposal might prove to be a first step to disestablishment was precisely what its opponents feared, however. Spring Rice, a liberal Anglican, argued that, conversely, the move would strengthen the Church by addressing Dissenters' grievances.²⁵³ Lushington agreed. Speaking in a debate on the bill in the House of Commons on March 13th, he described the Church as "like a besieged city" which would fall unless it divested itself of those usages which led people to assault it.²⁵⁴

It is worth recalling at this point that religious reform in this period was about institutional reform of the Church of England as much as the gradual removal of the civil and religious disabilities of those outside it.²⁵⁵ The Church was under liberal pressure to improve its

²⁵⁰ It was not a viable proposal. Brent suggests the surplus was "invented", 'The Whigs and Protestant Dissent', p. 904. The Ecclesiastical Commission had also already rejected using any surplus to replace church rates and had suggested better uses eg to improve small cleric livings. Gash, *Reaction and Reconstruction*, p. 72

²⁵¹ *The Patriot*, 13 November, 1833, p. 387. Not all Dissenters supported the campaign for disestablishment; some moderates saw it as likely to hinder rather than help them secure redress for specific grievances: see Watts, *The Dissenters*, p. 458. Others actively supported the established church in this period and discouraged opposition to church rates, notably the Wesleyan Methodist leadership: see Machin, *Politics and the churches*, p. 41. For a simple overview on Dissenting denominations' attitudes to the Anglican establishment, see also Gash, *Reaction and Reconstruction*, p. 64

²⁵² Ellens, *Religious routes to Gladstonian liberalism*, p. 68.

²⁵³ Ellens, *Religious routes to Gladstonian liberalism*, p. 62

²⁵⁴ House of Commons sitting, Wednesday 13 March, 1837, *Hansard*, 3rd series, vol. 37

²⁵⁵ See, for example, Burns, 'English church reform revisited, 1780 -1840', pp. 136 – 162

efficiency and transparency as much as religious pressure from the grievances of non-Anglicans over its monopolies. Lushington was as committed to these internal reforms as he was to the amelioration of the condition of non-Anglicans. Like many liberal Anglican Whigs, he saw a social value in the Anglican establishment and saw its future as best secured through reform. He was a member of the Ecclesiastical Courts Commission which had been set up in 1830 by parliament to examine and make proposals for the modernisation of the labyrinthine and cumbersome ecclesiastical court system. This in itself was resisted by conservative Anglican forces as an unwarranted external interference. Lushington's role in the sati appeal had earlier been again an aggravating factor for critics of the Commission and its recommendations.

In 1835, the recently-launched *The Blackburn Standard*, for example, attacked a proposal to reform the adjudication of probate matters. That Spring, Lushington had supported a (failed) government bill based on a report by the Commission of which Lushington had been, in fact, the chief contributor.²⁵⁶ The Report had proposed wide-ranging rationalising reforms. The proposals included abolishing the distinction between real property (land) and personal property so that these could be unified in one will with the same legal formalities, reducing disputes and the time and cost of pursuing these in different courts.²⁵⁷ For critics, the proposals threatened both the flexibility and latitude in interpretation the current system allowed and the livelihood of members of Doctors' Commons.²⁵⁸ Thus, *The Blackburn Standard* strikingly denounced the plans as a "scheme...upon which the celebrated Suttee Doctor and high priest of treason to the Tower Hamlets has long been deploying all the devious windings and twistings of his tortuous mind."²⁵⁹

The slur was intended to discredit Lushington, this much is clear. But the strong language and additional malice in extending the Suttee Doctor taunt with the old tropes of brahmin deviousness and paganism is conspicuous. What the reference to the sati appeal evokes here is not so much anger at Lushington's involvement in the appeal but a deeper sense of anger and betrayal felt by conservative Anglicans at this perceived 'enemy within'. It is

²⁵⁶ Waddams, *Law, politics and the Church of England*, p.21

²⁵⁷ Waddams, *Law, politics and the Church of England*, p. 189

²⁵⁸ Lushington, who was of course himself a member of Doctors' Commons, and the Commission were in fact fully aware of this. Waddams, *Law, politics and the Church of England*, p. 189; p. 18ff

²⁵⁹ *The Blackburn Standard*, Wednesday 27 July, 1835, p.4

Lushington's position within the Church, committed to reforms which went to the heart of its institutional integrity, that most provoked the ire of his opponents in the Tory press; indeed, it is his position within the church which this chapter suggests is why Lushington, but not John Elliot Drinkwater, an equal actor in religious reform, was damaged by the sati appeal. The significance of Lushington's position is worth emphasising. As Waddams strikingly points out, as an ecclesiastical court judge his role embodied the legal privileges of the Church and he enforced church rates while at the same time he actively sought their abolition in his role as a MP.²⁶⁰

Lushington's role in Church reform from within also explains the particular vehemence with which *The Standard* attacked him after his speech in the Commons on March 13th in support of the new proposal to abolish church rates, a proposal which they perceived as the greatest threat of all to the Church. Indeed, the personal nature of the newspaper's attack, that its anger was as much about who Lushington was as what he said, was clear:

"We confess that there are few names which we read with so much pain and offence as the name of Dr. Lushington. It is a public scandal that this man has been permitted to remain an officer of the Church – a judge... a single day after his abominable Suttee speech."²⁶¹

Lushington supported the establishment of the Church and he reaffirmed this in his speeches in these debates on the church rates bill. He believed that the establishment was most likely to survive if reformed. But his support for the abolishing of church rates was also driven independently of this by his commitment to the principle of freedom of religion. Crucially, he placed more weight on this than on the maintenance of the Church and thus regarded the imposition of the rates as a violation of Dissenters' religious scruples:

"On all matters of religion a man must decide for himself—no other man had a right to decide for him. According to his principles the scruple [over payment of church rates] was unfounded. He went much further; it was no violation of his conscience not merely to contribute towards an Established Church, but to any other Christian

²⁶⁰ Waddams, *Law, Politics and the Church of England*, p. 250

²⁶¹ *The Standard*, Wednesday 15 March, 1837

sect in a Christian state. He felt, however, that he had no right to impose his opinions on another.”²⁶²

The clear continuities here with Lushington’s advocacy against the abolition of sati strongly support the argument here that he was acting from principled commitment to religious freedom in the appeal as well as contending a point of law; he was not acting from financial incentive, as the hostile press alleged, or even from a relative lack of horror at sati, as Waddams proposes.²⁶³ Still less does Lushington’s involvement in the appeal indicate active endorsement of sati, as some of the press also liked to imply. Rather we see consistency in his support for the right to practise a religion in conformity with conscience even where this was at variance with his own.²⁶⁴ This was a period in which religious freedoms were being negotiated; Lushington, ever the lawyer, was testing its outer boundaries logically and dispassionately.

The continuities between Lushington’s support for the Dharma Sabha in India and for Dissenters in England were not missed by *The Standard* but it didn’t accept the validity or authenticity of Lushington’s position. It began a lengthy editorial about his Commons speech with an attack on Lushington’s integrity through an extended use of its ‘Suttee doctor’ slur:

“...[Lushington] has, for a few guineas’ consideration, proved his liberal tenderness to conscientious scruples by tasking every faculty of his mind in aiding to perpetuate the burning alive of women and female children [sic], in conformity with the conscientious scruples of those who hired him as the advocate of cruel, systematic, and most extensive murder. Doubtless he would be as accommodating to any other conscientious scruples as to those of our Indian fellow-subjects, even though, like the Suttee superstition, these scruples might outrage the laws of God and the law of nature.”²⁶⁵

There was a crude assault here in the iteration of the claim Lushington was, in fact, *unprincipled* but it also initiates a deeper assault on Lushington’s apparent religious

²⁶² House of Commons sitting, March 13, 1837, *Hansard*, 3rd series, vol. 37

²⁶³ As outlined earlier in this chapter.

²⁶⁴ In this sense, where sati was conceived as an act of free will, Lushington was in fact probably less horrified by sati than by slavery though this is not the point Waddams is making when he briefly addresses Lushington’s reasons for participating in the sati appeal.

²⁶⁵ *The Standard*, Wednesday 15 March, 1837

pluralism. It begins this with the explicit exclusion of Hindu practice, and of other unnamed superstitious scruples, through an assertion of the universal validity of (Anglican, as we shall shortly see) Christianity. Through tropes rooted in evangelical and utilitarian discourses on India, the newspaper went on intemperately to outline the authority it asserted this entailed to confront religious error:

“We protest, however, against [Lushington’s] extreme liberality. We contend, that if one man is to be judged by his conscience, so is another; and that if the conscience of an Indian urge him to fling a shrieking woman upon a burning pile, the conscience of a Christian Englishman, taught to believe that he who consents to a crime, becomes a partaker of its guilt, will call upon him... to snatch the victim from the flames, and even to knock her devout executioner upon the head, should he render it necessary by resisting the rescue.”²⁶⁶

The Standard, via a contrived rhetorical play on ‘commission’ and ‘omission’, then arrived at the principle of the confessional state which was the real source of its objection to Lushington’s avowal of Dissenters’ (and, for that matter, Hindus’) religious scruples:

“And as we deny the right of any man’s conscience to force us into sins of commission, so do we protest against the title of our neighbour’s [sic] consciences to force us into sin of omission; and, among sins of omission, we can imagine none of a deeper dye than the neglect of placing the public worship of God at the head of all duties, political, social, and personal. We, therefore, as disagree from Doctor Lushington’s tenderness to the religious scruples of Dissenters, that would force England to renounce the national worship of the Creator, as from his delicate sensibility in favour of widow-burning.”²⁶⁷

The alignment of Dissent and sati is certainly striking. It is more likely that it is a rhetorical by-product of *The Standard*’s assault on Lushington the ‘Suttee doctor’ than a considered conflation of Hinduism and Dissent. It is certainly, however, a considered assertion of Anglican supremacy over both. Where Lushington sought to expand the limits of religious freedom, conservative Anglicans, both Tory and Whig, sought to contain them through the

²⁶⁶ *The Standard*, Wednesday 15 March, 1837

²⁶⁷ *The Standard*, Wednesday 15 March, 1837

affirmation of the national Church. The abolition of sati had settled the question of where the limits lay in India. Lushington had engaged to test that by aligning the claims of non-Anglicans in Britain with those of Hindus in India. References to sati in these debates in the 1830s in Britain in the press were certainly about discrediting Lushington because of this and, through him, served to make points of divergence in the parallel domestic debates where he had proposed convergence.

Afterword

Spring Rice's proposal for church rates was so contentious it is very unlikely to have successfully passed through the Commons and Lords.²⁶⁸ As it was, it was scuppered by the general election which was called following the death of William IV in June 1837. The church rate question was unquestionably the central issue in the election and showed the government how far it could go in placating Dissenters.²⁶⁹ Certainly the Whigs learnt there were limits, both within the party and among the public.²⁷⁰ The Whigs held on but lost seats.

Lushington was among those who held their seats. This was duly noted by *The Standard* which wrote a rallying piece after Tory disappointments in a number of London boroughs. Five years had passed since the sati appeal but still, the newspaper asserted, with effort and energy, "...we have it in our power to turn even the Suttee-doctor out of his murky den in the Tower Hamlets."²⁷¹ A month later, amongst the political manoeuvrings that summer, it commented on a rumour that Lushington was to be raised to the peerage. The newspaper was doubtful the Whigs could hold the seat in an election should this occur; the Tories had learned from their past defeats even, it bitinglly wrote, "should this respectable arrangement be carried so far as to place a coronet upon the brow of the advocate of widow-burning."²⁷²

²⁶⁸ See eg. Machin, *Politics and the churches in Great Britain 1832- 1868*, p. 59-61

²⁶⁹ See eg Ellens, *Religious routes to Gladstonian liberalism*, p. 66; Brent, 'The Whigs and Protestant Dissent', p.889; Newbould, *Whiggery and reform, 1830-41: the politics of government*, p. 182.

²⁷⁰ See Ian Sellers, *Nineteenth-century Nonconformity* (London, 1977), p. 69

²⁷¹ *The Standard*, Wednesday 26 July, 1837

²⁷² *The Standard*, Friday 11 July, 1837. The rumour wasn't true. Lushington was actually offered a life peerage in 1851 but declined it. Waddams, *Law, politics and the Church of England*, p. 9

The killing off of the church rates bill did not wholly avert the sense of danger for all in the Church. An article in the *Church of England Quarterly* in 1838 protested the sense of virulent attack it felt under with a striking metaphor: “With the allied tribes of political ruffianism and political recreancy standing by, ready to fling it on that pile where *Reform* has already flung the constitution, are we to linger until the suttee is performed, and console our virtue by wringing our hands over the ashes?”²⁷³ There was now, however, growing disillusionment among many Dissenters at national political failures and increasing internal division between denominations.²⁷⁴ The Church too, as Ian Sellers remarks, was recovering its composure and “symptomatic of the Church’s reviving self-confidence” was Gladstone’s important defence of the established church.²⁷⁵ Published in the same year that the *Church of England Quarterly* resisted its metaphorical sati, *The State and its Relations to the Church* was a strong assertion of the purpose of a national church from a young Gladstone years away from the alliance with broad church liberalism which would deliver both the disestablishment of the Church in Ireland in 1866 and the abolition of church rates in England in 1868 .

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This chapter has examined discourses on sati and its abolition in debates about religious freedom and the boundaries of the state in the 1830s through a case study of Stephen Lushington. It began with a close examination of the appeal against the abolition of sati and showed that the case was principally contested on the issue of religious freedom and the right of the state to limit it. This was an issue as important to those outside the Anglican communion in England as it was to the Dharma Sabha in India and the influence of the English debates on the appeal has been teased out here. The chapter went on to examine the discursive use of sati in attacks on Lushington in the years after the appeal. It argued that hostility to Lushington was in part prompted by his pushing at the limits of religious freedom that the abolition had set in India but that these discourses served more to challenge his absolute commitment to religious freedom in England, the pluralism this indicated to his critics and the consequent threat to the Anglican establishment. Discourses

²⁷³ Quoted in *North Wales Chronicle*, Tuesday 24 April, 1838

²⁷⁴ See eg Brent, ‘The Whigs and Protestant Dissent’, pp. 906-909; Gash, *Reaction and Reconstruction*, p. 73-75

²⁷⁵ Ian Sellers, *Nineteenth-Century Nonconformity*, (London, 1977), p. 69f

on sati expressed this. By bringing together debates on religious freedom in India and in England through the 'Suttee doctor', this chapter has given a fresh perspective on the sati appeal and the concurrent debates on the scope of religious freedom and the role of the state in determining it in England and demonstrated how bound together they were.

In 1857, the question of the relationship between the state and religion would be dramatically reopened by events in India. Discourses on sati and its abolition would be pivotal in these debates, debates which would again explore the nature and limits of religious freedom in India but were as much, if not more, a site for working through what this meant in England, too.

3: Sati, the Indian rebellion of 1857, religious freedom and toleration

This chapter is concerned with the presence and function of references to sati and its abolition during the Indian Rebellion, 1857-59. It focuses primarily on editorials, letters and reports of public meetings in British newspapers in which sati is specifically mentioned. This material on sati has not been examined by historians previously yet it provides valuable new perspectives on contemporary debates about what caused the Rebellion and how India should be governed in its aftermath. The first part of this chapter examines the function of references to sati and its abolition in debates about the causes of the Rebellion, debates in which it will be shown that the abolition itself was not considered to have been a direct cause in fermenting the revolt. Rather, sati and its abolition were used as points of alignment or divergence to question the role of more recent social reforms in India, and the speed at which they had occurred.

Discussion of sati and its abolition arose mostly, however, in debates about Christian proselytism and the policy of religious neutrality the government intended for India after the Rebellion. These debates are the focus of the second part of this chapter. These debates were in many ways, it will be shown, the site on which British inter- and intra-denominational disputes about the relationship between religion and the state were played out. There are clear continuities in this chapter with the themes of religious freedom and toleration in the previous chapter though we will see that the use of discourses on sati was more developed in the Rebellion debates. We will also see the impact and influence the Indian context had on the debates as those involved used discourses on sati to work through what religious freedom meant, what the limits of toleration were, whether these were different in India and Britain, and the role and limits of the state in determining them.

(I)

Sati and British views of India on the eve of the Rebellion

On April 20th, 1857, more than twelve hundred people attended a meeting of the Wesleyan Missionary Society in Belfast in support of overseas missions. Among the speakers was the Reverend John H. James of London; *The Belfast News-Letter* appreciatively noted his “eloquent and very admirable address” and that it was “throughout loudly applauded”.²⁷⁶ The Reverend spoke optimistically of the future of the missions in India, alluding to ‘change in the official mind’ in India which served to the encouragement of their work. He recalled to his audience how, long ago, the evangelical campaigner John Poynder had been met with laughter at East India Company meetings when he proposed the abolition of sati and how, when some reply to the proposal was thought worthwhile, it was met with every opposition from the Company on the grounds that the Hindus would rise in rebellion and India would be lost to the empire. Nonetheless, the abolition had at last been secured and other reforms followed; “and yet no rebellion had taken place – the brightest gem still continued to shine in the Imperial Crown, and not only was there no rising of the natives, but everybody applauded at the abolition of such practices, except, perhaps, a few Brahmins, whose interest it was to keep them up still.”²⁷⁷

Twenty-one days later, on May 10th, the sepoys mutinied in the garrison town of Meerut, near Delhi. Two years would pass before Gladstone finally felt able to write to the Viceroy, his friend Lord Canning, in language that softly indicates the horror and confusion the events inflicted, that the cabinet had been told “that that mutiny which may also be called rebellion, civil war, or whatever else is most formidable, was now really at an end”.²⁷⁸

There is more to the Reverend’s speech than the particular hubris his unfortunate timing lends it though this hubris is certainly striking, if by no means unusual, in discussion of India at this time, even as news began to trickle in. Indeed, the press had already begun to carry

²⁷⁶ *The Belfast News-Letter*, Tuesday 21 April, 1857.

²⁷⁷ *The Belfast News-Letter*, Tuesday 21 April, 1857. The involvement of John Poynder in the campaign against sati and against the pilgrim tax at the Court of Directors was briefly outlined in the previous chapter in the context of the appeal against the abolition of sati.

²⁷⁸ Letter dated July 25th, 1859, cited in S. Gopal, *British Policy in India, 1858-1905* (Cambridge, 1965), p.1

reports of the incipient revolt, often minimising its import.²⁷⁹ On April 15th, *The Times* had reported a growing disquietude among Indian sepoys occasioned by their belief that the paper cartridges of the new Enfield rifle were greased with pork and beef fat. This was, the newspaper lamented, evidence of the discouraging tenacity of “the suspicions and delusions with which fanaticism oppresses [the Hindu mind]”.²⁸⁰ The newspaper noted the similarities with what it coyly termed “embarrassments and difficulties” the British had previously encountered. These in fact included the Vellore Mutiny in 1806, among the immediate causes of which were a number of changes to dress rules which the rebelling sepoys saw as an infringement of religious codes. *The Times* assured its readers, however, that whilst the current matter demonstrated the need for a continued strong military presence in India, the British position was now so much stronger that “we can look with much less alarm to the operation of these impracticable delusions.” With some confidence it asserted “[w]e have abolished suttee and infanticide”, and carried out other religious and cultural reforms and, so, “[w]e should be glad to learn that the present delusion is exceptional and transient”.²⁸¹

It is notable that it is the success of the abolition of sati that underpins the hubristic complacency of the Reverend and *The Times* in their misjudged assessments of India on the very eve of catastrophe. Their tone and positioning is deeply rooted in the conventions of a particular liberal interventionist narrative first shaped by utilitarian and evangelical discourses on India which emerged in the early 1800s in which sati and its abolition were integral. The historic tropes of these discourses, such as the irrational and superstitious Hindu, the calculating Brahmin and the beneficent, ameliorative British state, are clear enough in the observations of the Reverend James and *The Times*. These two commentators’ triumphalist use of the abolition as a symbol of the security of British rule and their misplaced confidence in the reality of that British security was also, though, as much a reflection of their perceptions of the very recent practice of British rule in India as it was an historic feature of this form of discourse. Indeed, India had experienced, under the preceding eight-year Governor-Generalship of Lord Dalhousie, a ‘second age of Indian

²⁷⁹ On dismissive reporting of the early stages of the Rebellion in general (she does not address the discursive role of the abolition of sati in this) see Rebecca Merritt ‘Public perceptions of 1857: an overview of British press responses to the Indian uprising’ in Andrea Major and Crispin Bates (eds.), *Mutiny at the margins: new perspectives on the Indian uprising of 1857, vol.2: Britain and the Indian uprising* (London, 2013)

²⁸⁰ *The Times*, Wednesday 15 April, 1857, p. 6

²⁸¹ *The Times*, Wednesday 15 April, 1857, p. 6

reform' which, notes Metcalf, echoed the optimistic liberal ideology of the era of Bentinck.²⁸² It was the evangelical Bentinck who had prohibited sati, and leaned into utilitarian ideas on Indian reform, and thus secured his reputation.²⁸³ Dalhousie was a strong, authoritarian reformer, a utilitarian whose thinking owed much to Bentham and James Mill.²⁸⁴ Eric Stokes suggests he was precisely the 'enlightened despot' that James Mill had envisioned as the ideal type for the governance of India, though he has him as a pragmatic utilitarian rather than the universal theoriser more characteristic of the earlier reform era.²⁸⁵

Dalhousie laid out his legacy, as he saw it, in the forty-five page *Minute* he submitted to the East India Company when he retired in 1856.²⁸⁶ The links between this legacy and the ensuing debate about the causes of the Indian Rebellion discussed in this chapter make a brief summary here valuable. Under Dalhousie extensive material expansion took place with the development of key infrastructure such as railways, electric telegraph, uniform post (the so-called "three great engines of social improvement"), roads and canals.²⁸⁷ The territory of British India also aggressively expanded. A number of princely states were annexed: through war, like the Punjab; through alleged misrule, like Oudh; or, like Satara, through Dalhousie's use of the doctrine of lapse, applied when a ruler had no natural heir or the British refused to recognise his chosen adopted successor.²⁸⁸

Dalhousie also carried out the most intrusive social reforms since the abolition of sati. When the Reverend James alluded in Belfast to the changes in India which served to the encouragement of the missions and *The Times* loosely spoke of 'other religious and cultural reforms', they must certainly have had a number of these in view. Three of these reforms are particularly pertinent to the focus of this chapter. Dalhousie significantly expanded English education during his tenure and this included the provision of grants-in-aid for

²⁸² Metcalf, *Ideologies of the Raj*, p.42

²⁸³ See, for example, Vohra, *The Making of India*, p. 67, p. 73-74

²⁸⁴ On this, see Suresh Chandra Ghosh, 'The Utilitarianism of Dalhousie and the Material Improvement of India', *Modern Asian Studies*, Vol. 12, No. 1 (1978), pp. 97-110

²⁸⁵ Eric Stokes, *The English Utilitarians and India*, (Oxford, 1959), p. 249

²⁸⁶ 'East India. Copy of a minute by the Marquis of Dalhousie, dated the 28th day of February 1856, reviewing his administration in India, from January 1848 to March 1856', *House of Common Papers; Accounts and Papers*, vol. XLV.245, 1856

²⁸⁷ *Dalhousie minute*, p. 16

²⁸⁸ On these annexations, see, for example, Stanley Wolpert, *A new history of India*, 8th ed. (Oxford, 2009), pp. 230 – 234, and p. 238f

schools, including those established by missionaries.²⁸⁹ Dalhousie also intervened in Hindu law and custom to ensure Hindu widows (who could no longer be burned, of course) had the right to remarry; the desolate condition of these women and girls as social outcasts had become a focus of Indian reformers and of metropolitan campaign groups galvanised by the re-energised evangelicalism of the 1850s.²⁹⁰ The Caste Disabilities legislation, commonly known as the *lex loci* act, aimed to ensure that Hindu converts to Christianity were no longer denied inheritance rights, an act Dalhousie notably endorsed in his *Minute* as “securing liberty of conscience”.²⁹¹ In a private letter to his friend and mentor, Sir George Couper, he justified his intervention in this issue more fully: while he held that the Hindu should “...*mainly* be governed by his own law, we cannot permit in India, any more than elsewhere, that a man should be exposed to penalty or to civil injury by reason of his religious belief.”²⁹² He gave the abolition of sati as a precedent; it showed that the government, while it preserved to Hindus “...their religion and their laws in the mass... we never pledged ourselves to maintain both *intact*,” and so he did not “...abstain from interdicting what was an unjust penalty on Hindus who receive the Gospel”.²⁹³

The abolition of sati also featured in Dalhousie’s *Minute*. The 1829 legislation had not covered the princely states where the British had no jurisdiction. The early twentieth-century historian Edward Thompson over-played Dalhousie’s significance when he claimed, however rhetorically neatly, that if the honour of the abolition in British India was Bentinck’s, that of the final suppression in the princely states was Dalhousie’s.²⁹⁴ Most of the princely states had, in fact, outlawed sati in his predecessor Hardinge’s time though the suppression of sati in a final few (for example, Jodhpur) had occurred during Dalhousie’s tenure.²⁹⁵ Dalhousie, for his part, acknowledged that his government’s primary role was in policing the earlier legislation in British territories, punishing those involved in facilitating

²⁸⁹ On educational reforms under Dalhousie more widely, see eg. Suresh Chandra Ghosh, ‘Dalhousie, Charles Wood, and the educational despatch of 1854’, *History of Education* vol. 4, no. 2 (1975), pp. 37 – 47. For this and a wider view on the social elitism of British educational policy across time, see Parimala V. Rao, *Beyond Macaulay: 1780-1860* (New Delhi, 2020)

²⁹⁰ Widow remarriage is not, though, mentioned in the *Minute* as the legislation was only passed under his successor, Canning. The campaigns against widow marriage are examined in a later chapter of this thesis.

²⁹¹ *Dalhousie minute*, p. 45

²⁹² J. G. A Baird (ed.), *Private letters of the Marquess of Dalhousie* (Edinburgh, 1910), p. 118

²⁹³ Baird, *Letters...Dalhousie*, p. 118

²⁹⁴ Thompson, *Suttee* (London, 1928), p. 83

²⁹⁵ On these events, see Major, *Sovereignty and social reform*, pp. 63 - 76

occasional cases with, commonly, imprisonment and fines.²⁹⁶ No opportunity for remonstrance had been lost, he wrote, when a case had occurred in an independent state and no indulgence shown to culprits in regions under British control; as a result, “[t]he performance of the rite of suttee is now a rare occasion.”²⁹⁷ That Dalhousie really had little new of any substance on sati but addressed it regardless is evidence of how integrated it was, how necessary even, in the justificatory narrative conventions of Indian reform.²⁹⁸ Dalhousie’s *Minute*, proclaimed *The Times*, bore “signal testimony to... [Dalhousie’s] brilliant administration of our Oriental empire.”²⁹⁹

This triumphalism about British rule in India was fully evident when the Reverend James addressed the missionaries in Belfast and *The Times* dismissed the emerging stories of discontent in Delhi in April in 1857.³⁰⁰ It was how India and Britain’s role was widely understood on the very eve of the Rebellion: imagined discursively and shaped in practice through a particular form of liberalism rooted in evangelicalism and historic forms of utilitarianism. Strikingly, spectacularly wrong though commentators like the Reverend James and *The Times* were about the imminent uprising, this interpretative framework through which they analysed the current state of India would survive and, indeed, be strengthened by the Rebellion. Indeed, both anticipate later nineteenth century explanatory accounts which located the source of the revolt in, in broad terms, conservative Indian reaction to British interference in religious practice beginning with the abolition of sati. John Kaye, for example, perhaps the most prolific Victorian historian of India, suggested even early on in standard tropes of devious Brahmins and a credulous populace that the abolition was

²⁹⁶ Dalhousie, *Minute*, p. 37. Dalhousie gives as an example the action taken following the sati of a Rajput widow in Dongarpur: the officiating brahmins and the son of the Thakur were imprisoned and half the Thakur’s revenue confiscated for 3 years.

²⁹⁷ *Dalhousie minute*, p. 37

²⁹⁸ The role of sati in this narrative is examined more fully in the following chapter.

²⁹⁹ *The Times*, Thursday 12 June, 1856, p. 11

³⁰⁰ Though a triumphalism not universally shared, of course. Manchester liberals like John Bright were hostile to British rule of India (though neither Bright nor Richard Cobden supported any immediate withdrawal from India and were perhaps more hostile to *how* the British ruled India). See Gregory Claeys, *Imperial Sceptics: British critics of empire, 1850 – 1920* (Cambridge, 2010), pp. 32–34. Radicals like the novelist and Chartist leader Ernest Jones were also hostile to British rule of India; his role in opposition to empire has recently been recovered in Priyamvada Gopal, *Insurgent empire: anticolonial empire and British dissent* (New York, 2019).

among British interventions which had undermined Brahmins and led them to influence the sepoys to rebel.³⁰¹

Andrea Major points out that whilst accounts like Kaye's arose naturally from these historic Indian discourses which had solidified in the debates preceding the abolition of sati, they were also useful as Britain rebuilt its empire in the aftermath of the Rebellion.³⁰² In later Victorian accounts of the Rebellion, a focus on the religiosity of Indians, largely framed as superstitious fanaticism, obscured economic, political and social factors and was used to delegitimise the Rebellion and reinforce British claims to a moral imperative for their rule. This narrative comfortably coalesced around sati: the practice of the rite provided lazy tropes of the barbarous Hindu and its abolition provided expedient tropes of the civilising Britons.³⁰³ Major is right to delineate the often explicit imperialism in these later Victorian accounts and the role of sati and its abolition in building them.

However, Major does not examine the discursive use of sati and its abolition in debate about India specifically during the Rebellion itself. Indeed, no historian has done so.³⁰⁴ This chapter will address this important omission. Its findings, mainly using the press archives, will show certainly that the abolition was tied discursively to the justification of empire and a more interventionist approach to rule. But, importantly, it will show that references to sati and its abolition during the Rebellion were actually complex and multivalent; they were not solely in the service of justificatory discourses on empire but functioned more widely as a site for debate about questions of religion which were not yet settled in Britain. In this sense, the attribution of religious grievance to rebel Indians was not (or, rather, not only) a diminution of the Rebellion intended to shore up British rule. Indeed, there is intellectual danger in seeing religious explanations for the Rebellion as exclusively imperialist. It belies the reality of the partial roots of the Rebellion in religious discontent among some Hindu

³⁰¹ John Kaye, 'The crisis in India', *The North British Review*, vol. 27, issue 53 (August, 1857), pp. 254-276

³⁰² Andrea Major, 'The hazards of interference': British fears of rebellion and sati as a potential site of conflict, 1829 – 1857', in Crispin Bates (ed.), *Mutiny at the margins: new perspectives on the Indian uprising of 1857. Vol. 1: anticipations and experiences in the locality* (New Delhi, 2013)

³⁰³ Major, 'The hazards of interference', p. 45

³⁰⁴ This is not to say that historians have not discussed the role of the abolition of sati in fermenting the Rebellion. Some of these historians are discussed in the pages below, such as Neil Ferguson and Stanley Wolpert. Some more recent works have briefly alluded to it eg. Kim Wagner's *The great fear of 1857 : rumours, conspiracies and the making of the Indian uprising* (Oxford, 2010), p. 37.

participants in the revolt (though not concerning sati) and, equally importantly, fails to take into account the primacy of religion in Britain at this time, its influence and centrality in domestic politics.³⁰⁵ Both these historiographical errors are perhaps attributable to the application of reductionist modern secular thinking about religion in the past, a point addressed, too, in the previous chapter of this thesis in considering the deficiencies in the historiography of the appeal against the abolition of sati.

Firstly, though, this chapter addresses the question of the role of the abolition of sati in inciting the Rebellion. It will comment briefly on historiographical treatments of this question before examining discussion of it during the Rebellion, discussion that was brief and largely dismissive.

The abolition of sati as a cause of the Rebellion

The abolition of sati was not a cause of the Indian Rebellion. As both Major and Jorg Fisch clearly demonstrate, the principal sites and actors of the Rebellion simply did not correlate with the sites and actors in the practice of sati.³⁰⁶ Major laments, then, that Victorian ideas of the role of the abolition of sati in the Rebellion are “endemic” in popular British histories of India. She names Stanley Wolpert and Lawrence James among many historians who explicitly give the abolition of sati as a cause of the discontent that fuelled the uprising, and Niall Ferguson for going further still and implying a direct causal link between the abolition and the Rebellion.³⁰⁷ The criticism of Ferguson is wholly valid; he elsewhere in *Empire* dismisses valid secular catalysts such as discontent among sepoys at lack of promotion as “humdrum” and asserts the rebellion was “first and foremost” rooted in conservative reaction to British policies which touched on religion.³⁰⁸ However, Major overstates the reliance of some other scholars she cites. Wolpert, for example, sees the rebellion as

³⁰⁵ This point is addressed more fully later in this chapter.

³⁰⁶ Major, ‘The hazards of interference’; Jorg Fisch, *Burning Women: a global history of widow-sacrifice from ancient times to the present* (London, 2006)

³⁰⁷ Lawrence James, *Raj: the making and unmaking of British India* (London, 1997), p. 235 and 226; Niall Ferguson, *Empire: how Britain made the modern world* (2003), p. 143-144. Cited in Major, ‘The hazards of interference’, pp. 44-45. She does not cite a particular work by Wolpert but seems to be addressing his *A new history of India* (Oxford, 1977). As Wolpert was an American scholar, Major presumably means by ‘popular British histories’ popular histories published in Britain.

³⁰⁸ Ferguson, *Empire*, p.46-7

primarily a reaction to events in 1856; these included religious provocations such as the legislation for widow remarriage but he explicitly proposes that the main catalyst was the annexation of Oudh.³⁰⁹ James principally conceives the Rebellion as a long and violent airing of a “tangle of grievances...tangible and intangible”, both long-term and immediate³¹⁰. Indeed, the vast modern historiography of the Rebellion largely reflects its complex and composite nature.³¹¹

Significantly, this complexity was as well understood at the time. Certainly, speaking in the House of Commons in late July, 1857, as events escalated, Disraeli hoped, in a well-known intervention, that none there would suppose the cartridges were the cause of the insurrection: “The decline and fall of empires are not affairs of greased cartridges. Such results are occasioned by adequate causes, and by an accumulation of adequate causes.”³¹² He correctly imagined that the unfolding events “will furnish ample materials for long discussions during many years in this House”.³¹³ Indeed, hundreds of hours were spent in just such debate about what had happened and why in parliament and in public meetings, and hundreds of column inches were filled with letters and editorials in the press. In addition, over five hundred books on the Rebellion were published between 1857 and 1862 alone.³¹⁴

Numerous and often entirely contradictory causes were posited and speculated upon in the vast records from this period. In the countless newspaper and journal articles published about the Rebellion between 1857-59 in which there are explicit references to sati and its abolition, causes put forward include: the excessive speed of material and administrative Indian reform, or the insufficient speed of reform; the incompetence of the East India

³⁰⁹ Wolpert, *A new history of India*, 3rd ed. (Oxford, 1989), p. 232

³¹⁰ Lawrence James, *The making and unmaking of British India* (London, 1997), p. 233

³¹¹ This thesis is not directly concerned with the nature, wider causes and events of the Indian rebellion which is the subject of a vast historiography, of course. Koditschek provides a useful indicative bibliography, *Liberalism, imperialism and the historical imagination*, p. 165. The 7-volume ‘Mutiny at the margins’ project is a welcome widening of the scope of historiography of the Rebellion, drawing on subaltern studies and the methodologies of new imperial historiographies, and also includes a volume of essays surveying trends in Indian writing about the Rebellion, Crispin Bates (ed.), *Mutiny at the margins: new perspectives on the Indian uprising of 1857: Vol. 6: perception, narration and reinvention: the pedagogy and the historiography of the Indian uprising* (London, 2014)

³¹² Disraeli suggested that the ‘adequate causes’ included “our tampering with the religion of the people”. House of Commons sitting, July 27, 1857, *Hansard*, 3rd series, vol. 147

³¹³ House of Commons sitting, July 27, 1857, *Hansard*, 3rd series, vol. 147

³¹⁴ Ronald Hyam, *Britain’s imperial century, 1815-1914: a study of empire and expansion*, 3rd edition, (Cambridge, 2002), p.140

Company; the failure to sufficiently involve Indians in government; the imagined degraded character of Hindus or of conspiratorial Muslims; unfair taxation; the unjust treatment of rulers of the princely states through, for example, the policy of annexation (particularly of Oudh) and the interference in law and custom regarding their adoption of heirs; inequitable treatment of sepoys, or over-indulgent treatment of sepoys; excessive evangelism, or insufficient evangelism; excessive interference in religious custom and practice, such as the law allowing the remarriage of Hindu widows and the act allowing converts to Christianity to inherit, or, conversely, insufficient interference.³¹⁵

Significantly, very few of these sources propose that the abolition of sati was a credible and direct cause of the Rebellion. In the first shock of events, there was certainly a moment of public doubt: some limited, nervous and scattered questioning of the abolition of sati in letters and editorials in the press rooted in the wider fear that too much interference in religion had brought about the catastrophe. 'T.C. R', who claimed familiarity with the sepoys in Bengal, wrote to *The Times* in July, 1857 that the sepoys saw reforms like the abolition of sati as evidence that the British sought the "downfall of Hinduism". It should have been foreseen that this "itching to meddle" with caste would stir to a frenzy the usually "tractable and faithful" sepoy, he said; "greased cartridges could have worked only on minds prepared in such a way for revolt".³¹⁶ A few days later, an editorial in *The Morning Post* also wavered on the judiciousness of the prohibition: "Beginning with the abolition of Suttee... and ending with the law for allowing the remarriage of widows", Hindus felt that legislation producing social change was subversive of caste. Concerned also with the role of missionaries in sowing discontent, the newspaper hoped that Parliament would declare henceforth "...that no direct interference with creed or caste will be authorised or suffered ... in India."³¹⁷

Commentaries which threw doubt on the abolition of sati were anomalous, however; so much so that even purported evidence from Indians that the abolition was indeed to blame was largely dismissed. There was, however, almost none of this either. There were some very minor, isolated claims of unclear provenance which made their way into the public

³¹⁵ See, for example: *The Morning Post*, Wednesday 22 July, 1857 p.4; *The Belfast News-letter*, Tuesday 11 August, 1857; *The Times*, Tuesday 8 September, 1857, p. 6; *The Newcastle Courant etc.*, Friday 2 October, 1857; *The Times*, Friday 2 October, 1857, p. 6; *The Times*, Wednesday 24 March, 1858; *The Morning Post*, Saturday 25 September, 1858; *The Morning Chronicle*, Saturday 4 December, 1858

³¹⁶ *The Times*, Friday 17 July, 1857, p. 11. He also blamed the occupation of Oudh.

³¹⁷ *The Morning Post*, Wednesday 22 July, 1857, p.4

domain in Britain such as a letter signed Gungadara Ram Chund [sic] to *The Morning Chronicle* which asserted, “The Mussalmans and sepoy overthrew the Company because they abolished our laws” and cited those concerning sati, inheritance and obligatory widowhood.³¹⁸

Of more weight, one (but only one) of the rebel proclamations issued during the Rebellion explicitly presented the abolition of sati as a cause for revolt. This was the proclamation of Khan Bahadur Khan, the Muslim nawab of Bareilly, an area in central northern India which was one of the centres of the Rebellion. He called on other rulers, both Hindu and Muslim, to rise against “these English... perverters of all men’s religions.” He listed “the various endeavours they have made to contaminate our creed:

1st. The forcible remarriage of Hindu widows;

2nd. The abolition of the ancient rite of *Suttee*;...”³¹⁹

His third point was a lengthy list of grievances, including the interference in the right of princes to adopt heirs of their choice, by which, the proclamation (accurately) stated, princes were deprived of their thrones and wealth; the breaking of caste among prisoners by the forced sharing of bread, and by the greased cartridges of the sepoy.³²⁰

The proclamation proved useful for the British authorities in India who expediently presented it in the prosecution evidence at the 1858 trial in Delhi of Bahadur Shah Zafar, the nominal and last Mughal emperor, for conspiring with the rebels.³²¹ It was also widely published in newspapers in Britain in March, 1858, where it was afforded far less gravity, however. Indeed, none of the press which commented on the proclamation’s positioning of the abolition of sati as a call to arms saw this as anything other than a transparent and cynical ploy. *The Times* published the proclamation with a short preface wryly describing it as a “strange exposition” of the terms on which Hindus and Muslims were to merge their

³¹⁸ *The Morning Chronicle*, Saturday 4 December, 1858. The letter went on, “How can you people, who eat the meat of pigs and cows, understand what is ‘indecent’ and improper in us?”

³¹⁹ *Further papers (no.9) (in continuation of no. 7) relative to the insurrection of the East Indies, Command Papers, Accounts and Papers*, vol. XLIV Pt. IV. 185, (1857-8), p. 851f

³²⁰ *Further Papers (no.9) etc.*, p. 851f

³²¹ See eg. *The Morning Chronicle*, Wednesday 14 April, 1858; Sir Colin Campbell, *Narrative of the Rebellion etc.* (London, 1858), p. 340

differences and cooperate for the overthrow of British rule.³²² In its accompanying editorial, the newspaper mocked the nawab for presenting himself as concerned for Hinduism though a member of a proselytising monotheist faith.

The idea that the abolition of sati was being cynically exploited by the rebels and their sympathisers was echoed elsewhere. *The Times*, as we have just seen, directly attributed the Muslim nawab's proclamation to opportunism, or what the Victorian historian John Kaye later phrased as the nawab's reliance on "guile over strength" in seeking to secure Hindu support against the British.³²³ A letter writer to *The Times* calling himself 'Philundus' attributed this same opportunism to *Hindu* rebels: Brahmins claimed a religious authority for caste, widow remarriage and sati since the government promised not to interfere in religion; anything can be turned into a religious question, and accordingly, Brahmins may one day discover paying taxes to be forbidden by the Vedas, he mocked.³²⁴

Cynicism about the sincerity of Hindu offence in matters of religious interference was a minor note in commentary, however, and was counter-balanced by commentary claiming Indian support for British interventions, particularly the abolition of sati. Several newspapers, including the *Daily News*, published a letter sent from the Madras Presidency in November 1857 which declared, "[n]othing is more false than the statements of many English newspapers that we are hated by the people of India."³²⁵ In fact, asserted the correspondent, the "more enlightened portion" of the Indian people agreed that no previous rule had brought so much benefit and he included the abolition of sati among the recognised gains.³²⁶ A shilling pamphlet offering *The Thoughts of a native of Northern India on the Rebellion, and its causes* has the author commenting that even a boy could see the advantages of the abolition of sati (the 'messing' with caste and the like was different).³²⁷

³²² *The Times*, Wednesday 24 March, 1858, and others. The same preface was used by *Lloyd's Weekly Newspaper* and *Reynold's Newspaper* but without the adjective 'strange' (Sunday 28 March). It is not clear whether this is a typographical error or whether the newspapers did not, in fact, find the terms strange. The proclamation was also published in full but with no editorial preface in *The Lady's Newspaper* and *The Englishwoman's Review* (Saturday 27 March, 1858)

³²³ John Kaye, *A History of the Sepoy War in India, 1857 - 1858*, vol. III (London, 1876), p.289f

³²⁴ *The Times*, Saturday 16 January, 1858

³²⁵ *Daily News*, Monday 9 November, 1857

³²⁶ *Daily News*, Monday 9 November, 1857

³²⁷ Anon., *The Thoughts of a native of Northern India on the Rebellion, and its causes*, (London, 1858), p.18

The majority of observers in the British press largely accepted from the start of the Rebellion and for much of its duration that the abolition of sati was not a direct cause of the uprising. As early as June, 1857, mere days after news of the Rebellion began to emerge in Britain, *The Morning Chronicle* noted “[t]he Suttee system has been abolished without opposition; and it would seem, therefore, that some more definite cause must be assigned than a vague fanatical apprehension...”³²⁸ In December, the *Daily News* asserted that sati had not just been “rendered less frequent, the habit of attributing a religious sanction to all these atrocities had been nearly eradicated from the native mind.”³²⁹ A letter writer to *The Morning Post*, a civilian in the East India Company, said it was accepted by Hindus that justice demanded the abolition of sati and pointed out its passage had been met with no great opposition.³³⁰ These examples are broadly representative of the predominant contemporary view. The innumerable references to the abolition of sati in the press during the Rebellion were not in any serious way in the service of establishing it as a direct cause of the uprising. But they did have clear and definable purpose. The next sections set this out.

The function of references to sati and its abolition in debate about the Rebellion

The introduction to this thesis set out its core case that references to sati and its abolition served two principal functions in British social and political discourses in the nineteenth century: to support justificatory narratives of empire; and to provide a moral and legislative benchmark in testing the limits of religious, cultural freedom and the role of the state in relation to them in both India and Britain. These functions are clearly evident in the debates between 1857 and 1859 about the Indian Rebellion.

At the simplest level the abolition of sati was cited defensively as a symbol of the beneficence of British rule, a function which came to gather particular urgency among the British during, and especially after, the Rebellion.³³¹ More importantly, the prohibition of sati in 1829 had created for many a clear and successful precedent for intervention in India, setting a marker for what could be achieved and justified ideologically and, in the interests

³²⁸ *The Morning Chronicle*, Monday 29 June, 1857

³²⁹ *The Daily News*, Monday 14 December, 1857

³³⁰ *The Morning Post*, Friday 27 November, 1857

³³¹ This is examined in more detail in the next chapter of this thesis.

of preserving British rule, strategically. During the Rebellion the abolition was thus specifically used by many commentators as the benchmark of successful religious and social intervention against which they assessed a multitude of possible causes of, and solutions to, the conflict. The references to the abolition of sati in which it was used as a benchmark in this way can be broadly placed in two categories. In the first category, references to the abolition were deployed in arguments about the pace of reform in India and the role this pace had had in precipitating the Rebellion. In the second category, the abolition was a point of alignment or divergence in debate about the role of Dalhousie's religious and social interventions in the origins of the Rebellion. In using the abolition in this way, as we shall see, the British sought not only to explain the Rebellion but determine the role and limits of the state in the wake of it. The next two sub-sections examine these two categories.

(i) *The pace of reform*

It is important to note immediately that whenever sati and its abolition were referenced in debate during the Rebellion about the pace at which the British had intervened in religious and social customs in India, it was with a largely unquestioned acceptance of the right of the British to do so. It is a useful example of the association of the abolition with interventionist and explicitly imperial thinking about India; the limits of the state were not at the shores of Britain either physically or culturally. The abolition is not associated here with any question of *whether* the British should rule India, only *how*. During the Rebellion, some of the debate about how Britain should rule India centred on the role the *speed* of intervention had had in inciting revolt, with the abolition claimed both by supporters of arguments that the British had moved too fast in India and that they had been too slow.

A few commentators, particularly in the early months of the uprising, showed some sympathy for any Indian grievance at religious interference but saw the government's error not in the principle of the interference but in the reckless speed at which they felt it had been conducted in recent years. In these cases, the successful and notably slow progress to the abolition of sati over more than two decades often served to illustrate this argument and provided these commentators with a model of how religious interventions should be managed. *The Times*, in marked contrast to its bullish denunciations of the 'deluded and fanatical' Hindu on the eve of the Rebellion we saw earlier in this chapter, only a few

months later urged those discussing the causes of the Rebellion, and any consequent changes to how India would be ruled, to exercise patience. The country was currently, it observed, “profoundly impressed with the necessity of caution in dealing with Indian prejudices”.³³² The newspaper pointed out that the suppression of “some of the most odious forms of superstition”, naming the abolition of sati as an example, had been “slowly and cautiously introduced”.³³³ George Crawshay, the Mayor of Gateshead and an India veteran, was a regular touring speaker and pamphleteer during the Rebellion.³³⁴ At one public meeting in Bristol, attended mostly by working men, he argued that the “revolution now raging was the result of the violences [sic] offered to the religion of the Hindoos” over twenty years.³³⁵ The abolition of sati, however, was a model of how the British should proceed, he went on; the rite had been shown to be contrary to ancient Hindu laws and thus successfully abolished “without remonstrance.” Other practices (not named by him) could be shown in the same light with time and patience.³³⁶

Quite to the contrary, for some commentators it was the presumed consequences of precisely this tardiness in enacting the abolition of sati which had contributed to the climate in which the current catastrophe had occurred. The corollary argument that the abolition of sati showed that robust intervention to improve India(ns) was possible and desirable in the wake of the Rebellion became increasingly commonplace as more and more news of British losses in India emerged to enrage and unsettle the metropolitan public. The massacre by sepoys in Kanpur in July, 1857 of British troops who had been offered safe passage by Nana Sahib (who had been deposed by the British doctrine of lapse), and the subsequent slaughter of British women and children whose remains were dismembered and thrown in a well, led to a significant hardening in British attitudes; news of the massacres reached Britain in early to mid-September.³³⁷

³³² *The Times*, Tuesday 8 September, 1857, p. 6

³³³ *The Times*, Tuesday 8 September, 1857, p. 6

³³⁴ Eg. George Crawshay, *The Immediate cause of the Indian Mutiny, as set forth in the official correspondence* (London, 1857). This pamphlet is the text of a speech he gave on November 4th 1857 in which he blamed poor, unsympathetic management of the sepoys’ fears of loss of caste which arose from their belief that the Enfield rifle cartridges were greased with pork and beef fat.

³³⁵ *The Bristol Mercury*, Saturday 6 February, 1858

³³⁶ *The Bristol Mercury*, Saturday 6 February, 1858

³³⁷ On the impact of Kanpur on British attitudes, see, for example, Koditschek, *Liberalism, imperialism and the historical imagination*, p. 165ff. On its representation in contemporary historical writing and fiction, see Gautam Chakravarty, *The Indian Mutiny and the British imagination* (Cambridge, 2005). On the pivotal events

Thus, in a further volte-face just four weeks after urging patience in dealing with Indian religious tenets, *The Times* attacked British policy in the earlier mercantile days. Through fear of an uprising, “[t]he nation was stupidly afraid of interference even with the most inhuman customs, with the Suttee system..” It went on, “[t]his was a gross abuse of the principle of toleration, of which we are now reaping the fruits in the fastidious touchiness with which the Sepoys resent the slightest and most unintentional interference with a minute detail of ritual.”³³⁸ In an editorial a few days earlier, *The Times* had also commented, with a similar air of exasperation, “... the one great fact protruding itself through all these horrors is that a century of ‘traditionary’ policy [of toleration] has not suffered to preserve us from those very disasters against which it was designed to guard.”³³⁹ Even with sati and infanticide, the “extreme cases” of the “terrible obligations which their misbelief imposed”, the newspaper went on, “our proceedings have sometimes been confined to expositions and remonstrations, where a more peremptory prohibition could easily have been issued, and must necessarily have been obeyed.”³⁴⁰ In December, *The Times* also published an item from the *Bombay Telegraph and Courier* which argued that given “...the perfect facility with which infanticide, suttee, slavery and thuggee – all great institutions of the country – have been put down, we have no doubt whatever that half the other prejudices and usages we fear to meddle with would vanish were we only bold enough to face them.”³⁴¹

At a meeting of The British Association of Leeds, Thomas Bazley, the cotton industrialist, liberal campaigner and soon-to-be MP, gave a paper to a prestigious audience which included many leading liberal figures, including Edward Baines, the nonconformist campaigner and proprietor of *The Leeds Mercury*, and James Kay Shuttleworth. His paper on trade called for enlightened and just future policy in India which would yield the benefits, or ‘blessings’ as he notably put it, of extended commerce, a framing and vision of British India wholly embedded in utilitarian and/or evangelical discursive conventions of an optimistic

in Kanpur and the nature and causes of the violence, see the interesting debate between Rudrangshu Mukherjee and Barbara English in *Past and Present*: R. Mukherjee, “‘Satan let loose upon earth’: the Kanpur massacres in India in the revolt of 1857”, *Past and Present*, vol. 128, issue 1 (August 1990), pp. 92 – 116; B. English, ‘Debate: the Kanpur massacres in India in the revolt of 1857’, *Past and Present*, vol. 142, issue 1 (February 1994), pp. 169 – 178; R. Mukherjee, ‘Reply’, *Past and Present*, vol. 142, issue 1 (February 1994), pp. 178 - 189

³³⁸ *The Times*, Wednesday 7 October, 1857, p. 6

³³⁹ *The Times*, Friday 2 October, 1857, p. 6

³⁴⁰ *The Times*, Friday 2 October, 1857, p. 6

³⁴¹ *The Times*, Tuesday 29 December, 1857

form of liberalism dominant in the 1820s and early 1830s which would not emerge in tact from the Rebellion. These conventions are evident too in his comments on the Rebellion in which the failure to intervene in sati for so long was a fatal flaw in British rule: “annexation after annexation, oppression in taxes... public works discountenanced, justice frustrated, Juggernaut and the Suttee long upheld to the perpetration of superstition; and, finally, this ruling policy bore the fruit of which had sown the seed – mutiny and its consequent horrors.”³⁴²

In these references to sati, we see how the abolition was used in debate about how the pace of reform had contributed to the Rebellion, appropriated by both sides to argue either that the uprising occurred as a result of reform moving too fast or, conversely, because it had moved too slowly. The latter argument came to the fore following events in Kanpur as calls for robust rule in India gained ground, making the abolition a model and symbol of authoritarian and interventionist government.

In the second main category of references to sati and its abolition during the Rebellion, to which we now turn, commentators used the abolition as a benchmark of justified and successful cultural intervention; it was a point of alignment or divergence, against which they assessed the role in inciting the revolt of specific social reforms the government had introduced and from this sought to determine the limits of intervention.

(ii) *Comparative alignment and the limits of intervention*

Considerable attention was given during the Rebellion in debates about its causes to Dalhousie’s prohibition of enforced widowhood in 1856 and the earlier Caste Disabilities Act (*lex loci*) in 1850 which allowed Hindu converts to Christianity to inherit. There was inevitably little consensus on whether these provisions were as justified as the abolition of sati as we can see by considering a sample of contrary opinions expressed at public meetings and in press editorials in the Autumn of 1857.

The Liberal MP Ralph Bernal Osborne was at a banquet in Dover in September to celebrate his return to parliament in the general election that year (his co-incumbent, Sir William

³⁴² *The Morning Post*, Saturday 25 September, 1858

Russell, was with his regiment fighting in India). Addressing events in India in his speech, Osborne argued the government was “going too fast in our imprudent interference with Hindoo customs”.³⁴³ It would, he suggested, have been a trifling matter to abstain from meddling in widows’ inability to marry. Seemingly indulging the social prejudices of his fellow diners, he jibed: “Indeed, it is not an uncommon thing for an English widow to regret her not having lived under a similar restriction – (laughter) – and, therefore, there could have been no great harm in allowing the Asiatic relict to live in simple blessedness upon her happy recollection of her defunct Hindoo. (loud laughter)”. More sombrely, he concluded, “It was all very well to put down suttee and other inhuman rites and orgies...; but in regard to compulsory celibacy the game was not worth the cost.”³⁴⁴

An editorial in *The Spectator* similarly argued that sati could justly be put down because Britain had the power and the conviction “to say that murder shall not be perpetrated under English rule. But there is no need to go into their social gatherings and regulate the marriage of widowed wives...” And, in a reference to the *lex loci* act, it added, “... or the distribution of bequeathed property.”³⁴⁵ A former judge in Madras, Malcolm Lewin, held the same view, telling a public meeting on Indian Reform at the Friends Meeting House in St Martin’s Lane in London that the abolition of sati was rightly abolished but he criticised the interferences in widow remarriage and inheritance.³⁴⁶

Conversely, Lord Shaftesbury found a moral equivalency between sati and the plights of Hindu widows and Christian converts which justified the interventions. Speaking at a meeting for the India Relief Fund in Wimborne, and perhaps mindful of the interests of his audience in the filled meeting hall made up of “the *elite* of the neighbourhood, many of whom were ladies”, he said that future government of India should be tolerant to every religion but should not pander to prejudices which lead to the commission of crimes; so, it “should not permit the murder of widows under the name of suttee; or social isolation by refusing second marriage or punish converts by despoiling him of his property.”³⁴⁷

³⁴³ *The Morning Post*, Monday 28 September, 1857, p.6

³⁴⁴ *The Morning Post*, Monday 28 September, 1857, p.6. Osborne felt annexation had been the most damaging act by the government.

³⁴⁵ Cited in *The Newcastle Courant etc.*, Friday 2 October, 1857

³⁴⁶ *The Standard*, Friday 6 November, 1857, p. 3

³⁴⁷ *Hampshire Advertiser and Salisbury Guardian*, Saturday 7 November, 1857, p. 3

It is worth perhaps briefly emphasising here how much support or opposition to specific measures Dalhousie had taken was rooted in British conceptualisations of its own social structures, social organisation. The *lex loci* act is particularly interesting in this respect. *The Spectator*, for example, proposed that Hindus had been ‘persuaded’ to part with some usages such as sati on grounds of common humanity. But, it said, the laws on inheritance were a threat to social position, “‘striking at the very foundations of property’ as our landowners would say”.³⁴⁸ Allowing Christian converts to inherit, it argued, injured the interests of those who would have inherited the forfeited property and saw their reversionary rights destroyed. Labyrinthine probate laws and processes were peculiarly British concerns.³⁴⁹ Similarly striking at ‘the very foundations of property’, *The Spectator* was concerned, too, that were the Enfield cartridges greased with beef fat, the loss of caste this entailed for the Hindu would loosen his tenure on his land.³⁵⁰

What is most striking in several of the examples given above is the broader terms on which these commentators sought to align or diverge widow remarriage and convert inheritance with or from the abolition of sati. These terms centre on the conceptual framing of sati itself and on the circumstances in which it or a comparable practice would justify the intervention of the state. We see here sati framed in secular terms as a crime (both Shaftesbury and *The Spectator* simply called it murder) or inhumanity (Bernal Osborne). Similarly, convert inheritance and widow remarriage are framed as social rather than religious practices and the state is right or wrong to interfere in the extent to which these usages are understood as wholly personal and private or impact on the public sphere and participation in it. So, for *The Spectator* and Bernal Osborne, the issue of widow remarriage (unlike sati, they propose) is entirely private and outside the remit of the state. For Shaftesbury, who avowed freedom of religion and was a committed social reformer, government intervention in the marriage

³⁴⁸ In *The Liverpool Mercury*, Monday, July 27, 1857. Also eg. *The Glasgow Herald*. Wednesday 29 July, 1857

³⁴⁹ We saw the furore Stephen Lushington’s involvement in attempts to reform them in the 1830s caused in the previous chapter, for example. In the 1850s, they were still an issue, one reflected in both culture and legislation: Dicken’s *Bleak House* had been published only four years earlier in 1853 and there was new legislation governing wills in 1857.

³⁵⁰ In *The Liverpool Mercury*, Monday, July 27, 1857

of widows was justified both because he argued it was not an interference in religion (as sati was not for him) and because compulsory widowhood excluded women from society.

Debate about what was and was not within the sphere of religion and therefore what was and was not within the remit of the state, using sati as a point of alignment or divergence, is important because it indicates the deeper ideological disputes about religion in India, and the state's relationship with it, which underpinned debates about Christian proselytism and the post-Rebellion religious policy (and character) of the government. The majority of the references to sati and its abolition during the Rebellion were made in the context of these disputes. But nowhere was the debate about the Rebellion more clearly as much about Britain. In many ways, India was merely the site on which unresolved domestic debates about religious freedom were conducted. This is not to diminish the specificity India lent the debates and the contribution the context made to the development of ideas. In particular, as we shall see, many of those for whom religious freedom was an unassailable goal at home struggled to apply it to India, the land they associated with practices such as sati. They used discourses on sati to explore what religious freedom and toleration meant, what limits they might have, and the role and limits of the state in determining this. The second part of this chapter examines the role of references to sati and its abolition in these debates about proselytism and the religious policy of the government.

(II)

Debates about Christian proselytism and the role of the government

It is largely overlooked in (modern) historiography that as much thought was given at the time to the religion of the (Christian) British in the Indian Rebellion as was afforded to the religion of Indians. A tendency in the historiography, perhaps, to consider the Rebellion in isolation from a wider geo-political, social or even temporal context means that this is not always understood or given adequate recognition.³⁵¹ Christianity was a significant feature in

³⁵¹ Neil Ferguson, for example, assigns a role to over-zealous missionaries in inciting the Rebellion (*Empire*, p. 145f) but treats them as entirely separate from the workings of what he implies is the *secular* liberal state (pp.

British debate about causes of, and solutions to, the Rebellion. There are clear reasons why this should be so. John Wolffe, for example, in an appraisal of Palmerston's attitudes to religion from 1855 to his death in 1865 (though he does not address the Rebellion at all) points out the importance of religious issues in Britain in this period. These included dispute over reform of the Church of England and internal conflict within it over Anglo-Catholic ritualism on the one hand and radical theology on the other; energetic nonconformist campaigns to remove remaining Anglican privileges including campaigns for the disestablishment of the Church of England; anti-Catholicism a significant and well-organised political force.³⁵² These issues had real political impact. Dispute over the grant to the Catholic seminary in Maynooth had split the Tories a decade earlier and remained a source of controversy in the regular parliamentary votes to renew it, for example; Machin points out that it was still a key issue in the 1857 general election.³⁵³

There was also clear evidence of foreign policy premised on the defence of Christianity in this period. Miles Taylor points out that the British intervention with the French in Crimea in defence of Christian minorities and the war against the Shi'ite Shah of Persia in 1856 showed a willingness to fight in the name of religion, for example.³⁵⁴ Significantly, evangelicalism had acquired what Machin described as "a belated worldly ascendancy" in the 1850s, gaining greater influence on government.³⁵⁵ The perceived weight given to Christian interests in foreign policy served to encourage many evangelicals with their sights

138f). Indeed, he asserts, the Rebellion showed that "[t]hose who actually had to run India had been proved right: interfering with native customs had meant nothing but trouble, ignoring the interference carried out by the state itself (p. 152f). He thus wholly overlooks the religious influence on government interventions under Dalhousie such as the Caste Disabilities Act in 1850 and the giving of grants-in-aid to missionary schools outlined earlier in this chapter and, indeed, the impact of the primacy of religion in domestic politics as outlined below in this chapter. In Kim Wagner's groundbreaking work, *The great fear of 1857*, Wagner states that Indian anxieties about their religious tenets being undermined, which underpinned rumours such as those about the Enfield rifle cartridges, emerged from Indian identification of the government with Christianity. For Wagner, this identification is largely misplaced, again overlooking the extant British domestic debates precisely about the Christian character of government (discussed more fully below in this chapter) and the actual socio-religious forms carried out in India in the 1850s. See *The great fear: rumours, conspiracies and the making of the Indian Uprising* (Oxford, 2010), p. 73

³⁵² John Wolffe, 'Lord Palmerston and religion: a reappraisal, *The English Historical Review*, vol. 120. No. 488, September, 2005, p. 488. See also eg. William H. Mackintosh, *Disestablishment and liberation: the movement for the separation of the Anglican Church from the state* (London, 1972); John Wolffe, *The Protestant Crusade in Great Britain, 1829-1860* (Cambridge, 1991)

³⁵³ G.I.T. Machin, *Politics and the churches in Great Britain, 1832-1868* (Oxford, 1977), p. 282, 283

³⁵⁴ Miles Taylor, *Empress: Queen Victoria and India* (London and New Haven, 2018), p. 66

³⁵⁵ Machin, *Politics and the churches*, p. 252

on India, and the Rebellion itself inspired a renewed missionary zeal.³⁵⁶ Evangelical understandings of India and evangelical goals for India were at the heart of debate about the Rebellion.

In an early history of events, George Dodd recorded religion among the multiplying and diverse theories about what had caused the mutiny. Among those who based the answer in religion he naturally enough noted those who blamed Indian reaction to British tampering with religion such as the intervention to outlaw sati. But he also identified a second group with a very different religious-based account of the Rebellion. These were “religious Christians [who] contended that the revolt was a mark of God’s anger against the English nation”: the government had failed in its obligation and in the opportunity it had had to openly proclaim the errors of both Hinduism and Islam and preach the Bible, and the revolt was “a consequent and deserved calamity.”³⁵⁷ This crudely and erroneously homogenised the attitudes of ‘religious Christians’, of course, but there is plenty of evidence of this eschatological framing of the Rebellion among many evangelical groups in contemporary sources. There was the prayer meeting of the Church of Ireland’s Young Men’s Society attended by the Bishop of Down and Connor as well as “a goodly number of the working classes” among the “respectable audience”.³⁵⁸ At the meeting, Reverend McIlwaine lamented the government’s failure to Christianise India and, for many years, its disinclination to countenance missionaries; the British were “now receiving punishment for lost opportunities, for they had too long pampered Hindooism, and it was only in 1829 that the Suttee was abolished.”³⁵⁹ Or, more starkly still, the thirtieth anniversary meeting of Liverpool’s Christian Missionary Society, where speakers spoke to the motion that the mutiny was a “warning from God”.³⁶⁰

³⁵⁶ Jonathan Cecil Ingleby, *Education as a missionary tool: a study in Christian Missionary education by English Protestant missionaries in India with special reference to cultural change*, unpublished PhD thesis, Open University, 1998, p. 211

³⁵⁷ George Dodd, *The history of the Indian Revolt and the expeditions to Persia, China, and Japan, 1856-7-8* (London, 1859), p. 389

³⁵⁸ *The Belfast News-letter*, Tuesday 11 August, 1857

³⁵⁹ *The Belfast News-letter*, Tuesday 11 August, 1857

³⁶⁰ *Liverpool Mercury etc.*, May 18, 1858. The motion was seconded by Hugh M’Neile, whose role in these debates is discussed later in this chapter, though he asserted too that the mutiny could not be ascribed to one cause.

Such accounts did not go unchallenged. Dodd merely recorded such thinking but, for example, *The Examiner* had months earlier bitingly mocked the very same missionary society for “penetrating the designs of the Almighty” in its claim that it was “obvious” the revolt was God’s judgement and demonstrated his “ways of usual dealing”. So, the newspaper countered, using the abolition of sati in its simplest role as a symbol of British good rule, “[w]hen Suttees were abolished and Hindoo widows permitted to remarry, why did not these infallible expounders of the Divine will and ways of dealing, forewarn the country of the chastisement preparing for it?”³⁶¹

For many evangelicals the salvation of the Indian empire (both spiritually and politically) lay in both Christian government and the evangelisation of India. Well-attended public meetings were organised across Britain during the Rebellion to campaign to this end, such as the “crowded to excess” meeting calling for intervention in India on Christian principles at Leeds Music Hall in November, 1857 in which a Baptist minister, Reverend Arthur O’Neill, also made the standard offering of the abolition of sati as evidence of the “blessing” British rule was to India.³⁶² There was no consensus about what Christian government of India meant, however, nor, consequently, about its role in proselytism or religion more widely. This was at least in part because there was also no public consensus about these in England. It is useful to look at an example, a case study, comparing the views of Shaftesbury with missionary groups with whom he collaborated and press responses to a petition they presented to parliament for the extension of missions in India. This provides some valuable context for the exploration of discourses on sati in the sections which follow on.

Shaftesbury, missionaries and Christian government

There were evangelicals who yearned for the conversion of India, more urgently than ever as the Rebellion brutally unfolded, and desired a government which acknowledged its Christian character, but balked at government interference in religious freedom. These included Lord Shaftesbury, certainly the most influential Anglican evangelical at the time and Palmerston’s son-in-law.

³⁶¹ *The Examiner*, Saturday 10 October, 1857

³⁶² *The Leeds Mercury*, Saturday 12 December, 1857

Shaftesbury was a prolific and occasionally intemperate observer of the Rebellion, speaking regularly at well-attended public meetings and making frequent interventions in the House of Lords, where he had taken his seat in 1851. He had been appointed to the India Board of Control very early in his career in 1828, the same year Bentinck was appointed as Governor-General; Shaftesbury shared Bentinck's evangelicalism and commitment to social reform in India and he maintained a close interest in India throughout his life. He referred to these earlier career credentials in more than one meeting during the Rebellion, though the claim in a newspaper report of a Baptist Missionary Society meeting he chaired in late September, 1857 that "thirty-eight years ago... he was President of the Board of Control" was an inflation of both the time elapsed and his actual role.³⁶³

Shaftesbury's speech to this meeting at Exeter Hall was a rallying cry for missionaries of different Protestant denominations to overcome their points of difference in order to secure the success of the missions. These endeavours would, in fact, result in the petition discussed later in this section. The current state of India should encourage them to persevere, he said. He recalled how the exertions of missionaries had secured the abolition of sati even though, when he was at the Board, "it was supposed our empire in India would crumble to pieces should an attempt be made to interfere with the superstitions of that people."³⁶⁴ At a meeting at the Minster in Wimborne, the Dorset town of his family seat, a few weeks later, he again recalled his time at the Board where, he told his audience, he was "wondered at for daring to mention" he thought sati a "matter of outrageous cruelty and wrong" before Bentinck outlawed the practice; the latter's success, for Shaftesbury, was the result of his appeal to the conscience implanted by the hand of God.³⁶⁵ The abolition was evidence again for Shaftesbury, a solid precedent, for what might be (safely) accomplished with evangelisation. This was a standard discursive deployment of the abolition, albeit with a personal flourish. But it is also significant in that it aligns the abolition with evangelisation; this was contentious, even among evangelicals, and we will return to this debate later in the chapter.

³⁶³ *The Morning Chronicle*, Friday 1 October, 1857

³⁶⁴ *The Morning Chronicle*, Friday 1 October, 1857

³⁶⁵ Edwin Hodder, *The life and work of the seventh earl of Shaftesbury*, K. G. (London, 1892), p. 45f.

At the Wimborne Minster meeting Shaftesbury demanded an open declaration that “the Government of India is a Christian Government, that it rests upon Christian principles, that it has Christian views, and that it will go forward in Christian action.”³⁶⁶ (This is how Shaftesbury would have framed Bentinck’s intervention in sati, for example, and we saw earlier how he claimed the abolition was not an interference in religion.) Shaftesbury argued that Britain was reserved as a nation to advance the civilisation of India and be the agent of the promulgation of the Gospel but, switching from the public to the private sphere, that no missionary effort should be spared to this end.³⁶⁷ He also called for the government to declare, too, that there would be no direct or indirect compulsion through bribery or force to turn the population from their faith, that Hindus and Muslims be afforded the same countenance and protection as Christians.³⁶⁸

Christian principles of government, active missionaries and religious freedom for Hindus and Muslims were not incompatible for Shaftesbury but the balancing act could look like sophistry to critics, such as Lord Ellenborough, as we shall see shortly. Shaftesbury also struggled to maintain his commitment to the religious freedom of Indians at times, as did many evangelicals. Though conversion for him had to come from the individual heart (or soul) and not from coercion, missionaries, he said, should not be put off by those who feared the disaffection of the populace from their efforts. Indeed, he questioned what forbearance had produced. In the past, the government had encouraged “their filthy practices”, such as worship of Kali and the practice of juggernaut and held back its own Christian faith. Yet “...if we had ravaged the country with fire and sword to make proselytes...could we have excited a more savage rebellion, a more awful insurrection, than this which has been wrought by these fondled and ungrateful Sepoys?”³⁶⁹ This was not an uncommon view at this time. *The Times*, which also opposed coercion in conversions, bitterly commented that at the price now paid, the British might as well have converted by force.³⁷⁰

³⁶⁶ Hodder, *Shaftesbury*, p. 546

³⁶⁷ For this wording of the speech, see Geoffrey B. A. M. Finlayson, *The seventh earl of Shaftesbury 1801-1885* (London, 1981), p. 449

³⁶⁸ Hodder, *Shaftesbury*, p. 546

³⁶⁹ Hodder, *Shaftesbury*, p. 546

³⁷⁰ *The Times*, Friday 2 October, 1857

The unchecked vehemence of Shaftesbury's language, if not the argument beneath it, was perhaps more the result of emotion than any inherent challenge for him in squaring his evangelicalism with the rights of Indians to suffer no interference in their faith. His speech had included graphic and grotesque descriptions of the alleged Indian atrocities against British women and children in Kanpur which had recently come to his attention and which undoubtedly influenced his tone. His false claim, however, that he had seen these allegations in a letter from Lady Canning, wife of the Governor-General of India, led to something of a persistent scandal, damaging his reputation, though not before he had thus done much to contribute to considerable rabid public hysteria about Indians in the wake of the Kanpur massacre.³⁷¹ A week after the Minster meeting, at another public meeting in Wimborne, Shaftesbury was more measured and clearer about the boundaries of the state. "We do not want missionary Colonels or Captains", he said; in the future government of India, there should be no compulsory proselytism but individual missionaries without official rank or authority should be encouraged to use argument and reason to secure converts.³⁷²

In a similar spirit, Shaftesbury presented a petition from a collective of Protestant missionary bodies of mostly nonconformist denominations to the House of Lords in May, 1858 which called for the diffusion of Christianity throughout India. In introducing the petition to the House, he chose to emphasise the petitioners' declarations that, sensitive to charges that their actions in India had been injurious to its peace, they sought no government aid in their objectives, and that they absolutely disavowed proselytism through force or bribery.³⁷³ There had in fact been considerable controversy over the extent to which coercion had occurred in India in recent years and the extent to which it had contributed to the revolt. The petition began, then, with an "unqualified assertion of the principle of religious liberty" and the desire to see it extended to all without exception or distinction; religion should be no barrier to civil or military office; the government should remain entirely neutral in matters of religion.³⁷⁴ The language recalled an earlier high point of liberalism; indeed, these principles had been broadly embodied in the idealism of

³⁷¹ Lady Canning made it known that she had written no such letter and Shaftesbury later conceded he had merely heard of such a letter. On the scandal, see eg. Finlayson, *Shaftesbury*, p. 450ff

³⁷² *Southampton Herald*, Saturday 7 November, 1857, p. 3

³⁷³ House of Lords sitting, May 3, 1858, *Hansard*, series 3, vol. 149. Also reported in eg *The Daily News*, Tuesday 4 May, 1858

³⁷⁴ *The Daily News*, Tuesday 4 May, 1858

Macaulay's Charter Act for the East India Company in 1832 though never much realised in the practice of government in India. Progress had been much greater in Britain but the pursuit of full religious liberty and government neutrality in Britain drove the civil crusades of a majority of nonconformists in Britain in the mid-nineteenth century and now influenced their approach to India. Indeed, the petitioners stated these principles were "so dear" to them; the prominent Congregationalist Edward Baines' *The Leeds Mercury*, commenting on the petition, called the "principles deserving of the highest commendation".³⁷⁵

The Leeds Mercury was not without criticism of the petition endorsed by Shaftesbury, however, and here we see some of the points of contention in determining the nature and limits of the state. The petition called for the continued government funding of faith schools introduced under Dalhousie. Baines was a leading voluntarist; he campaigned vociferously for most of his life against state involvement in education.³⁷⁶ The newspaper objected to the petitioners' demand. An editorial condemned the "shocking evil" of equal funding to Christian schools and schools in which "the worst doctrines and practices of the Hindoo and Mohammedan religions are taught."³⁷⁷ But the newspaper's main objection was not equal funding but any funding at all: "The true policy with education, as with religion, is for the Government to do absolutely nothing; but to leave Christians, Hindoos and Mohammedans to support their own schools, equally protected but none of them paid by the Government."³⁷⁸ This was clearly as much about England as it was about India. *The Leeds Mercury* recognised as much, suggesting that the apparent support for religious equality in equal funding for Hindu and Muslim schools was pragmatic: the petitioners "unfortunately" wished to get funding for their own schools so did not "dare denounce, as they ought, the grants to any other schools".³⁷⁹

In another projection of domestic concerns, the petition also called for the government to allow the Bible to be taught in government schools in India. Inter- and intra-denominational battles over the principle and nature of schooling provision in Britain had been waged over at least two decades by the 1850s and remained to be resolved; the sensitivities around the

³⁷⁵ *The Leeds Mercury*, Tuesday 4 May, 1858

³⁷⁶ Though he ultimately capitulated on education in the 1860s.

³⁷⁷ *The Leeds Mercury*, Tuesday 4 May, 1858

³⁷⁸ *The Leeds Mercury*, Tuesday 4 May, 1858

³⁷⁹ *The Leeds Mercury*, Tuesday 4 May, 1858

issue and the difficulty of consensus are hinted at in *The Leeds Mercury's* observation that the matter of the grants in India in the multi-denominational petition had been broached in cautiously guarded language.³⁸⁰

The commitment to religious liberty and government neutrality in India was also not entirely as “unqualified” as the petition claimed in other ways.³⁸¹ There remained the real sense among many nonconformists in which the state was expected to not be Anglican (nor for many, for that matter, including Baines, Roman Catholic) but still Christian. And, where the Anglican Shaftesbury had (at least on one occasion as we have seen) explicitly ruled out those employed by the government engaging in proselytism, the petition he presented erased the boundary set on the state in observing the “duty” of all Christians to endeavour to evangelise, regardless of their role in India. As *The Leeds Mercury* approvingly summarised the substance of this duty, the petition provided for “entire religious equality... involving absolute neutrality in religious matters on the part of the government, but not in the least affecting the right and duty of every Christian officer of the Government in his individual capacity to promote the spread of Christian truth.”³⁸²

The first response to the petition after it was read in the Lords came from the former Governor General of India and current President of the Board of Control, Lord Ellenborough. He reasserted his own unwavering commitment “to the ancient traditional policy of the British Government in that country—namely, that of absolute neutrality in matters of religion; and that I intend, as far as in me lies, that that neutrality shall be real—that it shall not exist only in the language of the Government, but in its acts, and in the acts of all its officers.”³⁸³ He concluded with a warning of the dangers to both the empire and the hopes of the missionaries if it was supposed the government had extended its aid to them. His brief comments were clearly an admonishment of what he seems to suggest was sophistry in the petitioners’ attempt to reconcile what looked like clandestine government evangelism through its officers with an avowal of liberty and neutrality. Ellenborough was pivotal in determining the course the government would take in its religious policy after the Rebellion.

³⁸⁰ *The Leeds Mercury*, Tuesday 4 May, 1858

³⁸¹ *The Daily News*, Tuesday 4 May, 1858

³⁸² *The Leeds Mercury*, Tuesday 4 May, 1858

³⁸³ House of Lords sitting, May 3, 1858, *Hansard*, series 3, vol. 149

Though his infamous impetuosity would lead to his resignation some seven days after his intervention on the petition, his plans for the Government of India, and his commitment to absolute neutrality, would be enacted in policy by Stanley, the Prime Minister Derby's son and Secretary of State for India, as we shall see shortly.

In this brief case study, we have looked at how different evangelicals, even those collaborating towards a common end, conceived differently the nature and function of Christian government in India in the context of calls for proselytism. We have seen how these divergences were in a number of ways a reflection of their differing positions on these questions in England. But there were also wider questions underpinning these debates, of what religious freedom meant and whether it meant different things in Britain and India. And as it became clear that the government was going to commit to a policy of complete religious neutrality in India, debate ensued about its meaning, implications and limits. The next section examines the role of sati in these unfolding and blended debates about religious freedom and toleration and the boundaries of the state.

Debates about the nature and limits of government neutrality

In practice, many of those who advocated religious freedom as an absolute principle struggled to apply it to India. India was a land viewed by many of them through the lens of personal conviction of the singular truth of Christianity and through the hostile evocations of widow-burning Hindus embedded in popular imaginings of India by an earlier generation of evangelicals and utilitarians whose influence in government had led to the ending of the practice.³⁸⁴ A number of commentators turned to sati and its abolition to work through how they could reconcile commitment to religious freedom and the neutrality of the state with what they felt was justified religious intervention in India. In this, the abolition of sati served a familiar discursive function, testing the parameters of religious freedom and the corresponding limits of state neutrality.

³⁸⁴ It is perhaps useful to emphasise here that whilst utilitarians and evangelicals largely shared a view about India and the need to improve it, they diverged in thinking Christianity had any role in this.

Interestingly, this reconciliation was not a concern confined to Protestant denominations. Cardinal Wiseman spoke of the Rebellion in early September, 1857 in a sermon given on behalf of the Salford Catholic Orphan Asylum. The government, he said, had tried to civilise India for a hundred years in every way except through proselytism: “We have made the attempt to civilise according to our system; but in one point only have we succeeded in making them adopt European methods and skill, and that is in the art of war.”³⁸⁵ This, he went on, had been done without “the slightest approach towards winning their consciences or their hearts to God.” The result, he found, was their revolt against the greased cartridges which they perceived as a breach of the promise to make no attempt upon their religion. Wiseman laid out the point he felt the British were now at in determining the co-dependent limits of the anglicising project and of toleration of Indian religion: “We cannot withdraw our missionaries and retain schoolmasters;...we must go back all together, or go forward all together; and if we go back to the policy of ten years past, we must retrograde still... more,... till we return to the Saturnian age of Minto and Hastings, the age of Suttee and Thugs...”³⁸⁶

Sati was a conventional enough trope, as was the impeached Governor-General Hastings, for Wiseman’s sardonic picture of a lost ‘golden age’ of British rule in India but he drew up short of the conclusion he seemed to be naturally leading to about what ‘going forward together’ might mean. There was a clear conflict for him between his wish for a Christian India, his awareness of the delicate status of his own Roman Catholicism in Britain at this time and the understanding that any Christian advance in British India would be Protestant. His evasiveness was spelled out by *The Sheffield and Rotherham Independent* which, though it broadly agreed with him about India, could not help but be led by a wholly domestic anti-Catholic sentiment in its acerbic response:

“It is remarkable how the Cardinal most provokingly guards his words, and holds himself in reserve as to the duty of a government to promote the Christianising of its subjects ‘*in partibus infidelium*’.”³⁸⁷ He knows that his church holds that as a

³⁸⁵ *The Sheffield and Rotherham Independent*, Saturday 19 September, 1857

³⁸⁶ *The Sheffield and Rotherham Independent*, Saturday 19 September, 1857

³⁸⁷ ‘In the lands of the infidels’, a title attached to Roman Catholic sees in non-Catholic countries. It had particular resonance following the ‘papal aggression’ controversy of 1850 when the Pope adopted Protestant episcopal titles for a new hierarchy in Britain.

fundamental and essential maxim of legislation, and always practises it - when able. But in the case of a heretical government, he is afraid to speak out, and merely hints... [so that his language] cannot be employed against him as admitting that Protestantism is Christianity, and that a Protestant government is competent to promulgate Christian truth."³⁸⁸

Wiseman's intervention and the newspaper's response provide a blunt example of how much the debate about religion in India was also about religion in Britain. Interestingly, this was not the only occasion in which British anxiety about Roman Catholicism coloured press comment on the Rebellion in which sati was also discussed. The cynicism of *The Times* when it published the appeal by the Muslim nawab of Bareilly to Hindus to join his rebels in defence of sati and other Hindu practices has already been addressed here in the examination of whether the British seriously believed the abolition of sati had directly caused the Rebellion. *The Times'* editorial in fact went on to caustically comment:

"The use of religious agitation in political movements is as well understood in India as in England. Latitudinarian members of parliament who pledged themselves on the hustings to vote against Maynooth will have no difficulty in understanding the zeal of a Mahomedan chieftain for the rigid observance of the Vedas and the Shastras."³⁸⁹

The controversy over the government's grant to the Roman Catholic seminary college of Maynooth had been a catalyst in the split in the Tory party only a decade earlier. The grant's renewal was subject to several parliamentary votes throughout the 1850s, the most recent in the 1856-7 session, and it was a central campaign issue in the 1857 general election.³⁹⁰ Other recent Roman Catholic controversies such as that over the 'papal aggression' in 1850 also still lingered, evident in the nature of *The Sheffield and Rotherham Independent's* attack on Wiseman. Both this attack and *The Times'* comment give a valuable reminder that religion was deeply embedded in British as well as Indian politics, both as a subject of policy and as an interpretative tool. The interdependence of religio-political discourses about India

³⁸⁸ *The Sheffield and Rotherham Independent*, Saturday 19 September, 1857

³⁸⁹ *The Times*, Wednesday 24 March, 1858

³⁹⁰ See eg Machin, *Politics and the churches*, p. 282f

and Britain in this period, almost entirely overlooked in the historiography of the Rebellion and sati, is an important part of what this chapter seeks to address, of course.

Despite *The Sheffield and Rotherham Independent's* evident aversion to Wiseman, it agreed with much of what he said (albeit grudgingly: "The Cardinal, while subserving the ends of his own church, sometimes does service to that of others".³⁹¹) It saw the withholding of Christianity as 'folly' and while it made clear its hope the government would hold itself aloof from direct evangelising, it did not feel the government could remain indifferent to the progress of Christianity. The equation of government neutrality in religion with indifference to Christianity was common among evangelicals though, again, this was as much a concern about policy and practice in Britain as it was about India. Shaftesbury was notably vehement about this, for example, lamenting some years later in a speech to a conference in Liverpool in 1860 that "...Government neutrality will shortly become national neutrality; ...Government indifference will shortly become national indifference;...Government sin will shortly become national sin."³⁹² Neutrality was "that nondescript, that inconceivable, that wild condition": neutrality was impossible, a man believed or did not; if he did not he was an infidel and there the matter rested and if believed, he was bound to proclaim it.³⁹³

For *The Sheffield and Rotherham Independent*, the problem with government neutrality was not only that it risked indifference to Christianity. It had a further flaw in granting what it saw as false status to Indian religion. In response to Wiseman's proposition of a stark choice between a Christian India and the India of sati, it commented: "There is no medium – no neutrality; we must be committed nakedly to Christianity or to Hindooism". It went on, the "government may shield itself under the plea of tolerating all religions and patronising none; but the case is very different between India and England – between various Christian denominations and Christianity and Hindooism – and woe be to it if it continues even to wink at the accursed system of idolatry which there curses both individual and social life."³⁹⁴

Trewman's Exeter Flying Post went further in expressing its opposition to a policy of neutrality, brutishly deploying the familiar sati trope that Cardinal Wiseman had deployed

³⁹¹ *The Sheffield and Rotherham Independent*, Saturday 19 September, 1857

³⁹² Cited in Edwin Hodder, *The life and work of the 7th Earl of Shaftesbury*, K. G. (London, 1892), p. 567

³⁹³ Hodder, *Shaftesbury*, p. 567

³⁹⁴ *The Sheffield and Rotherham Independent*, Saturday 19 September, 1857

with more discretion. In language strikingly reminiscent of the missionary William Ward's most inflammatory writings, the newspaper railed, then, against Britain's earlier mercantile rule which "put a faith which makes a dozen gods out of a barrow-full of mud, on a level with the truths of Christianity. It traded on the atrocities of Juggernaut; suffered the practice of suttee, of infanticide, of human sacrifices, of Hindoo temples..." and thus, it claimed, kept the people of India in a debased condition.³⁹⁵ There was, the newspaper stated, still "a fear of Christianity but no abhorrence of paganism" in government; the current government still excluded Christianity from its rule of India. This, it argued, was not neutrality (nor even indifference, it might have added) but instead a subordination of Christianity to Indian religion.

The idea that neutrality subordinated Christianity to the detriment of both Britain and India was a refrain in debate about the causes of the Rebellion, too. An India veteran speculating on the origins of the Rebellion wrote to *The Times* that the toleration of customs like sati "abhorrent to our own ideas of right and wrong" had brought the British into "contempt with the natives, who well know our opinions as Christians, and cannot understand why we should place them, as regards the moral law of Europe, on what they consider a better footing than Englishmen."³⁹⁶ Another letter writer, who had spent twenty five years in India, said that the "extreme delicacy" of the British around Indian religion was appreciated by Indians but seen too as a weakness, an admission of their dependence on Indians for their supremacy.³⁹⁷

Trevelman's Exeter Flying Post's use of sati to crudely present Hinduism as primitive and barbaric was a lazy trope with a very long history, as has already been discussed. Other commentators worked harder and with much greater sophistication to use sati to attempt to differentiate between Christianity and Hinduism and in this way seek to establish concrete limits to government neutrality in religion which would be consistent with liberal principles of religious freedom. Among many liberal nonconformists, this was as much a civil as theological concern.

³⁹⁵ *Trevelman's Exeter Flying Post*, Thursday 16 September, 1858. Ward's work was discussed in the introduction to this thesis.

³⁹⁶ *The Times*, Thursday 24 September, 1857

³⁹⁷ *The Times*, Thursday 24 September, 1857

Thus, a few days after *The Sheffield and Rotherham Independent's* piece on Wiseman, *The Leeds Mercury* wrote that the principle of religious freedom had been misapplied in India, though the Leeds newspaper, like *The Sheffield and Rotherham Independent*, asserted, as well it might, that it did “not advocate anything like an establishment of Christianity, or any interference with the free expression of religious opinion.”³⁹⁸ It sought, though, to make some exceptions for some religious practices. The government had in the past allowed Hindu practices which were contrary to good government and the rights of others and so served rather to *favour* Hinduism over other religions, it said. The government had over time come to realise, then, that it “must either entirely regulate itself by Hindoo morality, or interfere to some extent with Hindoo religion. The Suttee, for example, must either be murder by the civil law, or the civil law acknowledge and protect it as a civil right.”³⁹⁹ Protecting the practice of sati in India in the years before its abolition had been felt by the government to be more an actual encouragement than a reasonable toleration so it had followed the example of the Romans (who “carried religious equality to the utmost length”) who unhesitatingly repressed all practices inconsistent with public decency and good government. Thus, the British government had suppressed sati and other interventions had in time followed; the newspaper included a number of Dalhousie’s reforms, such as the right of widows to remarry and Christian converts to inherit. These all, the newspaper held, curbed Hindu practices inconsistent with the religious freedom and equality of others, though it criticised the government for failing to curb other usages. The newspaper included in its criticism the government’s continuance of some civil and religious privileges held by Brahmins, a complaint which seems to be a clear echo of nonconformist attacks on Anglican privilege in England, again reminding us of the interdependency of debates about religion in India and Britain. The limits of religious freedom for one ended, argued the newspaper, where its exercise inhibited the religious freedom of another. The newspaper outlined a further public versus private criterion for determining which practices should be tolerated: those which were consistent with morality and decency and could be performed in public and, among those which could not be performed in public, any which were nonetheless not

³⁹⁸ *The Leeds Mercury*, Tuesday 29 September, 1857

³⁹⁹ *The Leeds Mercury*, Tuesday 29 September, 1857

punishable crimes; a gentleman so inclined may, the newspaper felt, erect a swing in his own study and indulge in hook-swinging.⁴⁰⁰

The Leeds Mercury's reliance on historic liberal ideas of public morality and social order, rooted in early nineteenth-century evangelicalism and utilitarianism, to resolve the apparent incompatibility between the abolition of sati and the demand that there should be no government interference in religion was common enough, if more developed than most. *The Economist*, for example, said simply that "social morality and order required the step" and that this was felt "even among Hindoos themselves".⁴⁰¹ As the debate ran on, those who sought to reconcile religious freedom with intervention in sati increasingly argued they were compatible by reframing sati as a secular crime and by increasing abstraction of the principles on which sati was condemned. We have already seen this earlier in this chapter in debates about the role of widow remarriage and convert inheritance in sparking rebellion; Shaftesbury took this approach, for example. More was at stake, however, in decisions about the principles on which future government policy should be founded than in matters of individual social interventions. It was in determining government policy, as we shall see in the next section, that the process of reframing of sati and its abolition reached its peak, led by the government itself, as it turned to ideas of universal justice and humanity to defend itself from accusations that the abolition of sati undermined its claims to neutrality and from evangelicals who insisted the abolition provided a precedent for proselytism.

Stanley and the policy of religious neutrality in post-Rebellion India

Furore over the future character of the government and its relationship with religion in India reached its peak in 1858 as it became clear that the government was committed to a policy of religious neutrality in India. This was Derby's minority Conservative government which had been formed when Palmerston resigned over the Orsini affair in February.⁴⁰² It would

⁴⁰⁰ *The Leeds Mercury*, Tuesday 29 September, 1857

⁴⁰¹ Extract published in *The Glasgow Herald*, Weds 9 Sept, 1857

⁴⁰² Palmerston's government was defeated in an attempt to change the law on conspiracy to murder overseas in the wake of the Italian radical Felice Orsini's attempted assassination of Napoleon III in Paris in January, 1858.

now oversee the disbandment of the East India Company and the transfer of rule to the Crown that summer. Derby had appointed Ellenborough as President of the Board of Control when he assumed the premiership; Ellenborough's own absolute commitment to neutrality was made clear in May, 1858, in his curt response to the missionary petition presented by Shaftesbury, as we saw earlier. Ellenborough had a key role in drafting the Government of India bill. When he resigned, he was replaced by Derby's son, Lord Stanley, who broadly enacted Ellenborough's views on religious policy in India.⁴⁰³

The path to policy was fraught, with the government pressured on all sides. On one side both conservatives and liberals (such as John Bright) sought an absolute separation of religion and state in India. The government inclined ideologically towards separation though conservative desire for this broadly came from a different place; *The Spectator*, for example, objected to proselytism on older conservative orientalist grounds that it was an imposition of British institutions on an 'alien people', an erroneous attempt to Anglicise people who "in every fibre of being are Asiatic not English".⁴⁰⁴ On the other side, the government was pressured by those who, conversely, sought some form of clear recognition of Christianity. The latter group herded diverse goals and interests, as we have already seen in this chapter. It included some nonconformist interests like those represented by *The Leeds Mercury* and men like (the Anglican) Shaftesbury who sought continued access for missionaries in India but demurred from government involvement in evangelisation. It also including powerful and highly organised evangelical associations such as the Church Missionary Society, which campaigned energetically for direct government support for the dissemination of Christianity in India.⁴⁰⁵

A number of these missionary societies rapidly organised public meetings and published pamphlets which railed against neutrality throughout 1858. The Church Missionary Society

⁴⁰³ Ellenborough made a number of statements committing to a policy of absolute neutrality while in office, eg. in his dispatch to the directors of the East India Company in May, 1858 (discussed shortly in this chapter): see *Educational dispatch no 52 of 13th April, 1858, Parliamentary Papers, 1859, XXIV, part 1, 8*. Stanley made the same firm commitments in meetings as we shall see shortly: see eg. M.G. Wiebe (ed.) *Benjamin Disraeli Letters, vol. 7, 1857-1859*, (Toronto, 2004), p.230; and *The Liverpool Mercury*, Friday 16 August, 1858. Their policy was enshrined in the Queen's Proclamation in November 1858, discussed later in this chapter.

⁴⁰⁴ Cited in *The Newcastle Courant etc.*, Friday 2 October, 1857.

⁴⁰⁵ See, for example, the publication *Religious neutrality in India delusive and impracticable* (London, 1858) and the reported speeches of the many campaign meetings at this time discussed below in this chapter eg. in *The Liverpool Mercury*, Tuesday 18 May, 1858

was among those at the forefront of these campaigns. A notable protagonist at meetings of the Church Missionary Society (of which he was a member) was the demagogic evangelical cleric Hugh M'Neile, a prolific speaker, pamphleteer and leading anti-Catholic agitator. He was well-connected to the highest levels of government though sufficiently controversial to place some limits on the usefulness of this to him; Shaftesbury unsuccessfully tried to secure him a bishopric from Palmerston, for example, though Disraeli would later successfully persuade a reluctant Queen Victoria to make him Dean of Ripon.⁴⁰⁶

M'Neile regularly travelled the country giving speeches opposed to the policy of neutrality to enthusiastic Church Missionary Society audiences throughout 1858. In Liverpool in May, for example, his celebrity status was reflected in the "loud and long-continued applause" he received when he rose to speak.⁴⁰⁷ In the meeting, attention was drawn to Ellenborough's dispatch to the East India Company Court of Directors on May 13th in which he made clear, as he had in the Lords to Shaftesbury three days before this, that "[t]he Government will adhere with good faith to its ancient policy of perfect neutrality in matters affecting the religion of the people of India."⁴⁰⁸ No sincere Christian, said the Reverend J. Ridgway, could accept office under such terms for he could not be a sincere Christian if he did not do all in his power to spread the gospel.

M'Neile, though, sought rather to challenge the integrity of the government's position. He wanted to show the meeting, he said, "that the professed object of the Government in matters of religion had been defeated by the action of the Government itself."⁴⁰⁹ The government, while professing neutrality "was all the while passing laws depriving them of the very vitals of their religion." Laws such as the abolition of sati were right, he did not find fault with the government for enacting them, "but they were interferences with religion." They had all raised "a storm in India, irritating Indian society to its very roots." The government should recognise the good work of missionaries in India and see that the oil on

⁴⁰⁶ In 1868. The Queen feared his appointment would alienate Roman Catholics. John Wolffe, 'McNeile, Hugh Boyd (1795 – 1879)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/17711> accessed 5 November, 2021

⁴⁰⁷ *The Liverpool Mercury*, Tuesday 18 May, 1858

⁴⁰⁸ *Educational dispatch no 52 of 13th April, 1858, Parliamentary Papers, 1859, XXIV, part 1, 8.* On the wider context of this dispatch, see eg. Thomas R. Metcalf, *Aftermath of revolt: India 1857- 1970* (Princeton, 1964), p. 122-124

⁴⁰⁹ *The Liverpool Mercury*, Tuesday 18 May, 1858

troubled waters and, he concluded with another metaphor to loud applause, “God’s own balsam” to heal the wounds of Rebellion, was the proclamation of the gospel.⁴¹⁰

Pressure on the government was also direct. In early August, Stanley received a deputation from several missionary societies seeking reassurance on the government’s plans on the future of Christianity in India. In particular, they sought clarification of what the Prime Minister, Lord Derby, had meant when he had recently spoken of religious neutrality. Stanley replied that he meant that no preference should be given to the opinions of Europe over those found in India; that the sphere of government and the sphere of theological belief should be wholly separate.⁴¹¹ The idea of the ‘opinions of Europe’ was itself unsettling for some. The political agent and close associate of Disraeli, Sir Philip Rose, for example, sent Disraeli a letter on August 12th, “very anxious” about religious policy in India and the dissatisfaction it was causing. He noted repeated references Stanley had recently made to the ‘religion of Europe’ and that people were asking “...what is the religion of Europe”.⁴¹²

Importantly, Rose felt that most parties accepted that religious neutrality was the proper policy but that neutrality could mean ignoring the existence of Christianity or declaring neutrality and toleration as part and parcel of Christian faith.⁴¹³ This was clearly the thrust of the debates in the editorials we have already looked at in newspapers like *The Sheffield and Rotherham Independent* and *The Leeds Mercury* which reflected the views of many nonconformist communities.

Just a day later, Rose wrote again to Disraeli to warn him that a meeting of three hundred low church clergy had determined to agitate on the question of neutrality across the country, a risk he saw as potentially fatal to the government; they saw Stanley’s position as “a declaration of infidelity” and wanted a recognition of the Christian character of Britain whilst recognising liberty of conscience and supporting toleration of all faiths.⁴¹⁴ On the same day, Disraeli wrote to Stanley that he feared “a storm is brewing respecting the

⁴¹⁰ *The Liverpool Mercury*, Tuesday 18 May, 1858

⁴¹¹ The account of this meeting given here is from two sources: Letter dated Saturday 7 August, 1858, in M.G. Wiebe (ed.) *Benjamin Disraeli Letters*, vol. 7, 1857-1859, (Toronto, 2004), p.230; and *The Liverpool Mercury*, Friday 16 August, 1858

⁴¹² *Disraeli Letters*, p. 231

⁴¹³ *Disraeli Letters*, p. 231

⁴¹⁴ *Disraeli Letters*, p. 231

religious portion of the Ind: question [sic]”.⁴¹⁵ He expressed his view that it was “as important to touch the feelings and sympathy of the religious classes in England as to conciliate the natives of India” and that this was possible if neutrality was formulated in the right way.⁴¹⁶ There could be no clearer statement of the centrality of debates about religion in Britain in debates about religion in India, the projection from one to the other of unsettled questions about the relationship between religion and the state.

Many newspapers with vested interests followed these developments closely and, of course, not all these interests coincided. *The Liverpool Mercury*, for example, had secured what seems a virtually verbatim account of Stanley’s meeting with the missionary societies; another liberal, campaigning newspaper, it ran a lengthy editorial on the meeting in firm support of Stanley and neutrality. The newspaper was satisfied that the deputation had left the meeting “not more than half pleased” as it took this as evidence that Stanley spoke and acted from principle and not from a hollow desire to make political capital or be popular, an observation which itself indicates again the deep reach of evangelicalism in Britain at this time.⁴¹⁷

The Liverpool Mercury was directly critical of those opposed to government neutrality and its editorial is a valuable, powerful reminder of the difficulty some advocates of religious freedom had applying the principle to India, and what was at stake:

“It is strange how religionists professing to hold by the purest traditions of spiritual freedom are sometimes found advocating in India principles which, if applied at home, would deprive them of all those civil and religious rights which they have succeeded in obtaining at the cost of a protracted and glorious struggle. The great body of English Dissenters – though some few of them may not at present be alive to the fact - owe... much to Lord Stanley for his bold and firm advocacy of that ‘voluntary’ principle for which they have done and suffered so much”.⁴¹⁸

Clearly aware of the campaigning of M’Neile in particular (M’Neile was based in Liverpool), though it did not name him, the newspaper praised Stanley for what it saw as a successful

⁴¹⁵ *Disraeli Letters*, p. 230

⁴¹⁶ *Disraeli Letters*, p. 230

⁴¹⁷ *The Liverpool Mercury*, Friday 13 August, 1858

⁴¹⁸ *The Liverpool Mercury*, Friday 13 August, 1858

rebuttal of evangelicals opposed to neutrality who used the abolition of sati as a precedent for Christian rule in India:

“He effectually answers the sophistical reasoning of those who try to confound the abolition of widow-burning and infanticide with Government proselytism, and who argue that, because it is right to put down the glaring and inhuman cruelties that may be incidental to a superstition, it is likewise right to wage war against the superstition itself in all its forms. He shows how, when a native custom violates, not merely European notions of religious and social propriety, but the immutable laws of justice and morality common to all mankind – the natural instinct of right and wrong which has existed prior to any form of revealed religion – its suppression becomes, not a question of principle, but one of prudence only. Just as in England, while allowing the fullest equality to every shade of opinion, we should certainly refuse toleration to the apocryphal practice which the folly and prejudice of a former age attributed to the Jews at Easter – so does Lord Stanley consider it the duty of a Government to suppress crimes similar to Suttee ‘in opposition to any native prejudices or feelings, restrained only by the recollection that all innovations must be slowly and gradually made.’”⁴¹⁹

After Stanley’s explanation, it went on, no mind could regard the abolition “as countenancing anything like State proselytism. The one is a vindication of what Lord Stanley calls the ‘universal and everlasting rules of justice’; the other would be an attempt to force European ideas and opinions on native acceptance.”⁴²⁰

There are important shifts away from religion here in both the conceptualisations of sati and the principles on which it was prohibited. In a poor and clumsy analogy, sati is not a religious practice but is instead like the apocryphal blood libel, and no religious sensibility is required to condemn it. The principles on which sati was abolished are claimed as universal and not exclusively Christian. Strikingly, the editorial undermines, too, the claims of evangelicals to the universal truth of Christianity; fears like those of Shaftesbury that neutrality led to

⁴¹⁹ *The Liverpool Mercury*, Friday 13 August, 1858

⁴²⁰ *The Liverpool Mercury*, Friday 13 August, 1858

creeping secularism and relativism, though this was not the language he used, of course, have already been examined earlier in this chapter.

It should not be forgotten that support for religious neutrality was also often linked to a desire to ensure the security of the Indian empire. *The Liverpool Mercury* went on to warn that whilst the abolition of sati was broadly accepted by Hindus, any attempt to interfere with their religious beliefs would provoke a revolt which would make the Rebellion “seem as child’s play, and...would inevitably cost us our Indian empire.”⁴²¹ Perhaps mindful of the large Irish community in Liverpool (and a useful reminder of the wider scope of imperialism), the newspaper remarked that “the experiment of Government proselytism” had been tried “at the expense of chronic hostility and insurrection, for upwards of a century in Ireland, where we were as more than two to one. We are scarcely likely to find any better success in a country divided from us by thousands of miles of sea and land, where the collective British population... is as one to three or four thousand.”⁴²²

The emphasis on sati in the debate about religious neutrality in newspapers like *The Leeds Mercury* and *The Liverpool Mercury* owed much, as we have seen, to the desire to challenge head on those evangelicals who sought Christian rule and did so by arguing that the abolition of sati and government proselytism had moral (and strategic) equivalence and that the former, premised as a successful intervention in religion, justified the latter. The challenge to this, as we have seen, hinged on one of two propositions, or both: that sati fell outside the parameters of morally or textually authentic religious practice; that the principles on which it was abolished were not exclusively Christian but universal. In either case, whether considered either as a suppression of a religious rite and/ or as an imposition of Christian values, proponents of neutrality argued that the abolition was not an interference in religion such as to constitute a breach of religious neutrality or any kind of precedent for such. This was essentially the position adopted by Stanley.

In many quarters, there was broad agreement with the policy of neutrality but some demurral at the premises on which it was built; Rose, we noted earlier, had told Disraeli that most parties supported it if formulated correctly. *The Times*, for example, commented that

⁴²¹ *The Liverpool Mercury*, Friday 13 August, 1858

⁴²² *The Liverpool Mercury*, Friday 13 August, 1858

it was "... true that the upper classes among the natives have generally acquiesced in in the demonstration that suttee and infanticide were modern excrescences on the original fabric of their faith; but they are also perfectly aware that those practices were forbidden by us, not because they were inconsistent with Hindoo orthodoxy, but because they were repugnant to English Christianity and civilization."⁴²³

Those who sought government commitment in evangelisation fought on. The Church Missionary Society was particularly energetic in its opposition. One pamphlet addressing Ellenborough and Stanley's plans ran with a verb-less and dramatic title evocative of spluttered fury: *Religious neutrality in India delusive and impracticable*; it included three pages on how the abolition of sati was a "violation" of the government's claimed neutrality.⁴²⁴

In August, 1858, M'Neile addressed the numerous attendees of the Church Missionary Society in Exeter where he gave a more substantial speech than he had in Liverpool in May and dealt directly, though he did not name him, with Stanley's defence of neutrality and the abolition of sati. M'Neile argued that there would be no difficulty about Christian government in India if there was a sound and distinctive Christianity among the people, clergy and government in Britain but, he said, in a point not without some merit, "the fact was it could not be determined amongst our rulers what was Christianity."⁴²⁵

M'Neile then went on to lament that God's revelation was subject to interpretations which served to bewilder the people with conflicting versions of Christianity. They were led, for example, to distrust the truth about which was in the right, the Evangelicals or the Tractarians (this comment was certainly ironic in intent; M'Neile's long savaging of the latter movement and Anglo-Catholicism meant he had no need to answer this question for his audience). The government, he said, could hardly identify itself abroad with what was denied in Britain. And so, he continued, reiterating the argument that the abolition of sati was an interference in religion:

"They fell back upon certain principles which were supposed to be universal; they claimed to exercise the principles of eternal justice and humanity at home, - upon

⁴²³ *The Times*, Wednesday 24 March, 1858, p.9.

⁴²⁴ Church Missionary House (London, 1858), p.6

⁴²⁵ *Trewman's Exeter Flying Post*, Thursday 19 August, 1858

those they were prepared to act. Now it was somewhat remarkable that with all their boasted neutrality in India, our Government has not been neutral – they had interfered with the religion of the natives. They had abolished infanticide, which was part of the Hindoo religion; they had abolished suttee... Now when the Government were invited to continue such an interference as would place the word of God in the schools of the natives, and when they refused upon the ground that they could not propagate Christian principles, and they were reminded that their neutrality was only in name – they replied that those practices were against humanity, and therefore they put them down. So it was not from Christian principles that they interposed...”⁴²⁶

The difficulty, M’Neile went on, was that the people of India “felt that their religion had been invaded by the acts of the Government, and they could not make any distinction between the principles of eternal justice and those of the Christian religion.” The people did not credit the government for neutrality as they did not believe it was genuine; they saw it as hypocrisy intended to blind them as the British advanced their own religion.⁴²⁷ In an interesting indication of the status of both M’Neile and the issue itself, the report of this meeting was still being published months later; *The Essex Standard*, for example, carried a truncated version on October 8th, 1858, though it misnamed the missionary society.

Despite the extensive and vociferous efforts of those evangelicals who wanted Christian rule, religious neutrality became the policy of the new Crown government in India in 1858. The next section examines the policy and the role of discourses on sati in critiques of it.

The Queen’s Proclamation

The religious settlement of the new Crown government was laid out as part of the Queen’s *Proclamation* which was published on November 1st, 1858, a couple of months after the passing of the Government of India act which transferred India to Crown rule, and addressed directly to the people of India. The *Proclamation* committed that “none be in any wise favored [sic], none molested or disquieted by reason of their Religious Faith or

⁴²⁶ *Trewman’s Exeter Flying Post*, Thursday 19 August, 1858

⁴²⁷ *Trewman’s Exeter Flying Post*, Thursday 19 August, 1858

Observances; but that all shall alike enjoy the equal and impartial protection of the Law”; those of any creed or race should be impartially admitted to government posts for which they were qualified; and, particularly significantly, those in authority were enjoined to “abstain from all interference with the Religious Belief or Worship” of any of the Queen’s subjects on pain of her highest displeasure.⁴²⁸

This short declaration, though settling the issue politically, had itself been subject to sensitivities and several adjustments. Derby, for example, had written with his concerns about an earlier draft to Stanley on August 13th, telling him the proclamation would need a good deal of revision and, notably, not to omit the Queen’s title of Defender of the Faith.⁴²⁹ The Queen herself was an actively interested party, as Taylor interestingly shows, expressing her own disappointment in the rejection of proselytism by shaping the text of the *Proclamation*.⁴³⁰ The Queen thus prefaced the commitment to religious neutrality with a declaration of her own faith: “Firmly relying Ourselves on the truth of Christianity, and acknowledging with gratitude the solace of Religion, We disclaim alike the Right and Desire to impose our Convictions on any of Our Subjects.”⁴³¹

The publishing of the *Proclamation* did not mean that dispute over neutrality ended though it increasingly focused on the problem of interpretation rather than the principle of it. In February 1859, for example, an article in *The Eclectic Review* rehearsed the familiar arguments that Indians knew that the government of India was Christian and saw claims to neutrality as deceit when repeated interferences such as the abolition of sati had been made; nor had the hiding of Christianity prevented the Indian Rebellion.⁴³² Future policy was now determined by the Queen’s Proclamation but, opined the author, quoting in full “the religious paragraph”, it was “not all we could wish... [It was] written ambiguously, and... capable of more than one interpretation.”⁴³³ The author honed in on the meaning of the Queen’s promise not to allow interference in the religious belief and worship of her subjects. He feared (correctly) that it extended to the private efforts of government officers

⁴²⁸ *Proclamation by the Queen in Council to the Princes, Chiefs and people of India published by the Governor-General at Allahabad, November 1st, 1858* (London, 1858), p.1f

⁴²⁹ *Disraeli Letters*, p. 230

⁴³⁰ Taylor, *Empress: Queen Victoria and India*, p. 66

⁴³¹ *Proclamation*, p.1. See also Metcalf, *Ideologies of the Raj*, p. 48

⁴³² *The Eclectic Review*, vol. 1, (London, February, 1859), p. 131

⁴³³ *The Eclectic Review*, p. 133

“to benefit the idolatrous people of India”; as such, he argued, it interfered instead with their God-given Christian liberty and duty and so “[h]oping to save the native, it really persecutes the Christian.”⁴³⁴

Similarly concerned with the impact of the policy on Christian missionary activity, *The Caledonian Mercury* further complained that Stanley had shown “a disposition to uphold that old and rotten system of Indian religious administration, that is nominally toleration and really the reverse”; his “royal proclamation was ambiguous in its terms, and has been misinterpreted by Hindoos”.⁴³⁵ It cited the case of Stanley’s response to a missionary petition calling for legislation to suppress hook-swinging during the festival of Charak Puja in Bengal. Stanley declined to legislate though he said the authorities should discourage the practice and instructed them to insert clauses in Government land leases opposing it. This, said the newspaper was a half-measure and would have no effect. It was voluntary cruelties of this sort that had demoralised the Hindu mind, it went on; “[w]e have already extinguished by the strong hand the flames of Suttee...; and we must follow the same course in reference to a custom which is, in Lord Stanley’s own words, ‘so flagrantly opposed to the dictates of common humanity.’”⁴³⁶

Stanley’s advice to the authorities in India also attracted reproof from *The Bury and Norwich Post* for “his abundant caution lest native prejudices should be offended.”⁴³⁷ The newspaper said it had received a letter from a man whose friend had been a magistrate in India. The correspondent said the magistrate had established from brahmins that the practice of hook-swinging was not an essential part of their religion but was used to extort donations; by banning the practice on public roads, it disappeared. The newspaper appealed to the precedent set by Bentinck to criticise Stanley (the old Governor-General had coincidentally been a MP for Kings Lynn in the 1820s, the seat now held by Stanley): “Had the noble Lord’s great predecessor in the representation of Lynn been as fearful as he is of offending native prejudices, or of shewing any preference for Christianity over Hindoo mythology...the dreadful practice of suttee would have continued to this day.”⁴³⁸

⁴³⁴ *The Eclectic Review*. p 134

⁴³⁵ *The Caledonian Mercury*, Friday 1 April, 1859

⁴³⁶ *The Caledonian Mercury*, Friday 1 April, 1859

⁴³⁷ *The Bury and Norwich Post*, Tuesday 12 April, 1859

⁴³⁸ *The Bury and Norwich Post*, Tuesday 12 April, 1859

Some commentators sought to make capital from fears that government neutrality meant that British reforming influence was being withdrawn to excite the corollary anxiety that the *Proclamation* would lead anew to ‘barbarism’ in India. An article from *The Times’* correspondent in Bombay in early March, 1859 and quickly republished in regional newspapers exemplifies this. The correspondent reported that the government had already received requests from officers for clarification on how the *Proclamation* should be correctly interpreted and claimed that in many cases it was being “grossly misunderstood” and being used “to justify the maintenance of the most absurd concessions to native intolerance, and the most aggressive customs”.⁴³⁹ Among the correspondent’s examples was a particularly salacious and provocative tale. Many low-caste Shanar in Travancore (in southern India) had converted to Christianity and the women had consequently abandoned the practice of leaving their breasts uncovered, he relayed. The Brahmins, armed with the Queen’s *Proclamation*, the correspondent claimed, ordered the Shanars to enforce the old custom and require the women to expose their breasts, punishing refusal with blows and threats of murder. The British Resident, Sir Mark Cubbon, was alleged to have said the women must accept the consequences of their violation of established Shanar custom, though the correspondent admitted he was unable to ascertain the truth of this. “Surely,” he warned, “if the letter of the Queen’s Proclamation is to be held to, we shall be unable to maintain the salutary enactments which have abolished... the grossest superstitions... [T]he rite of suttee may assume its old importance.” The author concluded: “... the proclamation cannot be so interpreted. It must be decided once for all that the rights and customs which the Queen is resolved to maintain are not such as our civilization rejects and our laws repress”.⁴⁴⁰

These concerns lingered for those who had doubts about the policy of neutrality. Much later, George Campbell, reviewing the recently published parliamentary papers from 1857-8 relating to the Rebellion for the *Edinburgh Review*, expressed his own concerns that the promise to not interfere with religious belief and worship was not capable of a definite interpretation, a situation he considered dangerous for British rule. He questioned if the

⁴³⁹ *The Times*, Tuesday 8 March, 1859, p.9. Also eg. *The Lancaster Gazette*, Saturday 12 March, 1859, p. 3; *The Huddersfield Chronicle*, Saturday 12 March, 1859, p. 8

⁴⁴⁰ *The Times*, Tuesday 8 March, 1859, p.9

promise would have prevented the abolition of sati and other reforms that preceded the Rebellion. The progress of India demanded interference then and in the future with the customs of a barbarous religion, he went on. Already, he said, “the words of the Proclamation are used as an armoury for debate, and are quoted as consistent or inconsistent with the tenor of particular measures.”⁴⁴¹

That the precise meaning and limits of the *Proclamation* were open to interpretation was clear enough; and we have seen clearly here that the abolition of sati again served its role in testing the meaning and limits of religious freedom. Criticism about ambiguity in the *Proclamation* was somewhat moot, however. The radical changes to how India was governed from 1858, of which the *Proclamation* was a significant part, decisively ended the creeping encroachment into the sphere of religious and cultural practice which had marked the Dalhousie years before the Rebellion. This had included, as we have seen earlier in this chapter, interference in Hindu law to prevent the disinheritance of converts to Christianity and to allow widows to remarry, and grants to Christian schools, as well as increasing official indulgence of missionary proselytising activity. The nature of the state and its relationship with religion had been settled in India. There was now no question of direct or indirect government involvement with evangelism in India. Indeed, sensitivities were such that there would also be no official appetite for social reforms until the 1880s when the interests of Indian and British social reformers would again coincide to pressurise the British government into action on the issue of enforced widowhood and child brides, the subject of chapter 5 of this thesis. In practice, until then, there was little that required the *Proclamation* to be interpreted.

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This chapter has examined the function of references to sati and its abolition in debates about the Indian Rebellion. It has shown how the precedent of the abolition of sati was used to argue about whether Indian reform had been conducted too quickly or, conversely, too slowly, and whether this speed (or delay) had contributed to the Rebellion. We saw too how the intervention in sati was used as a point of alignment or divergence in debates about

⁴⁴¹ ‘Papers relative to the mutinies in the East Indies, and appendices: sessions 1857-58’, *The Edinburgh Review*, vol. 117, April, 1863, pp. 444-497, p. 472

whether other reforms which were weighed up as causes of the revolt, particularly on the marriage of widows and the inheritance of converts, had been justifiable, and how the answer to some extent depended on how far any of these practices were conceived as religious.

The second part of this chapter has examined references to sati in the debates in which it featured the most frequently and substantively during the Rebellion, the debates on the religious policy of the government in the aftermath of the Rebellion. These debates, largely driven by, or in response to, evangelical goals for the Christianisation of India were, it has been shown, the site of wider ideological disputes about religious freedom and toleration and the role and limits of the state in upholding or limiting them. These disputes involved a projection on to India of domestic concerns but we have also seen how those who sought religious freedom used sati and its abolition in India to work out what this freedom meant, whether it was different in India and Britain, and the role of the state in determining it.

4: Sati and the rule of India, 1840s -1890s

It is widely recognised that the abolition of sati was used to justify British rule of India: premised on ideas of India as backward and degenerate and in need of firm but benevolent British intervention to secure its progress, it established Britain's sense of its moral purpose in India.⁴⁴² This is entirely correct but there is perhaps an assumption that the abolition, once enacted, was simply a repeated trope in this narrative. It was certainly *also* this, especially in the decades after the Indian Rebellion. Towards the very end of the century, an entirely typical article on 'England's Civilising Mission' named the prohibition of sati as an advantage of British rule, for example. England, the newspaper concluded, "merits all praise for the heroic work done" and has "a higher mandate as a great world-Power than greed or ambition."⁴⁴³

Analysis of references to the abolition of sati across time in British discourses on the governance of India reveals the abolition had a more sophisticated, complex and dynamic function in this narrative of beneficent British rule, however. This chapter will, in broad terms, show how the suppression of sati was used in parliament, press and print as a benchmark of good rule to constitute, justify and sustain a particular set of authoritarian, interventionist liberal ideas about how India should be ruled and by whom. We will see how the abolition was used to laud British rule, but also to set expectations of it and to measure the effectiveness of both the individuals and institutions involved in it. We will see, too, how the practice of sati and its abolition were used at different times to deny Indians greater political autonomy.

This chapter has three principal parts exploring the role of sati in this narrative in separate but related contexts. The first part examines the role of sati from the late 1840s in the construction of a particular narrative, rooted in a form of authoritarian liberalism, of necessary and ameliorative British rule in histories, biographies, and memoirs of India. It will examine how this narrative was disseminated and culturally embedded, and how it influenced policy and expectations of British rule, celebrating it, justifying it and sustaining

⁴⁴² See the introduction to this thesis.

⁴⁴³ *The Sheffield and Rotherham Independent*, Thursday 27 April, 1899, p.4

it. The second part of this chapter examines the role of the abolition of sati in debates about the governance of India preceding the renewal of the East India Company's charter in 1853. Here the abolition of sati was specifically used as a discursive tool to test fitness for rule, a test applied to both the East India Company and Indians, and which highlights some of the tensions within liberalism in the context of empire. The third part of this chapter examines how sati and its abolition were used in the press in the politically charged decades after the Indian Rebellion to justify and defend British rule and to deny Indians were fit for self-government.

The organisation of this chapter is, then, broadly chronological, covering the 1840s – 1890, but within this temporal framework it explores sati and its abolition in liberal discourses in three different settings: in books about India, in records of oral evidence given at two select committee hearings, and in newspaper reportage. In this way it demonstrates how, across discursive contexts and across time, sati and its abolition were pivotal in building and sustaining a hegemonic narrative which justified and lauded British rule of India and denied Indians were capable of self-governance. This chapter, while it sits broadly chronologically in this thesis as a whole, is, furthermore, positioned here to provide a contextual and thematic bridge between the preceding chapters of this thesis, which were in large part concerned with intertwined domestic and Indian debates about religious freedom, and the chapter which follows. The following chapter will show, indeed, that changes in how references to sati featured in liberal imperial discourses in empire in the 1880s were closely linked to the emergence of Indian nationalism and a concomitant more robust defence of British rule which turned to the plight of Indian child brides and widows for its rhetoric.

(I)

Liberal narratives of rule

In his highly influential *The Administration of the East India Company*, John Kaye remarks:

“There are not many of my readers who have not perused, in some volume of travels, or of ethnological research, a touching narrative of the self-immolation of a Hindoo widow.

I have a pile of books before me, from any one of which I might taking a fitting illustration.”⁴⁴⁴

It is another example of the prevalence of discourses on sati in Victorian culture briefly sketched in the introduction to this thesis. Kaye’s observation is equally valid for the countless Indian histories, biographies and memoirs, in which an account of a sati or a narrative of its abolition was a convention of the genre. Kaye, by example, provides both in his *Administration*. In a chapter dedicated to ‘Suttee’, he reproduces a lengthy eye-witness account of a sati written by John Zephaniah Holwell, the mid-eighteenth century orientalist scholar-administrator (and briefly Governor of Bengal), and narrates the history of the abolition of the rite in British India and through many of the princely states.⁴⁴⁵ His purpose in this chapter, he says, is to show the energies of British officers for the civilisation of India, how they put in place humanising measures to suppress the cruel abominations which generations of “priest-ridden Hindoos, in their ignorance and credulity, have practised.”⁴⁴⁶

In this way, Kaye in a few pages both neatly exemplifies the prevalence of sati accounts and demonstrates their frequent purpose in a liberal narrative the Victorians wove themselves about their ameliorative rule of their backward empire; indeed, the book’s subtitle is ‘*a history of Indian progress*’. His depiction of Hindus equally neatly illustrates the evangelical and utilitarian discursive conventions which primarily informed this narrative on India, conventions whose textual tone and purpose were broadly set in the 1810s in works such as Charles Grant’s *Observations*, William Ward’s *Account of the Writings, Religion, and Manners of the Hindoos* and Mill’s *History of India*.⁴⁴⁷

Institutional and biographical histories of India and its regions were widely read and immensely influential. George Bearce rightly states that the sheer numbers of these works ensured this.⁴⁴⁸ More precisely, their influence lay in the use to which they, and histories

⁴⁴⁴ John Kaye, *The administration of the East India Company; a history of Indian progress*, 2nd ed. (London, 1853), p.525

⁴⁴⁵ It was noted at the start of this thesis that the British did not have jurisdiction in the princely states so the 1829 abolition of sati only applied in Bengal with legislation following in the rest of British India (Bombay and Madras) in early 1830, an important distinction missed in the current entry for sati in the *Oxford English Dictionary* (accessed August 2023). Many of the princely states ended sati in the late 1840s and the proscription of sati in them provides a wider context for discussion of the abolition of sati in this part of the chapter.

⁴⁴⁶ Kaye, *Administration*, p. 522

⁴⁴⁷ This was examined in the introduction to this thesis.

⁴⁴⁸ George D. Bearce, *British attitudes towards India 1784 – 1858* (Oxford, 1961), p.260

like Mill's, were put in shaping attitudes, expectations and policy. The impact of Mill's *History* has been exhaustively examined by scholars but other works also had deep reach. Kaye's *Administration*, for example, ran to a second edition in the same year it was first published, 1853. Kaye notably refers in his preface to the new edition to the "frequent allusions" to the first edition in the parliamentary debates on the Government of India bill that year.⁴⁴⁹ This was the bill in which the East India Company's charter was renewed. In the accompanying parliamentary sittings and Select Committees, the successes and failures of Company rule in India were vigorously debated; the role of references to the abolition of sati in these debates is the subject of the second part of this chapter. British legislators in India were still relying on Kaye's book near the end of the century; in 1891, in a debate in the Legislative Council in India, the lawyer Griffith H. P. Evans read out a passage praising Bentinck's moral courage in suppressing sati to support his argument for raising the age of consent.⁴⁵⁰ The citing of Kaye in both these contexts (in the British parliament in 1852 and the Indian Legislative Council forty years later) is a clear reminder that many of these works, often authored by current and former Company officials, as Kaye was, were as much constitutive of liberal attitudes and policy as constituted by them.⁴⁵¹

There is a further important dimension to Kaye's approach. Kaye, though writing an institutional history, nonetheless strikingly associates what he sees as the progress of Indian civilisation with the efforts of individual officers, about many of whom he writes in laudatory detail, as we shall see. Indeed, many mid- late nineteenth-century historical works foreground the role and achievements of the individual (British) men by whom they see Indian progress as being made. Derek Peterson makes the point that the historiography of liberalism was in its own time composed as biography.⁴⁵² These works were intended to inspire, presenting their subjects as selfless, dedicated to the dissemination of British values and offered as evidence of the unique qualities of the British to rule.⁴⁵³ Peterson confines

⁴⁴⁹ Kaye, *Administration*, p. ix

⁴⁵⁰ We will return to this in chapter 5 examining sati and its abolition in debates on enforced widowhood and child marriage.

⁴⁵¹ See, for example, Pitts, *A turn to empire*, p. 5 on the constitution of liberalism through engagement in politics, discussed in the introduction to this thesis and later in this chapter.

⁴⁵² Derek R. Peterson, *Abolitionism and imperialism in Britain, Africa and the Atlantic* (Ohio, 2010), p.7

⁴⁵³ Peterson, *Abolitionism and imperialism*, p.6-7. Writing about the same mid-century period but a different context, Patrick Joyce also offers an interesting interpretative tool in the figure of the 'gentleman leader' in which (liberal) leaders personalised and dramatized ideas or issues or actions, and enunciated a narrative in

this observation to what he identifies as the ‘dozens’ of books on those held up as the heroes of the abolition of slavery but these were easily outnumbered by the hundreds of histories, biographies (and memoirs) commemorating the Governor-Generals, Residents and civil and military officials who administered the Indian empire.⁴⁵⁴ The proliferation of these works did not go unnoticed at the time; reviewing the biography of Sir Henry Marion Durand, who had fought in the first Anglo-Afghan war, the Anglo-Sikh war, and the Indian Rebellion, *The Morning Post* dryly commented, “[e]veryone has a biography nowadays”.⁴⁵⁵

This biographical cast of historical writing about India was, at the simplest level, a contingent reflection of the frequent authorship of these books by men who had themselves served in India with those about whom they wrote. Kaye, for example, both served in the Indian army and in London in the home civil service and, after the Indian Rebellion, as secretary in the foreign department of the India Office.⁴⁵⁶ But, like Kaye’s version of India in many respects, the perspective of these books, as Bearce summarises, was generally disparaging of India’s people and civilisation and the authors mostly argued the need for transformative British rule, seeing themselves as the vanguards of justice, freedom and humanity.⁴⁵⁷ In many ways, to echo Peterson, the historiography of liberal imperialism in India was in its own time composed as biography, and sati and its abolition were central in the construction of the genre.

The biographical cast of Victorian historical writing about the abolition of sati itself is noteworthy, with its emphasis on the singular role of Bentinck in 1829.⁴⁵⁸ Kaye, for example, attributes the abolition solely to Bentinck’s unshrinking “high moral courage” and sense of duty as a Christian statesman, in the face of some risk, to emancipate India “from the cruel

which they were characters. See *Democratic subjects: the self and the social in nineteenth-century England* (Cambridge, 1994), p. 215

⁴⁵⁴ Not all of them were liberal, of course.

⁴⁵⁵ *The Morning Post*, *The Morning Post*, Tuesday 25 December, 1883, p.2; Henry Durand, *The life of Major-General Sir Henry Durand* (London, 1883)

⁴⁵⁶ E. J. Rapson, revised by Roger Stearn, ‘Kaye, Sir John William, 1846 – 1876’, *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/15201>, accessed 14 May, 2021

⁴⁵⁷ Bearce, *British attitudes*, p. 254, 256, 260. For a recent, wide-ranging analysis of the role of historians such as Macaulay, Mill and John Robert Seeley (she briefly touches on Kaye) in creating a moral narrative of empire, and complicity in sustaining it, see Priya Satia, *Time’s Monster: history, conscience and Britain’s empire* (London, 2020)

⁴⁵⁸ A view which persisted into the twentieth century. Thompson, for example, asserted about the abolition that “[t]he credit is almost entirely personal, and it is Bentinck’s.” *Suttee*, p. 77f

slavery which an interested priesthood had long riveted upon it.”⁴⁵⁹ Kaye goes on to refer obliquely and dismissively to the role of Indians: Bentinck “sought the opinions of all qualified to declare themselves with authority on the subject” but, having weighed them, “deliberately formed his own.”⁴⁶⁰

Laudatory attribution of the abolition of sati solely to Bentinck is embedded in books, journals and newspapers throughout the century to such an extent, in fact, that Bentinck himself functioned as a benchmark against which his successor British rulers of India and, indeed, Indians seeking greater political autonomy, were measured. After Dalhousie retired, for example, the Marquis of Clanricarde wondered in the House of Lords if the former Governor-General’s achievements sufficiently met those of Bentinck, “one of the most precious results of whose administration was the abolition of suttee”, such as to justify the very generous pension proposed.⁴⁶¹ Decades later, Dalhousie’s Victorian biographer was, though, certain “[n]o Viceroy ever trod more boldly on the path marked out by Lord William Bentinck.”⁴⁶²

It is worth noting that Bentinck’s exemplary reputation was itself a liberal construction. John Rosselli, for example, notes that during his tenure Bentinck was widely disliked for the drastic cuts he made to Company expenditure in the attempt to reduce its troubling debts. Indeed, Rosselli quotes a contemporary civil servant who regarded Bentinck as a meddling sort who had meant well but was a strange mix of greatness and inferiority which fitted him at best to rule “a small island in the West Indies”.⁴⁶³ It was liberal giants like Macaulay, who had served under him in India, and the historians with Indian experience, who lionised his personal role in the narrative of the moral and social improvement of India.⁴⁶⁴

⁴⁵⁹ Kaye, *Administration*, p. 537. In a notably striking echo of Kaye’s language here, Pandit Sunderlal, the early twentieth century associate of Gandhi, though he makes no mention of sati, conversely concludes in a competing Indian nationalist narrative that it was Bentinck who did everything possible during his tenure “to rivet, more firmly than ever, the irons of slavery on the people of India.” *British rule in India*, (Bombay, 1972), p. 131 (originally published in 1929 and banned by the British)

⁴⁶⁰ Kaye, *Administration*, p. 537

⁴⁶¹ House of Lords sitting, May 8, 1856, *Hansard*, series 3, vol. 142. (The pension of £5000 pa was awarded.)

⁴⁶² Lionel J. Trotter, *Life of the Marquis of Dalhousie*, Statesmen series. (London 1889), p. 12

⁴⁶³ John Rosselli, *Lord William Bentinck: the making of a liberal imperialist 1774 - 1839* (Berkeley, 1974), p. 21

⁴⁶⁴ See, for example, Macaulay’s effusive praise for Bentinck at the conclusion of his 1840 *Essay on Clive* in which he speaks of the “veneration” with which Hindus (and history) will show Bentinck: in Samuel Thurber (ed.) *Macaulay: Essay on Clive* (Boston, 1892), p. 246. Furthermore, when the editor of the *Edinburgh Review* “expressed some uneasiness” at his words, Macaulay replied that “he cannot consent to leave out the well-

The abolition of sati was so important a signifier of good rule that responsibility for it, as the practice was increasingly suppressed across the semi-independent princely states, was eagerly claimed by, or for, British agents, both individuals and the institution of the East India Company. The frequent aggrandisement of personal responsibility for the suppression of sati, ignoring the agency of Indian rulers and reformers, for example, in many histories, and biographies and memoirs of individual officers was rarely challenged and reinforced ideas of British superiority and Indian degeneracy. Indeed, these accounts were frequently recycled approvingly in book reviews and excerpts in the press, sustaining and embedding ideas of firm British benevolence successfully improving India. The example of Sir Charles Napier and the suppression of sati in Sind is particularly illuminating in showing the construction of this glorifying narrative, its embellishment and dissemination over time to a wide public.

Napier had been Commander-in chief of the Indian army but was perhaps best known in India for a brutal approach to perceived insurgency and his wholly unauthorised annexation of Sind in 1842. His Sind incursion, in particular, was a source of bitter controversy at the time, a controversy (in)famously captured in *Punch*'s mischievous and entirely fictional attribution to Napier of a one-word dispatch to the Governor-General, Lord Ellenborough: 'Peccavi'.⁴⁶⁵ Stokes describes his rule in Sind as "entirely despotic", Lambrick notes his long career owed much to both his powerful personality and, significantly, successful propaganda.⁴⁶⁶

The account of how Napier was said to have suppressed sati in Sind first appears in his brother William's partisan 1851 history of the campaign:

"The priests said it was a religious right that must not be meddled with - that all nations had customs which should be respected and this was a very sacred one. The

earned compliment to my dear old friend", agreeing with the French scientist and Indian sojourner Victor Jacquemont that Bentinck was "William Penn, on the throne of the Mogul [sic]" (p.46). See also Kaye's remarks on Bentinck in eg. *Administration*, p. 537

⁴⁶⁵ 'I have sinned'. *Punch*, May 18th, 1844, vol. 6, p. 209. This excellent pun is still frequently attributed to Napier today in popular quotation sources.

⁴⁶⁶ Stokes, *The English utilitarians*, p. 243; Lambrick cited in K. A. Ballhatchet, 'Reviewed Work: *Sir Charles Napier and Sind* by H. T. Lambrick', *The English Historical Review*, Vol. 70, No. 274 (Jan., 1955), pp. 160-161. Such was Napier's public image that after his death in 1853, a public subscription paid for the bronze statue of him in Trafalgar Square where it still stands.

general affecting to be struck by the argument replied. 'Be it so. This burning of women is your custom; prepare the funeral pile. But my nation also has a custom. When men burn women alive we hang them, and confiscate all their property. My carpenters shall therefore erect gibbets on which to hang all concerned when the widow is consumed. Let us all act according to national customs!' No suttee took place then or afterwards."⁴⁶⁷

The account appears again in William Napier's 1858 posthumous four-volume biography and was repeated in a further biography of Napier by his great-grandson, William Napier Bruce in 1883.⁴⁶⁸ It would also swiftly be included in Victorian histories of British rule in India; Kaye, for example, includes it in his *Administration*, first published only two years after Napier's history of the Sind campaign.⁴⁶⁹

Napier's account was also more widely disseminated in reviews. The *Quarterly Review* published it in a review of William Napier's biography, and five other works about Charles Napier, for example.⁴⁷⁰ Strikingly, the story benefits here from the literary craft of the review's author, Whitwell Elvin. William Napier's original text, as we saw, concludes with the triumphal but dry declaration "[n]o suttee took place then or afterwards." Elvin substitutes this sentence for the more rhetorically successful, "[t]hough they had no compassion for burning women, they felt it would be unpleasant to be hanged themselves; and there was an end to suttee."⁴⁷¹

The story was also circulated independently of its textual sources, reproduced in newspapers and journals across time, indicative also of the popular appeal of a sati tale. Its earliest appearance in this form appears to be in the weekly periodical *Chambers's Edinburgh Journal* in February 1852.⁴⁷² It was similarly published in a column of 'Literary selections' a few weeks later in *The Lancaster Gazette*.⁴⁷³ The story was still being printed

⁴⁶⁷ William Napier, *History of General Sir Charles Napier's administration of Scinde, and campaign in the Cutchhee hills* (London, 1851), p. 35

⁴⁶⁸ William Napier, *The life and opinions of General Sir Charles Napier* (London, 1858); William Napier Bruce, *Life of General Sir Charles Napier* (London, 1885)

⁴⁶⁹ Kaye, *Administration*, p. 440.

⁴⁷⁰ Whitwell Elvin, 'Review of 'The life and opinions of General Sir Charles Napier' by Lt. Gen. W. Napier', *Quarterly Review*, October, 1858, vol. 104, issue 208, p. 496

⁴⁷¹ Elvin, 'Review', *Quarterly Review*, p. 496

⁴⁷² *Chambers's Edinburgh Journal*, February 21, 1852, p. 128

⁴⁷³ *The Lancaster Gazette*, Saturday 3 April, 1852, p. 8

nearly ten years later, appearing in the *Manchester Times* in 1861, and a few weeks after that in *The Hampshire Advertiser*.⁴⁷⁴ What is also interesting about this constituent of this celebratory narrative of robust and beneficent British rule is the claim in *The Calcutta Review* that it was “clearly borrowed” from an extant tale about drinkers in a tavern; like Napier’s ‘peccavi’, it may be entirely apocryphal.⁴⁷⁵

Responsibility for the suppression of sati was also claimed for the East India Company as evidence of its efficacy in the social improvement of India. The role of the Company was contested, however, and dispute about how much claim it, rather than individual officers acting autonomously, had in effecting abolition(s) shaped debate about how, and how well, the Company administered India. Two examples of books, their reviews and their (invested) reviewers are illustrative of these claims and counter claims here before we go on to look at the important parliamentary debates which engaged with precisely these issues in 1852-3.

Henry Bushby, for example, who served in the civil service in India, wrote a lengthy review of Horace H. Wilson’s *History of India*, itself a revision and extension of Mill’s text, for the *Quarterly Review* in 1848.⁴⁷⁶ The review is significant as it would later form the main substance of Bushby’s short monograph on sati, *Widow-burning*, the first historical treatment of the subject, published in 1855. In fact, Bushby’s review makes no direct mention of Wilson’s work; instead, Wilson’s revised *History* provides a premise for Bushby’s commentary on British rule in India. Most of the review is, even so, a celebration of an individual officer, the Rajputana Resident Major John Ludlow, to whom Bushby credits virtually sole responsibility for the suppression of sati in many princely states in the 1840s during the Governor-Generalship of Lord Hardinge. This occasionally excessively effusive

⁴⁷⁴ *Manchester Times*, Saturday 21 December, 1861; *The Hampshire Advertiser*, Saturday 8 February, 1862, p. 7

⁴⁷⁵ It writes of a story related by ‘Mr Miller’ about a group drinking in a tavern. One apologises in advance for his propensity to verbally abuse the Scots and Scotland when drunk and begged no offence be taken. A Scot in the party then expresses his relief as he too has a propensity when drunk to kick anyone abusing his country or countrymen and thus hoped he, too, would cause no offence. ‘Recent works on Scinde’, *The Calcutta Review*, vol. 16, July- December, 1851, p. 404.

⁴⁷⁶ ‘Review of H.H. Wilson’s *History of India*, from 1805 -1835, vol. iii (London, 1848)’, *Quarterly Review*, Sept 1851, vol. 89, issue 178, pp. 257 -276. The review appears to be of the 4th edition of the multi-volume work published in 1848.

narrative would also form a substantial part of Bushby's monograph; about a third of the total text, in fact.⁴⁷⁷

Eleven of eighteen of the princely states identified as Rajput by the British had proscribed sati in quick succession in the last few months of 1846, beginning with Jaipur, one of the most important states, where Ludlow was on the council of regency for the young ruler. The prohibitions serve as a point of departure for Bushby's lively defence of liberal policies in India; in this, there is at least an allusion to the work he purportedly reviewing. These policies, he says, have secured "*moral* memorials" to British rule in the proof provided by abolition that "the Hindoo mind is capable of advance even in the department where its immobility has been deemed most absolute – traditionary faith."⁴⁷⁸ He criticises earlier conservative approaches to British rule in echoes of Mill and goes on to call for western education for the Rajput elite as the most natural allies of the British. In the *Quarterly Review*, Bushby makes no direct criticism of current Company rule in India but in *Widow-burning*, published seven years later, he further embellishes Ludlow's achievements by critically noting that interference in the states was discouraged by the Government of India and that Ludlow acted autonomously at the "risk of censure of his own Government".⁴⁷⁹ There was certainly some truth in this, though Hardinge was happy to publicly endorse Ludlow after the event when it was clear his actions had incited no civil unrest, publishing an expression of thanks in the Government Gazette in September 1846.⁴⁸⁰

Despite a fair degree of passivity on Hardinge's part in the suppression of sati, upon his retirement, *The Times* judged that, "[p]robably the most remarkable feature in the rule of Lord Hardinge will be the cordiality which has been exhibited by native Princes in regard to the abolition of Suttee." The editorial went on to make even more explicitly the role of sati in measuring the purpose and efficacy of British rule: the series of abolitions effected by Hardinge are "a very marked sign of the... steady progress of that civilizing influence which the British rule of India is fast moving forward."⁴⁸¹ At the banquet hosted by the East India

⁴⁷⁷ Bushby rather inaptly declares, for example: "It was as if Major Ludlow had thrown a pebble from the shore, and the ice of an arctic sea had riven before him." *Quarterly Review*, p.270; also Bushby, *Widow burning: a narrative* (London, 1855), p. 39

⁴⁷⁸ *Quarterly Review* p. 271f. Italics are Bushby's.

⁴⁷⁹ Bushby, *Widow-burning*, p.33

⁴⁸⁰ Bushby, *Widow-burning*, p. 37

⁴⁸¹ *The Times*, Saturday 6 November, 1847, p. 3

Company in his honour, Hardinge, associating himself with the abolition and Bentinck, told an appreciative and cheering audience of “gentlemen of every rank and of all distinction in politics” that the precedent set twenty years earlier by Bentinck afforded him the assurance that the Company “rested the basis of its power, not upon its strength alone, nor upon its army, but upon the nobler objects of advancing the work of humanity and civilisation.”⁴⁸²

Where Bushby used the abolition of sati to criticise what he saw as the over-cautious policy of the East India Company in contrast with the bold interventionism of Ludlow, others had clear interests in, conversely, using the abolition of sati to defend the Company. Ross Donnelly Mangles’ review of Herbert Edwardes’ posthumous 1872 *Life of Sir Henry Lawrence* is a useful example. Henry Lawrence and his brother Sir John, were, for the mid-twentieth century historian, Philip Woodruff, the ‘titans of the Punjab’ among the *Men who ruled India* in the 1840s – 1850s.⁴⁸³ Henry Lawrence’s idolisation by the Victorians came, however, through death; he met his end in the siege of the Residency at Lucknow in the Indian Rebellion, attributed with the request as he died that his epitaph read simply that he had “tried to do his duty”.⁴⁸⁴

Edwardes’ biography details Lawrence’s role in the prohibition of sati in the princely states.⁴⁸⁵ This role was, however, a comparatively minor detail in Lawrence’s career. When he was Hardinge’s political agent in the Punjab, for example, provision for the abolition of sati had not been included in the treaty (in which Lawrence had a hand drafting) drawn up at the end of the First Anglo-Sikh War in March 1846. The failure to include this provision had excited a minor flurry of protest in Britain and provides further evidence of the role ending sati played in evaluating the effectiveness of British rule and setting expectations for it. One letter-writer to *The Morning Post* thus lamented the lost opportunity to suppress the rite which “would have enhanced the glories we have so lately won”, whilst an editorial in

⁴⁸² *The Morning Post*, Thursday 6 April, 1848, p.4

⁴⁸³ Philip Woodruff, *The men who ruled India*, (London, 1954). ‘Titans of the Punjab’ is the title of his chapter about them, reflecting both the Victorian view of them and its persistence in British imperial historiography well into the twentieth century. It is also a reflection of the longevity of the biographical cast of imperial historiography written by Britons who worked for the British government. Woodruff is the pseudonym of Philip Mason, a retired Indian Civil Service employee.

⁴⁸⁴ Christopher Hibbert, *The great mutiny, India, 1857* (London, 1978), p. 237 cited in T. R. Moreman, ‘Lawrence, Sir Henry Montgomery (1806–1857)’, *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/16179>, accessed 5 May 2021

⁴⁸⁵ Herbert B. Edwardes and Herman Merivale, *Life of Sir Henry Lawrence*, 2 vols. (London, 1872). The book was in its third edition just a year later in 1873.

the *Daily News*, the radical newspaper recently launched by Charles Dickens, refers to the “abomination of Suttee” in its regret that “with the moral and physical strength of conquest at our command, we meditate no interference in their religious rites”.⁴⁸⁶

In fact, there was little evidence that the practice was widespread in the Punjab, though the deaths of four Hindu wives and seven concubines of Ranjit Singh on his funeral pyre in 1839 had been widely reported in Britain.⁴⁸⁷ Two letters sent to Hardinge from the Residency in August 1847 are explicit that the practice was very rare, for example.⁴⁸⁸ Even so, one of Hardinge’s very last acts as Governor-General would be to make public a proclamation which had been issued in Lahore prohibiting both sati and infanticide.⁴⁸⁹

In his review of the Lawrence biography for the *Edinburgh Review*, Mangles nonetheless refers, albeit in brief, to Lawrence’s exertions in suppressing sati and quotes Lawrence’s own pride that sati “is now almost unknown in the western hills. I do not remember above two cases since 1846”. Mangles adds to Lawrence’s achievements: “He was equally successful... in several of the principal Rajput states in the plain country.”⁴⁹⁰ Mangles was an evangelical liberal who had served in India in the 1820s and 1830s and was the penultimate Chairman of the East India Company.⁴⁹¹ He played a key role in the India bill debates in 1852-3, as we shall see shortly, defending the East India Company and arguing vociferously against any increased involvement for Indians in government, in part on the grounds that he did not accept they would have ended sati without British intervention. The late Lawrence, he concluded, notably shifting what he saw as Lawrence’s wide range of achievements from the personal to the institutional, remained “a worthy representative of the justice and moderation of the British Government.”⁴⁹²

⁴⁸⁶ *The Morning Post*, Tuesday 5 May, 1846, p.5; *Daily News*, Friday 10 April, 1846

⁴⁸⁷ Eg. *The Times*, Tuesday 24 September, p. 5; *The Era*, Sunday 29 September, 1839; *Newcastle Courant*, Friday 18 October, 1839

⁴⁸⁸ ‘*Papers relating to the Punjab, 1847-1849*’. *Command papers; Accounts and proceedings*. Vol. XLI.I (1849)

⁴⁸⁹ The news of the abolition was approvingly reported in a number of newspapers, the story rather romanticising the event, depicting Hardinge drawing up the notification during his homeward passage down the Ganges, his successor Lord Dalhousie already ashore at Madras. See, for example, *John Bull*, February 26, 1848, p. 127

⁴⁹⁰ Ross Donnelly Mangles, ‘Life of Sir Henry Lawrence. By the late Major-General Sir Herbert B. Edwardes, K. C. B., and Herman Merivale, C. B. 2 vols. London: 1872’, *Edinburgh Review*, vol. 138, (July 1873), p. 138

⁴⁹¹ Katherine Prior, ‘Mangles, Ross Donnelly (1801–1877)’, *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com/view/article/17934>, accessed 4 May 2021

⁴⁹² Mangles, *Edinburgh Review*, p. 243

In this first part of this chapter, we have seen how the abolition of sati was a key constituent of a justificatory and celebratory narrative of Britain's rule of India. But we have seen, too, that the abolition was not a passive, rhetorical feature of this narrative, not a simple, static symbol of good rule. It also had a clear discursive function within this narrative in both measuring the *present* effectiveness of British rule and setting expectations for it, measurements determined by a particular set of authoritarian and interventionist liberal ideas about India and about Britain's moral purpose exemplified by the suppression of sati. This function ensured that the abolition of sati continued to influence and shape ideas about how India should be ruled and by whom.

The desire of many individual officers to be associated with the suppression of sati, and the attention biographers, reviewers and editorials gave to judging the strength of this association, is an indication of the importance of the function the abolition of sati held in reflecting and shaping opinion on the purpose and efficacy of British rule in India. The East India Company was equally eager to claim abolition as its corporate achievement. The extent to which abolition was attributable to Company policy was, though, a point of contestation, as we have already briefly seen in this section. Consensus (political and public) on where responsibility for suppressing sati lay mattered at critical points in the Company's history; it had important implications, too, for Indians seeking greater roles in the governance of India. The second part of this chapter examines the role of the abolition of sati in debates in 1852-3 about the governance of India beyond the expiry of the East India Company's charter in 1854. In these debates, the question of who was fit to govern India hinged in part on the answer to the question of who was responsible for the abolition of sati. This question, as we shall see, was also put directly to Indians seeking greater participation in governance. But we will also see how in these debates, in which liberals disagreed about Indian access to higher levels of government, the abolition of sati was a point around which tensions within liberalism about how India should be ruled and by whom turned.

(II)

The abolition of sati and the 1852-1853 India bill debates: the context

In 1852, parliament agreed to establish two Select Committees, a Lords committee and a Commons committee, to inquire into the effectiveness of the government of India. The 1833 East India Company charter was due to expire on April 30th, 1854, and arrangements needed to be made (hastily) for the future governance of this vast territory. There was much to discuss. At the very least, as James Sturgis bluntly puts it, the system of double government of India “was one of the most complicated and unwieldy instruments ever devised by one country to rule another.”⁴⁹³ In fact, both the fact and method of Company rule, both in principle and practice, were deeply contentious. Whilst the abandonment of India was not a serious option at this time, the abandonment of the Company certainly was: its dismantling in 1858 in favour of Crown rule had been years in the deliberate making; it was hastened, not caused, by the Indian Rebellion.⁴⁹⁴

There was domestic pressure as much as Indian. There was, for the example, the liberal anti-Company India Reform Society. The group was formed in London in March 1853 with the immediate objective of influencing the new India bill; the Society’s founding members included the writer John Wilkinson and the MP Henry Danby Seymour and they were soon joined by the radical MP and Quaker John Bright who would go on to chair the group.⁴⁹⁵ Bright wrote to his friend Joseph Sturge, the anti-slavery activist, that he actively sought “to overthrow the East India Compy, & to establish a Govt. here responsible to Parlt. & to public opinion [sic].”⁴⁹⁶

The group were in close contact with Indian rulers and reformers and they sought more equitable treatment and involvement of Indians in the governance of India. A visit to Madras by Danby Seymour, where he met with the newspaper proprietor and political

⁴⁹³ James L. Sturgis, *John Bright and the empire* (London, 1969), p. 13

⁴⁹⁴ H. H. Dodwell, *The Indian empire 1858 -1918, The Cambridge History of India, vol. VI* (Cambridge, 1932), p. 16

⁴⁹⁵ Sturgis, *John Bright*, p. 26.

⁴⁹⁶ Letter dated March 27th, 1853. Emphasis is Bright’s. In Sturgis, *John Bright*, p. 18 Public opinion of course included the Indian public for Bright.

activist Gazulu Lakshmiranasu Chetty, also led to the group's lobbying at such a sensitive moment for the Company on specific abuses carried out under its jurisdiction such as the use of torture by Indian police and officials in revenue collections.⁴⁹⁷ (Such was the scandal this revelation caused that it slightly tarnished Dalhousie's otherwise largely approbative appraisal by the press in Britain when he retired in 1856. Reviewing his legacy *Minute*, *The Examiner* would, indicating the impact of the scandal, rather he had mentioned in it torture in Madras, a question which "we think at least as important as some of those he has dwelt on; for example, the obsolete ones of Suttee... and the like."⁴⁹⁸)

Between 1852 and 1853, hundreds of hours of Committee hearings and parliamentary sittings, public meetings and hundreds of newspaper column inches would be spent on fierce debate about how (and how well) India had been ruled in the past and how it should be ruled in the future. Among the issues (and broadly in order of the interest and focus of many of those debating in Britain, if not in India) were the very fitness of the East India Company for rule, the role of the home government and the participation of Indians. The abolition of sati was used in these debates as a measure of fitness to govern India, applied to both the Company and Indians. The following sections examine this.

(i) *The abolition of sati and the East India Company*

The Morning Chronicle observed that the position of the Company at this time was "precisely like that of a Parliamentary candidate returning to his constituents to account for the discharge of his trust, and to ask for its renewal." Not surprisingly, it went on, the Company was subject to a proper and welcome "inquisitorial battery".⁴⁹⁹ The newspaper was especially keen for inquiry into the Company's effectiveness in "removing the disabilities of moral and intellectual ignorance" and pointed to what it saw as the personal success of Ludlow in securing the suppression of sati in the Rajput states. It concluded:

⁴⁹⁷ C. S. Srinivasachari, 'The India Reform Society and its impact on the Indian Administration in the decade 1853 – 1862', *The Indian Journal of Political Science*, vol. 8, no. 1, (1946), pp. 648–61

⁴⁹⁸ *The Examiner*, Saturday 12 July, 1856. Dalhousie's reforms and *Minute* were discussed more fully in the chapter in this thesis on sati and the Indian Rebellion.

⁴⁹⁹ *The Morning Chronicle*, Wednesday 21 April, 1852

“It will be for Parliament to ascertain whether those efforts have been duly followed up, or whether the principalities which led the way in abandoning Suttee have been led to infer that the Government of India is careless whether the cause of enlightened improvement goes forward or retrogrades.”⁵⁰⁰

In the parliamentary debates on the bill that followed, there were, naturally, spirited claims made for the Company from those with clear vested interests. Sir Charles Wood, for example, President of the Board of Control, asserted: “There is much on which we may congratulate ourselves.” He recalled to the House the progressive elimination of sati under the Company across time beginning in 1829 “in our portion of the country” under Bentinck, through the princely states in the 1840s following Ludlow’s intervention in Jaipur and culminating in Hardinge’s announcement in 1847 that sati, along with infanticide and slavery, was prohibited throughout even “the territories forming the remotest principalities.”⁵⁰¹ With an apparent air of exasperation, the incumbent Chairman of the Company, Sir James Hogg, also referred three days later to the abolition of sati to reprimand those honourable members who “seem to have entirely lost sight of the great social and moral reforms which had been effected in India”, citing also the ending of dacoity, thagi, infanticide and slavery.⁵⁰²

Sir James Graham, who had sympathetically heard the appeal against the abolition of sati twenty years earlier, interestingly now quoted the Baptist missionary John Marshman in the hugely influential weekly *Friend of India* (which Marshman had co-founded) on the ‘fruits’ of the government of India. He cited the abolition of sati and a very long list of claimed material and social benefits, insisting on “trying the tree by its fruits”.⁵⁰³ *The Morning Chronicle* would turn out to be among those who were convinced by the defenders of the Company. A year after welcoming an ‘inquisitorial battery’, particularly on the Company’s record on moral and social reform, it gave the abolition of sati as an example which showed that the “much-abused Government of British Asia has not been unmindful of the duty of elevating the social position and opinion of its subjects to European standards.”⁵⁰⁴

⁵⁰⁰ *The Morning Chronicle*, Wednesday 21 April, 1852

⁵⁰¹ House of Commons Sitting of Friday, 3 June, 1853, *Hansard*, 3rd series, vol. 127

⁵⁰² House of Commons Sitting of Monday 6 June, 1853, *Hansard*, 3rd series, vol. 127

⁵⁰³ House of Commons Sitting of Monday 27 June, 1853, *Hansard*, 3rd series, vol. 128

⁵⁰⁴ *The Morning Chronicle*, Monday 27 June, 1853

Whilst there was broad, if not full, consensus on both the fact and the benefit of these social reforms, others did not reach the same conclusions as *The Morning Chronicle* about the East India Company's merit. For some of these critics, the abolition of sati, seen as a British beneficence, was disassociated from the Company to indicate the Company's inadequacies. In a public meeting a few weeks earlier discussing the future governance of India, T. Bailey, President of the Manchester Board of Commerce, for example, told his audience that moral achievements in India were "in spite of" Company rule. Sati, he said, to cheers from the room, had persisted until the British public called for its abolition, while "partizans" of the Company had argued abolition would bring about the end of British rule.⁵⁰⁵

The Examiner followed a similar tack. The radical newspaper was highly critical of the Company in a number of areas, including its cost, unwieldy governance and the exclusion of Indians from anything but low civil and military office. The situation of Indians had improved in the last twenty five years, it wrote, but did not originate with the Company home authorities: "It was the work of Lord William Bentinck, - of the same man who... with the stroke of a pen had abolished the Suttee, which the East India Company... had for at least a century allowed to be practised in the very purlieus of Calcutta."⁵⁰⁶ The Company, it said, had been more interested at that time in making money from land taxes.

While the abolition of sati was used by some critics of the Company to question the efficacy of its governance, a number of Company defenders in turn used the abolition to undermine attempts by Indians to gain more substantive roles in the government of India. This was perhaps nowhere better demonstrated than in the Select Committee hearings. The next two sections accordingly examine two Commons committee evidence-gathering sessions.

(i) *Jevanjee Pestonjee at the House of Commons Select Committee*

Among those giving evidence before the House of Commons Select Committee was Jevanjee Pestonjee who appeared in a private capacity.⁵⁰⁷ Pestonjee was a wealthy Parsi from Bombay who had in recent years been working in Hyderabad as both a merchant and banker. His family had a long connection with the Company; his father had been a land

⁵⁰⁵ *Manchester Times*, Saturday 23 April, 1853

⁵⁰⁶ *The Examiner*, Saturday, 16 April, 1853

⁵⁰⁷ This chapter uses the transliteration of his name as it appears in the primary sources cited in this section.

revenue collector held in high regard by the administration of the Bombay Presidency. Pestonjee appears to have been in London at this time primarily in pursuit of a claim against the Company for the payment of the principal on a loan made to the Nizam of Hyderabad on which the Nizam had defaulted. The case had a fairly high profile; it was, for example, raised in the Commons and a petition from Pestonjee and his business partner was presented by Lord Monteagle in the Lords in August 1853.⁵⁰⁸

Three months before this, on May 5th, Pestonjee appeared before the Select Committee. His evidence was wide-ranging but what emerges strikingly from his exchanges with the Committee is the extent to which the members' attitudes on Indian participation were shaped, some more consciously and deliberately than others, and to different ends, by reductive discourses on the religiosity of Hindus and, by extension, whether Hindus could claim any responsibility for suppressing sati. For several members, as we shall see, a justified claim to responsibility for suppressing sati was a prerequisite for claiming a greater role in government.

Pestonjee suggested, for example, that legislative councils should be established in each of the three Presidencies of Bombay, Madras and Bengal, which should include "respectable native gentlemen", to consult locally and frame laws suited to local conditions.⁵⁰⁹ The context for Pestonjee's comments was the particular negative impact on the people of Bombay of the salt tax levy set in Bengal and how such problems could be avoided in future arrangements for Indian governance. None of the Committee members gave any immediate response to Pestonjee's explicitly political and fiscal point. Instead, Committee members turned repeatedly to questions about Hindu views of British intervention in religious matters and whether these were perceived by Hindus as breaches of British commitments to non-interference enshrined in the previous charter of the East India Company. For some Committee members, like Sir Thomas Maddock, an affirmatory answer was implicit

⁵⁰⁸ Sitting of the House of Lords, 12 August, 1853, *Hansard*, series 3, vol. 129. Pestonjee's biographical details given here are taken from Monteagle's introductory remarks to the Lords in presenting the petition on behalf of Pestonjee. Monteagle was Thomas Spring Rice, encountered in Chapter 2 of this thesis on sati and religious freedom in the 1830s.

⁵⁰⁹ *Second report from the Select Committee on Indian Territories; together with the minutes of evidence, and appendix. House of Commons Papers*, vol. 28 (1852-3), p.3

evidence of Company misrule, for others, like John Elliot, as we will now see, explicit evidence of Indian unreadiness for greater responsibility in government.

Sir Thomas Maddock began by asking Pestonjee about the recent Caste Disabilities (*lex loci*) Act which controversially overturned Hindu law by allowing Christian converts to inherit.⁵¹⁰ It is useful to briefly look at this exchange and Maddock's probable intentions in it as it throws light on the Committee exchanges on sati which followed it. Maddock was keen to know if the convert inheritance legislation was perceived as an unwarranted interference in religion. Pestonjee confirmed that Hindus had petitioned against the legislation which they saw as a contravention of the requirement for the Company to hold due regard to the religion and customs of the land.⁵¹¹

Only after asking about the legislation did Maddock return to Pestonjee's call for Indian representation on legislative bodies. But this was to ask Pestonjee if he considered it "especially necessary" to have Indians on the Legislative Council when the laws affected the religion, customs and interests of the people. Pestonjee responded that Indians should have a voice in the Legislative Council; they should "also" point out how a law militates against their religion and feelings but that they should be consulted on all law, whether affecting religion or property or revenue, "because where they are paying the revenue, I think they should be consulted as to how the revenue is expended."⁵¹² Again, none of the Committee members responded to the principle Pestonjee was articulating.

Maddock had almost certainly raised British intervention in Hindu inheritance law because, a Conservative and critic of the current governance of India, he thought it was wrong. He had spent most of his career in India (this was his only term as a MP), culminating in the post of Deputy-Governor of Bengal in the late 1840s and was inclined to a sympathetic and hands-off view of Indian religion, though this was wrapped up in concern for the security of the empire. He was, moreover, favourable to an Indian presence on the Legislative Council, albeit not on an equal footing and albeit as much a point of expediency and arising from his conviction about Indian religiosity. In the parliamentary debates that summer, he made

⁵¹⁰ *Second report*, p. 3

⁵¹¹ *Second report*, p. 4

⁵¹² *Second report*, p. 4

clear what was implicit in his emphasis on religious matters in the Committee discussions with Pestonjee:

”[I]n all questions affecting the religious feelings or prejudices of the Native population, their advice would be required; and if Parliament wished to maintain the loyalty and attachment to the Government that now prevailed among the natives of India, they must take some steps to prevent any legislation on the part of the Governor General that could infringe their religious rites or prejudices.”⁵¹³

Shortly after Maddock’s questions on the convert inheritance law, John Elliot abruptly turned to the abolition of sati with Pestonjee. It is valuable to see some of the flow of the ensuing exchange between Pestonjee and the competing Committee members before analysing what it tells us:

“*Mr Elliot.*] Do you approve of the abolition of suttees? – Yes

[...]

Do you think that any Hindoos sitting in the Legislative Council would have given their consent to the passing of the law for the abolition of suttees? – They might have done so; those who had a knowledge of Hindoo law might have concurred.

Sir T.H. Maddock.] Are you aware if any Hindoo sovereigns have prohibited the practice of suttee in their own dominions, of their own free will? – Almost all of them have prohibited it.

Mr. Mangles.] Are you aware a much larger body of Hindoos did not petition against the law abolishing suttees than they have against any other bill? [sic] – They did petition, but they did it in ignorance of their own law and religion.

Did they not send home an agent and pay that agent to agitate the matter here? – That I am not aware of.

⁵¹³ House of Commons sitting 27 June, 1853, *Hansard*, 3rd series, vol. 129

Mr. *Elliot*.] When you say that native princes have abolished the practice of suttee in their own dominions of their own free will, are you not aware that that has been entirely by the interference of the English Government? – By the English Government, and I believe with the concurrence and the advice of some of the natives too.

Are you not aware that in fact the abolition of suttee among the native states has taken place entirely at the instance, and by the exercise of the mild authority the resident possesses in the native courts? – I admit that; but it was with the advice and concurrence of many respectable natives, who assisted the Government to pursue that course.⁵¹⁴

The exchange is instructive on many levels. There is a superficial sense in which Elliot raising the abolition of sati is in keeping with the preceding questioning by Maddock on convert inheritance, as this was also a matter of Hindu law in which the British had interfered. But there is a significant shift in tone and emphasis with Elliot. Sati is not presented here as part of the wider debate with which much of this thesis is concerned about where the line of intervention should be drawn (the abolition of sati had settled this) but rather as evidence in the debate about who is qualified to draw the line.

Elliot's shift reveals the different positions and different layers of meaning and purpose in the exchanges the members brought to the Committee and beyond. Maddock felt Indians should have representation on the Legislative Council, particularly on matters pertaining to religion. He almost certainly raised Hindu objections to the convert inheritance to support his view. His prompt to Pestonjee that Hindu princes freely suppressed sati was his evidence that (some) Indians were fit for these roles. Elliot's shift was certainly intended to undermine and oppose this position. This is not surprising. Elliot was Joint Secretary to the Board of Control from 1849-52, a Liberal and supporter of the Company's governance. In the parliamentary debates on the India bill that summer he would speak against open competition for the civil service, arguing for character over scholarship as the best indicator

⁵¹⁴ *Second report*, p. 5

of worthiness for employment and thus, too, for the retention of the Directors' right of patronage, a right which of course significantly thwarted Indian access to roles.⁵¹⁵

Elliot uses the abolition of sati, then, that liberal benchmark of good rule, to both emphasise the justness of British rule, even in matters of religion, and to throw doubt on the fitness of Indians for legislative roles by questioning whether they would have abolished sati without British intervention. Elliot is persistent, and it seems Pestonjee is at moments peripheral to a debate conducted largely by the conflicting Committee members among themselves about who should rule India and how. In this, the exchange is in many ways a site for the debate about the nature of British rule of India as a whole; it is through discourses on sati that they conduct it. So, when Maddock counters an understandably tentative answer from Pestonjee on how Hindus might have acted on Bentinck's Council twenty years previously by prompting him that princes (in the present) had freely abolished sati in their own states, Elliot insists twice, and thus apparently impatiently and certainly emphatically, that this was achieved only through British pressure. The radical MP Joseph Hume's response to this double insistence by Elliot is a clever inversion of Elliot's negative accounting of Indian agency in abolition in the princely states:

Mr. Hume.] Are the Committee to understand that the suttee was not agreeable to the Hindoo law, and that many natives of consequence and rank joined the British Government in putting an end to it? – Yes.”⁵¹⁶

⁵¹⁵ House of Commons Sitting of 11 July and 22 July, 1853, *Hansard*, series 3, vol. 129. He said, for example, in the latter debate, that Sir Charles Metcalfe, a former Acting Governor-General of India, had been a “jolly, jovial, happy fellow” but not an excellent scholar as a young man. Ideas of ‘character’ would be increasingly subsumed into an exclusionary, racialised discourse as the century progressed and Indian nationalism emerged, depicting Indian men seeking greater participation in government as effeminate intellectuals. This is particularly well explored in Mrinalini Sinha's seminal *Colonial Masculinity: the ‘manly Englishman’ and the ‘effeminate Bengali’ in the late nineteenth century* (Manchester, 1995)

⁵¹⁶ *Second report*, p. 5. Hume made other sympathetic interventions with Pestonjee, asking about the feelings of Indians on legislation by which the British overruled the adoption of heirs by Indian princes (*Second report*, p. 4) Hume had made his fortune in India in the first decade of the nineteenth century and was married to the daughter of a Company director. However, his career and interests were focused primarily on domestic politics and, in 1853 he was in declining health. (V. E Chancellor, ‘Hume, Joseph, 1777 – 1855’, *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/14148>, accessed 5 February, 2021). Hume made few parliamentary contributions to the wider debates at this time on Indian participation. He did, though, speak in support of keeping an improved Court of Directors at the helm of the governance of India (House of Commons sitting, April 19, 1852, *Hansard*, series 3, vol. 120). Perhaps more interestingly, he was the father of Allan Octavian Hume, who would be a founding member of the Indian National Congress in 1885.

Elliot finds support from Ross Donnelly Mangles who also takes issue with Pestonjee's suggestion that Hindus on Bentinck's Council with sufficient knowledge of Hindu law might well have supported the abolition. Mangles notably emphasises his disagreement by alluding to the appeal to the Privy Council by the Dharma Sabha.⁵¹⁷ At the time of the Committee, Mangles was a Director of the East India Company and would later be Chairman. He was a Company man through and through, an old-school evangelical liberal who had served in India under Bentinck and whom we encountered earlier in this chapter, defending the governance of India in the *Edinburgh Review*. He had an energetic presence in the debates, both in parliament and in Committee. Indeed, Mangles was again on the offensive two months later at the Committee hearings as we shall see in the next section.

In this second hearing of July 14th, the abolition of sati was again used to deny Indians were fit for a greater role in government. In this hearing, however, the Committee were taking evidence from George Macpherson, a representative of an Indian proto-nationalist organisation. There are early iterations of nationalist and antinationalist discourses in these exchanges and the exchanges are an early example of the use of sati and its abolition in these antinationalist discourses.

(ii) *George Macpherson at the House of Commons Select Committee*

George Macpherson, as he explained himself to the Committee, had spent twenty one years in India, first as a medical officer with the army, then in the civil service in the indigo and silk trade, becoming a Company buyer, and in his final two years he had been employed by the Anglo-Indian business Carr, Tagore and Company, returning to Europe in 1847. His presence before the Committee was at the behest of the British Indian Association.⁵¹⁸

The British Indian Association had been established in Calcutta in 1851 with the specific purpose of influencing the system of government as the expiry of the Company charter approached and it had submitted a petition to parliament to this end. The petitioners, as

⁵¹⁷ *Second report*, p.5. Interestingly, Mangles would later speak in the Commons against Pestonjee's petition to recoup the Nizam's debt from the British government (House of Commons sitting, 2 August, 1853, *Hansard*, 3rd series, vol. 129).

⁵¹⁸ *Fifth report from the Select Committee on Indian Territories; together with the proceedings of the committee, minutes of evidence, and appendix*. P. 91f

Macpherson affirmed in answer to the Committee's opening questions, were wealthy *zemindars* (landowners), exclusively Bengali, and both "persons of education" and "persons of enlightened minds".⁵¹⁹ Among the Association's members were its President, Radhakanta Deb (who had instigated the appeal against Bentinck's abolition of sati in 1832) and the Hindu reformer and philosopher, Debendranath Tagore, the Association's Secretary. Two other particularly important petitions with similar aims and scope would be independently submitted to parliament by the Bombay Association and the Madras Native Association, both formed in 1852 following the example of the British Indian Association.⁵²⁰ As Anil Seal outlines, these three associations would dominate the politics of these three regions for the next quarter of a century and both Seal and Sri Ram Mehrotra trace the emergence of Indian nationalism through them and their forerunners.⁵²¹

The British Indian Association had appointed Macpherson, anxious that "the evidence likely to be obtained before the Committee will be from persons more or less interested in the maintenance of the present system"⁵²², a fear for which there would prove to be some justification. Macpherson drew particular attention firstly to the Association's complaint in the petition that Indians were only appointed to the most subordinate offices. In fact, the petition makes explicit their disappointment with the failings of section 87 of the 1833 Government of India Act on this point.⁵²³

This renowned clause stipulated that no native of the Indian territories "shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the Company."⁵²⁴ The Act, which Macaulay had had a key role in drafting, inspired by ideals of the advance of British civilisation and liberty, had been entirely commensurate with the legislative spirit of early 1830s liberalism which had earlier produced the abolition of sati. The Charter Act was passed in the same year as the

⁵¹⁹ *Fifth report*, p. 91

⁵²⁰ See S. R. Mehrotra, *The emergence of the Indian National Congress* (London, 1971), especially pp. 52-8

⁵²¹ Anil Seal, *The emergence of Indian nationalism*, (Cambridge, 1971), p. 197; Mehrotra, *The emergence of the Indian National Congress*, p. 52 -8

⁵²² *Fifth report* p. 91

⁵²³ *Petition to Parliament from the members of the British Indian Association, and other native inhabitants of the Bengal Presidency, relative to the East India Company's charter* (1852), p. 4, cited in Mehrotra, *The emergence of the Indian National Congress*. p.61

⁵²⁴ In Courtenay Ilbert, *The Government of India: being a digest of the statute law relating thereto*, revised edition (Oxford, 1907), p.86f

pioneering education and factory acts and the abolition of slavery in most of the British empire. The clause, in practice, however, had proved to be little more than rhetoric. Macaulay himself did not think Indians ready for high office at the time (or, indeed, in 1853); instead he said the British had , “...to bring a clean thing out of an unclean - to give a good government to a people to whom we cannot give a free government,”⁵²⁵ In the 1853 parliamentary debates, John Bright complained in a lengthy and formidable attack on the Company that “from that time to this, no person in India had been so employed, who might not to have been equally employed before that clause was enacted”.⁵²⁶

Macpherson secondly emphasised the petitioners’ views on the constitution of the Legislative Council on which they asked for Indian representation. Macpherson expressed his support for them: Indians had shown themselves “admirably qualified” in judicial and revenue roles and ought to be eligible as members of the Legislative Council. Moreover, “it would appear only fair... considering that they pay the whole of the revenue and taxes of the country.”⁵²⁷ Macpherson went on to point out the usefulness of Indians to the Legislative Council as a valuable source of information which the Council might not otherwise be aware of when forming new rules and regulations. Current opportunities for Indians to comment on draft legislation outside of membership of the Council were largely ignored; he noted particularly the legislation allowing Hindu converts to Christianity to inherit.⁵²⁸

As they had with Pestonjee, the Committee members ignored the principle of representation for taxation. Instead, some discussion ensued about how representative the proposed three or four Indian members would be. Mangles proved particularly persistent on this point, questioning, for example, whether a “Mohammedan of the North-western Provinces” would feel represented by a Hindu of Bengal.⁵²⁹ This was a theme Mangles would hone and return to: speaking in the Commons four days later, he argued, in what would emerge over the following decades as a key argument among opponents of Indian

⁵²⁵ House of Commons sitting, 10 July, 1833, *Hansard*, series 3, vol. 19

⁵²⁶ House of Commons Sitting, 3 June, 1853, *Hansard*, series 3, vol. 127

⁵²⁷ *Fifth report*, p.91 Other points from the petition that Macpherson drew particular attention to included the inadequacies of the police, the constitution of the civil service.

⁵²⁸ *Fifth report*, p. 92

⁵²⁹ *Fifth report*, p. 93

nationalism, “[t]here [is] no feeling of nationality in India. Indeed, they might as well give a seat in that House to a Spaniard or a German, and call him a representative of England, as place a native of Bengal in the Legislative Council of India, and suppose that he would represent the feelings or the interests of the inhabitants of the Lower Provinces.”⁵³⁰

But Mangles’ underlying issue was his conviction of the unfitness of Indians for roles in the legislature. He tackled Macpherson on his assumption that the aptitude of Indians for the judicial and revenue offices showed qualification for legislative roles.⁵³¹ Just as he and Elliot had done at the earlier hearings with Pestonjee, Mangles, the liberal evangelical who had served under Bentinck, used the abolition of sati to attempt to undermine Indian calls for greater participation in government: “Do you suppose, if those native gentlemen of whom you speak had been colleagues of Lord William Bentinck in the Legislative Council, they would have agreed in the abolition of suttee, for example?”⁵³²

Macpherson gave a reflective and candid response, echoing in many ways Pestonjee’s earlier answers to the counterfactual question:

“That is a question which is very difficult to answer; I cannot state what the natives would have done 20 years ago [sic]; but I do not think it is altogether fair to judge of them by what they might have thought or done 20 years ago [sic]... I cannot tell what they might have done at that time; but my belief, is that now there are no men likely to be appointed to the Legislative Council, who would object to doing away with suttee, or any other cruel and barbarous rite.”⁵³³

Mangles left the matter there with Macpherson but he did not agree either that Indians should be eligible for legislative roles or that they would have abolished sati; indeed, the latter for Mangles ruled out the former. In his Commons speech on July 18th, Mangles would make explicit that whilst he advocated an enhanced role for Indians in the judiciary, “he did not think [Indians] were fit, or that they would for many years to come be fit, to be intrusted with legislative functions.”⁵³⁴

⁵³⁰ House of Commons Sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129

⁵³¹ *Fifth report*, p. 93

⁵³² *Fifth report*, p. 93f

⁵³³ *Fifth report*, p. 94

⁵³⁴ House of Commons sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129

Mangles' linking of the abolition of sati with Indian fitness for governance was again evident in his clash in the same Commons debate with the Conservative MP and former Joint Secretary to the Board of Control, Viscount Jocelyn. In the debate that day, Jocelyn stated that he thought it most important to open to Indians the door to the very highest offices of government, among whom he felt there were men of an ability and character that few could equal in Britain. (Though he favoured discretionary not compulsory appointments by the Governor-General to the Legislative Council.) He cited as examples "Ram Mohan Roy and Dwarkanauth Tajore [sic], two gentlemen of the very greatest ability, and whose knowledge of the character of the people, of the laws and of the religion of their own country, would have made them a most valuable acquisition to the Legislative Assembly of India."⁵³⁵

Again showing the correlation made between expected attitudes to sati and fitness for rule, Jocelyn endorsed Roy by adding that he "believed it was owing to the exertions of Ram Mohan Roy that Lord William Bentinck was enabled to carry into effect his great measure for the abolition of suttee, which had been so long a disgrace to our rule in India."⁵³⁶ This attribution of responsibility for the suppression of sati in 1829 to Roy was too much for Mangles who challenged the claim in echoes of his interventions at the Committee:

"The noble Lord... was mistaken in supposing that Ram Mohan Roy had anything to do with the abolition of suttee. He had no doubt that due weight was given by the Legislative Council to the opinion of the natives; but would it be supposed, if natives had been in the Council when Lord William Bentinck proposed the abolition of suttee, or when Lord Wellesley sanctioned the law which prevented Hindoos from flinging their children to the sharks, that they would not have opposed those measures?"⁵³⁷

Jocelyn was apparently chastened; he briefly rose in response to beg "to explain that Ram Mohan Roy gave an opinion which led to the abolition of the suttee law."⁵³⁸

⁵³⁵ House of Commons sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129

⁵³⁶ House of Commons sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129

⁵³⁷ House of Commons sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129

⁵³⁸ House of Commons sitting, 18 July, 1853, *Hansard*, 3rd series, vol. 129. Roy's close association with the abolition of sati has already been noted in this thesis; the social reformer had access to Bentinck and his published opinions on the lack of a scriptural basis for the rite were widely cited in abolitionist literature in Britain, where he also enjoyed personal fame before his death in 1833 during an extended visit in which he worked against Radhakanta Deb's appeal to the Privy Council against the abolition. Dwarkanath Tagore was

In the two Committee hearings examined here, we have seen how the abolition of sati was used by some liberal Committee members to undermine calls for greater Indian representation in the higher offices of government. It is perhaps useful to consider the contribution these interventions about the abolition of sati make to the wider historiographical debates about the nature of liberal imperialism raised in the introduction to this thesis.

Liberalism and imperialism

Mangles and John Elliot were both liberals employed by the East India Company, invested in maintaining its status. Their defence of the Company in part hinged on claiming its responsibility for the suppression of sati, this in turn evidence for them of the efficacy of the Company in the moral and social improvement of India that they felt was necessary and which they suggest would not happen if Indians had roles on the Legislative Council. Their position was pragmatic, then, but it was also ideological: Mangles, at least, was evidently driven by the liberal evangelicalism steeped in the discourses of widow-burning Hindus of the first quarter of the nineteenth century.

The contrasting attitudes of liberals like Elliot and Mangles on the one hand, and John Bright on the other, is a reminder, to reiterate Jennifer Pitts' key point, that liberal thought in the abstract does not lead inevitably to either support or critique of imperialism; rather, the ideological dispositions of liberals on empire arose from engagement in politics.⁵³⁹ For those, like Mangles and Elliot, whose engagement with Indian politics was mediated by close association with the Company and the governance of India, there was often less sympathy for more significant Indian participation in it and greater sympathy for robust

primarily a hugely successful entrepreneur and industrialist. Like Roy he had a pragmatic view of the advantages that could be secured through India's connection to Britain, though his political organisation, the Landholders Society, in the late 1830s would provide a model from which incipient nationalist associations would emerge in later decades. Indeed, it was a direct forerunner of the British Indian Association and Debendranath Tagore, the Association's Secretary, was his son (on this, see, for example, Seal, *The Emergence of Indian Nationalism*, ch.5). Tagore, too, had died during his sojourn in England, in 1846. He had campaigned with Roy for the abolition of sati. An obituary, widely published in the press in Britain, included among his accomplishments that "[h]is opinion was one of the foremost on the abolition of Suttee" (eg. *The Times*, *The Examiner*, *The Preston Guardian*, Saturday 8 August, 1846)

⁵³⁹A *turn to empire*, p. 8, discussed in the Introduction of this thesis

British interventionism. By contrast, Bright, for example, had no direct Indian experience or role.

Macaulay, so significant a liberal figurehead in 1833, and an author of the 1833 East India Company Charter Act, is worth noting again in the 1853 debates. His poor health meant he was able to make only one contribution to the India bill debates, in support of the bill. Indeed, Macaulay had written that he intended to intervene for fear of the harm Bright might do the bill.⁵⁴⁰ His support of the bill was two-fold: to secure the continuance of the system of double government and to argue for competition for the Indian civil service. In his speech, Indian participation in the higher offices of government was again presented by Macaulay, as it had been in 1833, as a desirable goal but not an immediate possibility. He spoke against the immediate appointment of Indians to the Legislative Council, suggesting none were yet sufficiently qualified by European standards and they would therefore lack the necessary regard of their European colleagues. He emphasised the opportunity presented by the new competitive Indian civil service, of which he was an architect, and reiterated the importance of English education and the need for Indians to win places in the civil service on merit by this means. Macaulay concluded his speech with a reiteration of liberal ideals, though a reiteration in tension with his stated position of holding back: “[I]n my opinion, we shall not secure or prolong our dominion in India by attempting to exclude the Natives of that country from a share in its government..”⁵⁴¹

For Macaulay, who would die six years later, Indians would never be quite yet English enough for self-determination. Macaulay’s position on India was certainly partly shaped, as Pitts would have it, by his engagement in Indian politics and the vicissitudes and expediencies this entailed; Stokes, for example, casts him as a pragmatist, pushing for reforms as remedies to specific perceived ills.⁵⁴² But Macaulay was also shaped by ideas and, as Catherine Hall acutely observes, whilst his personal writings show he conceived his lived experience of India in largely negative terms, his contradictory position on India also reflects the tension between his universalism and his nationalism, his belief in a formal

⁵⁴⁰ Cited in George Otto Trevelyan, *The life and letters of Lord Macaulay*, vol.II, (London, 1876), p. 339f

⁵⁴¹ House of Commons sitting, June 24, 1853, *Hansard*, series 3, vol. 128

⁵⁴² Stokes, *The English Utilitarians in India*, p. 191f

human equality undercut by his belief in the superiority of the English and the practical necessity he saw in this for a stable society.⁵⁴³

But like many liberals involved directly with the governance of India who were cautious about greater Indian involvement, the greater influence on his ideological position were utilitarian and evangelical discourses which mediated his Indian experience and knowledge. Hall acknowledges this “vital source” for Macaulay, noting, for example, the deep influence of Mill’s *History of India* on him and the echoes of Charles Grant’s thoughts and phrases in the *Observations* in Macaulay’s Charter speech in 1833.⁵⁴⁴ But the significance of this needs greater emphasis. Macaulay had previously been an outspoken critic of Mill and he did not share his father Zachary’s evangelicalism. Indeed, Koditschek suggests the younger Macaulay “eviscerated the older dogmatic utilitarian with a vehemence that could not be safely directed against the older dogmatic Evangelical at home.”⁵⁴⁵ Macaulay’s thought was influenced by evangelicalism and utilitarianism despite this, then. If liberal thought was constituted by its engagement with politics in India, the engagement itself was in great part constituted by, mediated by, utilitarian and evangelical ideas about India and the need for its improvement, at the very least among those liberals involved in British rule like Mangles and Eliot, and including Macaulay. We have seen in this chapter how these ideas, often pivoting on sati and its abolition, were absorbed and disseminated in print and used more widely to constitute and sustain a particular set of interventionist expectations and policy in India by and among those involved in the governance of India.

A key thread of this thesis is the centrality of sati in discourses about India, shaped by evangelicalism and utilitarianism in the earlier part of the nineteenth century, which in turn informed an authoritarian position within the broad spectrum of liberalism on what constituted good government and why Indians were not yet fit for greater autonomy. In these discourses, sati is a negative defining feature of Indian culture and its abolition a positive defining feature of British rule. Liberalism does not in and of itself lead ineluctably to either support or condemnation of imperialism, indeed, but support for imperialism, to partly defend Uday Mehta’s argument, was the most coherent and logical outcome for

⁵⁴³ Catherine Hall, *Macaulay and Son: architects of imperial Britain* (London, 2012), p.201 and p258.

⁵⁴⁴ Hall, *Macaulay and Son* p. 210. The Introduction to this thesis examined the constitutive role of these texts in utilitarian and evangelical discourses on India.

⁵⁴⁵ Koditschek, *Liberalism, imperialism and the historical imagination*, p. 121

those dependent on these utilitarian and/ or evangelical discourses on India, consciously or not, as the right conceptual and functional framework for the encounter with empire.⁵⁴⁶

Debates in 1852-3 about who could claim responsibility for the suppression of sati were a site on which ideas about what liberalism meant in, or for, India, were in part worked out.

The debates on the future governance of India in 1852-3 would sharpen the divide between competing versions of liberalism and, indeed, between liberals and conservatives, like Maddock at the Committee hearing, who were less inclined to the imposition of social reforms. The legislative outcome of the debates would in turn sharpen the divide between the British government and Indians seeking greater participation in government and their allies. As Mehrotra bluntly puts it, [t]he authorities both in India and in England treated the agitation over the charter question with almost contemptuous indifference.”⁵⁴⁷ Ultimately, the East India Company, he says, was put on trial but escaped conviction.⁵⁴⁸ Though perhaps it is truer to say the Company was given a conditional discharge: its charter was renewed but it conferred reduced powers. The number of directors was reduced; John Bright satirically hypothesized in a striking ‘sati-esque’ metaphor that this might be achieved “by a process of self-immolation”.⁵⁴⁹ Six directors would be appointed by the Crown and the directors lost their right of patronage over Indian appointments. The system of patronage was replaced, as Macaulay wanted, with the new Indian Civil Service to which appointment would come to be made through open competition. The Governor-General’s Legislative Council was also doubled in size from six members to twelve.

There was no practical satisfaction for Indians in these changes. The new Government of India Act, as the British Indian Association reported a few months after it was passed, made no provision “for the appointment of a single native member on the Legislative Council”; and whilst the Association welcomed open competition for the civil service, it complained, quite correctly, that Indians were effectively excluded from it since the exams were held only in England. The organisation, aggrieved and “deeply sensible of the value of political

⁵⁴⁶ Mehta, *Liberalism and Imperialism*. See, for example, Mehta on James Mill on pp. 87-97 and, albeit briefly, on evangelical thought, p. 73f

⁵⁴⁷ Mehrotra, *The emergence of the Indian National Congress*, p 78

⁵⁴⁸ Mehrotra, *The emergence of the Indian National Congress*, p. 23

⁵⁴⁹ House of Commons sitting of 3rd June, 1853, *Hansard*, series 3, vol. 127

freedom”, committed to unceasing political efforts to overcome these barriers to Indian participation.⁵⁵⁰

Strikingly, there appear to be no references to sati and its abolition in discussion of Indian participation in government in the British press for thirty years after the parliamentary debates which concluded with the Government of India Act in 1853. The simplest explanation for this is that serious discussion of Indian participation had itself effectively disappeared. The provisions of the 1853 Act had closed off any immediate prospects for a more substantial role for Indians in government, as we have noted. By far the greater blow, however, was dealt by the Indian Rebellion. The final part of this chapter looks at the increasingly polarised role of references to sati in the press in defending robust rule of India, on the one hand, and, on the other, denying Indian fitness for self-government in the three decades following the Indian Rebellion.

(III)

Sati and the governance of India, 1857 -1890

Ronald Hyam states that ideas of Indians governing themselves was barely hinted at publicly for the fifty years following the Rebellion.⁵⁵¹ Whilst this overstates the period any taboo on debate endured, the shock of the rebellion undoubtedly caused an abrupt rupture in already tentative and limited British debate and legislative progress on the issue and a corollary assertive defence of British rule. Discourses on sati played their part in this.

In December 1857, *The Daily News*, for example, exemplified what would emerge as the dominant contemporary position on governing a post-rebellion India. Reflecting on India’s future, the radical newspaper baldly stated that “local self-government in India is out of the question”.⁵⁵² The incapacity of Indians for self-government had, the newspaper asserted, been clear before the British supremacy in India and had become, in the period of the anarchy of the mutiny, “equally apparent”. The newspaper contrasted Indian capacity for

⁵⁵⁰ *Second report of the British Indian Association*, 13 January, 1854, pp. 17-21, cited in Seal, *The emergence of Indian nationalism*, p. 200f

⁵⁵¹ Ronald Hyam, *Britain’s imperial century, 1815-1914: a study of empire and expansion*, 3rd ed. (Cambridge, 2002) p. 141

⁵⁵² *The Daily News*, Monday 14 December, 1857

self-rule with the benefit to India derived from British rule. It praised the work begun to “revolutionise the Indian mind” through, for example, the suppression of practices such as sati. Britain’s legacy, should the English “be driven from India to-morrow”, would be that “some English forms of thought would remain indelibly impressed on the Indian mind, and some forms of English administration indelibly established in Indian society.” It was, the newspaper argued, vital that the British continue its civilising rule in India.⁵⁵³

The Daily News’ comment was entirely consistent with robustly interventionist liberal ideas about the necessity and purpose of British rule in India, arguments grounded in early nineteenth-century negative evangelical and utilitarian constructions of India. As a constitutive feature of this discourse on India, sati was used conventionally by the newspaper to draw a familiar, crude distinction between Hindus and Britons, between the rite’s barbarous practitioners and civilised suppressors, to determine Indians were unfit for rule. It was no more than Ross Donnelly Mangles had done in the Select Committee hearings of the Government of India debates in 1852-3. The rebellion sharpened this sense of the divide between Britons and Indians, however, and entrenched it in public attitudes. Widow-burning Hindus was an old and unpleasant trope but it perfectly captured the shift in mood that the Rebellion engendered.

For Wolpert, the Rebellion “killed off” the earlier liberal idealism of Bentinck and Macaulay.⁵⁵⁴ Its end wasn’t quite that final, but the Rebellion was an early catalyst in what is generally called the ‘crisis of liberalism’ which eroded many, though not all, liberals’ beliefs about what ‘civilising’ reform could achieve among colonial peoples; the Rebellion was the “first check on the liberal march”, as Metcalf puts it.⁵⁵⁵ Events over the next decade and beyond, as Karuna Mantena shows, would compound disillusionment for many, such as the Morant Bay rebellion and its aftermath in Jamaica in 1865, whilst developing racial and evolutionary theories would provide a new ideologized set of interpretative tools which would add to the hardening of attitudes.⁵⁵⁶

⁵⁵³ *The Daily News*, Monday 14 December, 1857

⁵⁵⁴ Wolpert, *A new history of India*, p. 245.

⁵⁵⁵ Metcalf, *Ideologies*, p.43. More precisely, it was a check on a particular type of liberalism.

⁵⁵⁶ Karuna Mantena, ‘The crisis of liberal imperialism’ in D. Bell (ed.) *Victorian visions of global order: empire and international relations in nineteenth-century thought* (Cambridge, 2007), pp. 113 -135. For the development of liberal imperial ideology following the Indian Rebellion through an examination of the work of

Under these pressures, liberal idealism about empire increasingly ceded its ground to liberal authoritarianism, the liberalism of men like the influential James Fitzjames Stephen who had, significantly, both an evangelical upbringing and “claimed to stand in the most rigorous Utilitarian tradition”.⁵⁵⁷ Stephen served in India as law member on the Viceroy’s Legislative Council in 1869-72 under Lord Mayo. He favoured strong executive rule, opposed Indian self-determination and disliked the Indian educated elite.⁵⁵⁸ He found belief in the superiority of the British and British rule by force, not consent, unproblematic.⁵⁵⁹

Stephen strikingly drew on the utilitarian and discursive roots of much of his authoritarian position, using sati to justify intervention in religion, for example. Thus, in *Liberty, Equality, Fraternity*, his riposte to John Stuart Mill’s treatise on liberty, Stephen asserted that coercion, rather than liberty, in matters of religion was good when the religion was false. India, he stated, was ruled by the British explicitly on the principle that no native religion was true and so they treated religious practices like sati, which violated European ideas of public morality, as crimes.⁵⁶⁰ His point reads as an interesting, polemical conflation of ideas presented and contested in the debates around religious neutrality during the Indian Rebellion, examined in the previous chapter; there are echoes of both the critiques by evangelicals like Hugh M’Neile that the abolition of sati was evidence of justified interference in religion and the more moderate positions of men like Shaftesbury who justified interference by placing the practice outside the sphere of religion. The Rebellion had, though, shut down all question of further interference in religion and there would be no hint of British social reform until debates about enforced widowhood and child brides began to dominate discussion of India in the mid -to-late 1880s.⁵⁶¹

In this colder climate in the three decades immediately after the Rebellion, the abolition of sati was largely, though not exclusively, employed as a simple signifier of the benefits of

Henry Maine, see also Karuna Mantena, *Alibis of empire: Henry Maine and the ends of liberal imperialism* (Oxford, 2010)

⁵⁵⁷ Stokes, *English Utilitarians*, p. 27 and p. 291; pp. 274-283 for a comparative analysis of Stephen’s utilitarianism.

⁵⁵⁸ Stokes, *English Utilitarians* p. 283

⁵⁵⁹ Metcalf, *Ideologies*, p.56; R. J. Moore, *Liberalism and Indian politics, 1872-1922*, (London, 1966) p. 41

⁵⁶⁰ James Fitzjames Stephen, *Liberty, equality, fraternity* (New York, 1873 edition), p. 55f. John Stuart Mill was also opposed to Indian self-determination, of course. See, for example, *Considerations on representative Government* (London, 1861)

⁵⁶¹ These debates are examined in the following chapter of this thesis.

British rule in commentary on India justifying it. An editorial in *The Times* in 1868 is typical of the tone and content set in this post-Company and post-Rebellion period. It speaks of a “chasm” dividing the British and Indian races to comment on the scale of what the British are attempting to achieve in India, a role it sees as an “obligation”.⁵⁶² Among its assertions, the newspaper states that of all India’s rulers, “[w]e are... the wisest, the least exacting, and the most humane and tolerant”, though unwanted; the abolition of sati is evidence that it “is in social reforms that we have most reason to be proud of our Indian administration”. Progress is slow but forward, the newspaper says. In a particularly bold metaphor, repeated in a precis of the article in *Pall Mall Gazette*, *The Times* states: “We are dropping a corrosive acid into a vast incrustation of Oriental superstition and prejudice, and it begins to split and crumble under its influence.”⁵⁶³ The use of the present tense is interesting. Many of the social reforms it cites were by this time historic, including the abolition of sati, of course. What we see here is more evidence of the role of sati in constituting, in sustaining, an argument for present British rule in an era of scaled-back intervention, as much as a role in a narrative of a glorious past.

Even where commentators had reservations about British rule, the abolition of sati was a source of reassurance. An editorial in *The Bradford Observer* on the occasion of the debates on the Indian Budget in parliament in 1869 reflected: “The history of our Indian Empire is a romance of valour and craft and greed; it is our glory and our shame; and no man yet knows... whether its closing chapters will most redound to our credit... or conduce to our moral and material decline and fall.”⁵⁶⁴ But the newspaper was reassured by the material and moral advances under British rule. Reforms such as the abolition of sati “have shaken the fabric of Indian society and religion” but they had laid the foundations that would bring the British respect and, if Indians were treated as fellow-citizens, “there is no reason why respect should not grow into loyalty and attachment.”⁵⁶⁵ In the late 1870s, *The Isle of Wight Observer*, took issue with those liberals who “say out plainly that they will rejoice when the last British soldier leaves Indian soil”, a venture it claims would thwart public opinion when it knows “very well the country is resolved not to let go its hold on India.” It asserts,

⁵⁶² *The Times*, Friday, 27 July, 1866, p.9

⁵⁶³ *The Times*, Friday, 27 July, 1866, p.9; *The Pall Mall Gazette*, Friday, 27 July, 1866

⁵⁶⁴ *The Bradford Observer*, Thursday 5 August, 1869, p. 5

⁵⁶⁵ *The Bradford Observer*, Thursday 5 August, 1869, p. 5

“We do not say that our Government in India has been an unmixed good...but we firmly believe that it has done more good than it has harm. We found horrid practices prevailing, which chill the blood even to hear related. We have suppressed them. Is it not something to have put down the horrid practice of suttee...”⁵⁶⁶

From the 1880s discourses on sati re-emerged in the context of new organised movements for greater Indian participation in government. Indian nationalism was a growing political force and the Indian National Congress was formed in 1885. In this context, we see some discursive shifts away from the focus on the abolition to defend and justify British rule to the use of the practice of sati to attack the idea of Hindu rule. Two strikingly hostile examples in the mid-1880s, though exceptional, are worth noting and comparing.

In December 1884, *The Huddersfield Daily Chronicle* told the tale of a poor Brahmin whose ears had been cut off by the family of a rich Brahmin girl he had courted against their wishes. The newspaper cites the source of the story as an “educated native” who had also commented that this particular practice “was greatly in vogue” in India before British rule. The newspaper facetiously noted his “handsome but tardy acknowledgement” of the benefits of British rule. It concluded that, as well as amputation being ‘in vogue’, “...so were *suttee* and Thuggee, and the burying of children alive, and the crushing of miserable fanatics under Juggernaut’s car. We have abolished those and many other Indian institutions of a kindred nature, and the educated native shows his appreciation by wishing us to abolish ourselves.”⁵⁶⁷

A similar structure, tone and theme can be seen in an editorial in *The Times*. It detailed “two recent revolting incidents” reported in a British newspaper in Bombay which it argued conclusively proved “the imperious necessity for social reform and enlightenment before it would be possible to concede electoral privileges.”⁵⁶⁸ In the first case it described the public, quasi-ceremonial gouging out of a young woman’s eyes by her husband because a demon had told him they would be replaced with gold, a superstition it said was shared by the whole village and the police who claimed the woman had died of natural causes. In the second incident, the newspaper lengthily, luridly described the ‘Bacchanalian’ horror of the

⁵⁶⁶ *The Isle of Wight Observer*, Saturday 7 December, 1878, p.5

⁵⁶⁷ *The Huddersfield Daily Chronicle*, Wednesday 3 December, 1884, p.4

⁵⁶⁸ *The Times*, Monday 28 May, 1888, p.5

dismemberment of buffaloes and goats, some still living, in a temple festival, to the accompaniment of hundreds of men and women, some naked, some apparently drugged, shrieking and dancing in the blood, biting and waving severed animal parts. *The Times* then shared the opinion of the Bombay newspaper: “A century of British rule has... all but exterminated suttee, infanticide, the brutal rites of superstition, and other unspeakable horrors” but the two incidents showed a “herculean task is still before us”. The vast majority of the population is “steeped in barbaric ignorance and superstition. Yet we hear the baboos of Bengal, who constitute... an infinitesimal fraction of the population, prating of India as a nation, and demanding self-government for the country and electoral privileges for the masses.” It asked if the men who stood by while these horrors occurred were “the men to exercise a vote, or take any part whatsoever in guiding the destinies of the Empire?”⁵⁶⁹

In both these comment pieces, a graphically gruesome story prefaced, and was used to discredit, Indian demands for self-determination. As was outlined in the introduction to this thesis, these types of gory account, including descriptions of sati, were the staple of the evangelical literature in the early nineteenth century which was foundational in authoritarian liberal discourses on India. These kinds of account diminished over time, largely replaced, as we have frequently seen, by justificatory narratives of British legislative successes in morally and socially improving India; in fact, both these articles also did precisely that and both pointed to the abolition of sati. The vitriolic re-emergence of this earlier sensationalism in these articles in the 1880s, as Indian nationalism was emerging as a coherent force, is an indicator of the predominance authoritarian and racialised attitudes to India had achieved in this period. It is also perhaps an indication of the fear that Indians might achieve their goals: the pieces in *The Huddersfield Chronicle* and *The Times* also shared a clear contempt for the educated Indians who drove early nationalism, alongside whom the protagonists in the horror stories are purposely aligned. Indeed, Hyam notably suggests that ‘revulsion’ is scarcely too strong a word to describe attitudes towards non-European educated classes in the latter period of the nineteenth century.⁵⁷⁰

⁵⁶⁹ *The Times*, Monday 28 May, 1888, p.5

⁵⁷⁰ Hyam, *Britain's imperial century*, p. 164. See also Sinha, *Colonial Masculinity*, as referenced earlier in this chapter.

The notably histrionic sensationalism of these two articles was nonetheless largely unusual by this time. By contrast, we can see more typical invocations of sati in relation to Indian self-determination in two further sati references in 1890. *The Times* returned to its theme of sati and Indian self-determination again in January that year, publishing a report from its Indian correspondent following the conclusion of the Indian National Congress party conference the previous month. The newspaper was considerably more temperate than it had been in publishing the temple sacrifice story two years earlier, and it acknowledged the need for reform, but its opposition to self-determination, and the role of the abolition of sati in supporting this opposition, remained unchanged. "The government of India", the correspondent stated, "is a sacred trust in the Hands of England. If we are doing good to the people it is our duty to stay; if we are doing bad we ought to leave." The correspondent then proceeded to "apply this test" with a lengthy list of material and moral benefits derived from British rule which naturally included putting an end to sati. The work was still in progress, he asserted: "...the fruit of civilization is within reach; if the steady progress is not arrested and all England's work undone by...[those]...who claim for the people a power they are not yet fit to wield."⁵⁷¹

A more overt sati-based disavowal of Indian self-determination was published a month later in *The Hampshire Advertiser's* report on a paper presented by General E. A. Foord to an apparently poorly attended meeting at the Butlock's [*sic*] Heath Conservative Club. Foord began with what had become a standard argument in this period (as indeed *The Times* had), and which we saw Mangles deploy in the 1852 – 3 debates, that the heterogeneity of Indian people, culture and language meant that there was no single Indian nation. Like *The Times'* correspondent, Foord also cited a list of the benefits secured by British rule, including the ending of the burning of widows with the dead bodies of their husbands. In another interesting example of the fascination that sati still exercised over the public imagination, even in the 1890s, the report noted that Foord had shared examples of cases of sati with the audience. And in another example of the ubiquity and influence of histories of India by those involved in its rule, Foord concluded his paper with a passage from an (un-named) recent book by an officer who had spent forty years in India: "...I do believe that if the Indians were left to themselves all the old objectionable habits and superstitions would

⁵⁷¹ *The Times*, Wednesday 22 January, 1890, p.13

again rear their heads; that suttee and thuggee... would again become favoured institutions of the land".⁵⁷²

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This chapter has examined the role of sati and its abolition in discourses in books, press and parliament on the rule of India across time. It has shown how sati and its abolition were not simply static tropes in a narrative justifying benevolent British rule but were constitutive of a particular set of liberal ideas about how India should be ruled and by whom, and used as benchmarks of the efficacy of this rule, setting expectations for it. Part one of this chapter looked at how this justificatory discourse was constructed and sustained through references to sati in histories, biographies and memoirs of India, and how it was disseminated and culturally embedded through reviews, excerpts in the press and citation in the legislature. Part two of this chapter turned to the discursive role of sati in these justificatory discourses in the debates about the future governance of India in 1852-3. It demonstrated how the abolition of sati was a benchmark for measuring the effectiveness of the East India Company and for the fitness of Indians for higher office. The final part of the chapter surveyed the use of sati and its abolition in the justification of empire in the three decades after the Indian Rebellion in press commentary on rule of India; the abolition was a consistent symbol in defence of British rule in this changed and charged period, and we noted too some resurgence of early nineteenth century evangelical tropes of widow-burning Hindus in the 1880s as organised Indian nationalism emerged. We have seen across this chapter the association of sati and its abolition with the development, articulation and defence of explicitly authoritarian discourses about what liberalism meant in and for India from the 1840s to the decades after the Indian Rebellion. In these discourses India was largely imagined in the late nineteenth century much as it had been in the early nineteenth century by an earlier generation of utilitarians and evangelicals, a land of widow burning in need of the firm intervention of British rule.

⁵⁷² *The Hampshire Advertiser*, Saturday 8 February, 1890, p. 3

5: Sati, enforced widowhood and child marriage, c.1850s – 1880s

This chapter is concerned with discourses on sati in debates about enforced widowhood and child marriage in the 1850s and 1880s. In 1856, Dalhousie had introduced legislation to allow Hindu widows to remarry. The controversial legislation, much anguished over during the Indian Rebellion as we saw in Chapter 3 of this thesis, had not materially changed the condition or number of widows, however, and the Indian Rebellion had largely closed down any willingness by the British to intervene further in religious and social practices. In the 1880s, however, the public found a new campaign fervour for the plight of the living Hindu widow, and increasingly as the decade progressed, the plight of the child bride.

This chapter examines both continuity and change across time in the deployment of sati and its abolition in these debates. It will show clear continuities in the use of the abolition to determine the role of the state in setting the limits of toleration. It will show, too, however, change in the rhetoric of sati. Increasingly as the 1880s progressed, the figure of the sati was superseded in much public rhetoric about a benighted India by the now more pitiable figure of the living widow and child bride. Increasingly, the life of the Hindu widow and child bride are depicted as worse than the fate of the sati; death as better than life. This chapter will examine these discursive shifts and locate them in a number of interwoven ideological and contextual causes, a number of which are bound up with reasons for the renewed British interest in enforced widowhood and child marriage in the 1880s. Some reasons for this renewed interest have been identified by historians, in particular locating it in British attempts to undermine Indian nationalism, as we shall see.⁵⁷³ This chapter will concur with this finding in so far as it goes but argues it largely misses the role of concurrent anxieties in Britain about sexual morality, exemplified most dramatically by the moral panic caused by ‘The Maiden Tribute’ scandal in 1885 but augmented by the cases in India of the child brides Rukhmabai and Phulmoni Dasi which led to agitation to raise the age of consent in India.

In examining this context, this chapter adds to existing historiography of it but with key new perspectives. It is useful to foreground at this point some particularly important scholars and works. For example, Judith Walkowitz’s classic *City of Dreadful Delight* examines the

⁵⁷³ Eg. Antoinette Burton, discussed below.

development of narratives of sexual danger in the 1880s, in which she assigns a pivotal role to W. T. Stead and 'The Maiden Tribute' scandal, against a backdrop of shifting gender relations as women increasingly participated in the public sphere, campaigning on issues of sexual relations and morality.⁵⁷⁴ Her work is focused on London, the capital of the empire, but, despite extensive use of newspaper archives, she does not address the wide reporting of the cases of Rukhmabai and Phulmoni Dasi which were certainly constituents of narratives of sexual danger as we shall see.⁵⁷⁵ Conversely, British reporting of the case of the child bride Rukhmabai is examined by Antoinette Burton but while she makes links to concerns in this period with domestic respectability she overlooks 'The Maiden Tribute'; Burton sees British interest in Rukhmabai as driven primarily by imperial interests in undermining emergent Indian nationalism.⁵⁷⁶

A number of scholars have examined the cases of Rukhmabai and Phulmoni Dasi in the context of work on colonial law. Nandini Chatterjee, for example, has written extensively on colonial law, particularly in relation to the family and religion.⁵⁷⁷ Padma Anagol-McGinn, Meera Kosambi, Sudhir Chandra and Kanika Sharma, for example, have all located Rukhmabai's case in the context of the collision of colonial and Hindu law and debates about the status and rights of women.⁵⁷⁸ Ishita Pande addresses the case of Phulmoni Dasi in a wider analysis of the role age played as a category in legislation controlling intimate life

⁵⁷⁴ Judith R. Walkowitz, *City of dreadful delight: narratives of sexual danger in late-Victorian London* (London, 1992)

⁵⁷⁵ On coverage of the case of Rukhmabai in *The Times*, for example, see Antoinette Burton, Rukhmabai: from child bride to 'Hindoo lady': the debate on sexual respectability in imperial Britain', *American Historical Review*, Vol. 103, No. 4 (Oct., 1998), pp. 1119 -1146

⁵⁷⁶ Burton says only the scandal would have been 'fresh in people's minds'. 'Rukhmabai', p.1224

⁵⁷⁷ (Though she has not examined these two particular cases.) For example, see Chatterjee on colonial marriage law in India and its relation to English marriage law in 'English law, Brahmo marriage, and the problem of religious difference: Civil marriage laws in Britain and India', *Comparative Studies in Society and History*, volume 52, no. 3, (2010), pp. 524-552. Here she examines civil marriage legislation in India in the 1850s- 1870s including the role of the legal challenges launched by Keshub Chandra Sen to the government in India to secure legal recognition for the marriage practices of Brahmos which led to the Special Marriages Act in 1872. She further examines marriage law in the context of the history of Christian personal law in India in 'Religious Change, Social Conflict and Legal Competition: The Emergence of Christian Personal Law in Colonial India', *Modern Asian Studies*, vol. 44, no. 6 (2010), pp. 1147- 95.

⁵⁷⁸ Meera Kosambi, 'Girl brides and socio-legal change: Age of Consent Bill (1891) controversy', *Economic and Political Weekly*, vol. 26, no. 31/32, (August, 1991), p. 1858. See also Sudhir Chandra, *Enslaved daughters: colonialism, law and women's rights*, 2nd ed. (Oxford, 2008) and Kanika Sharma 'Withholding consent to conjugal relations within child marriages in colonial India: Rukhmabai's fight', *Law and History Review*, vol. 38, no. 1 (2020), pp. 151 -175. More reference to these and relevant works by other scholars is made later in this chapter.

in colonial India in *Sex, Law and the Politics of Age*.⁵⁷⁹ These works provide valuable perspectives on these cases but their principal focus is the nature, purpose and impact of colonial law. They thus lack the additional insights that can be brought to analysis of British interest in Rukhmabai and Phulmoni Dasi and, by extension, in new legislation on marriage and the age of consent, by a consideration of domestic social thought and politics in this period such as Walkowitz's.

This chapter, then, adds a new perspective on the historiography of enforced widowhood and child marriage by bringing together these sets of domestic and colonial scholarship. More importantly it does so in a fresh context and to a different end: the principal focus of this chapter is not these issues in themselves but the light they throw on the presence and evolution of discourses on sati and its abolition in debates about them.

The first part of this chapter is focused on the discursive use of sati and its abolition in the less-examined debates in 1856 about the plight of widows. The context for these debates was Dalhousie's legislation that summer which gave legal recognition to widow remarriage and sought to remove some of the civil disabilities widows endured. This part of the chapter will demonstrate how sati and its abolition functioned in these debates as moral and legislative benchmarks, points of alignment, on the issue of enforced widowhood to argue in support of government intervention.

(I)

The abolition of sati and widow remarriage in 1856

Enforced widowhood was not a new concern in the 1850s any more than it was in the 1880s. The issue of the deprivations faced by Hindu widows was first thrown into relief by the abolition of sati in 1829. Indeed, the abolition was itself partly justified, significantly, by

⁵⁷⁹ Pande, *Sex, Law and the politics of age: child marriage in India, 1891 -1937* (Cambridge, 2020). See also Pande's analytical overview of five papers on the age of consent in the empire collated in *Law and History Review*, vol. 38, no. 1: 'Vernacularizing justice: Age of Consent and the Legal History of the British Empire', *Law & History Review*, vol. 38, no. 1 (2020), 267-279. This volume also includes Sharma's essay on Rukhmabai cited in the previous footnote.

arguments that Hindu scriptures prescribed an alternative to death for the widow in a life of ascetism. The issue was, as Nemaï Sadhan Bose neatly has it, “a logical consequence” of the abolition.⁵⁸⁰ As a result, the problem of the treatment of widows gained some traction among missionaries and Indian reformers in the 1830s and legislation to allow widows to remarry was considered (but rejected) by the Indian Law Commission in 1837.⁵⁸¹

There were very few mentions of the condition of widows in the British press in the 1830s, though; a brief passage in *The Times* reproduced from the English-owned *Bombay Gazette* perhaps indicates the line that had been drawn in the matter in an implicit comparison with sati: “We are glad to see that the Hindoos are stirring themselves to obtain permission for their widows to re-marry. It is a question of their law, and one which consequently cannot be interfered with by our Government, unless they can show that the present prohibition is not an essential part of the Hindoo system.”⁵⁸² The *Bombay Gazette* briefly and impassively claimed that girls were “often” married at the age of two so that ordinary life chances made their widowhood ten times more likely. The newspaper described this “sacrifice to prejudice” strikingly sparsely as “absurd”, sparse at least in comparison to the earlier sensationalist commentary on sati and, indeed, in comparison to later commentary on child widows, as we shall see.⁵⁸³

The British were more alive to the plight of Hindu widows in the mid-1850s. As had occurred with sati in the 1820s, the persistent pressure of missionaries and Indian reformers converged with the reforming zeal of a liberal Governor-General. There were many similarities between the campaigns, both intellectually and methodologically; and the abolition of sati functioned discursively in the new campaigns as a moral and legislative benchmark of successful social intervention against which the intervention in compulsory widowhood was measured.

⁵⁸⁰ Nemaï Sadhan Bose, *The Indian awakening and Bengal*, 2nd ed. (Calcutta, 1969), p. 179. The idea that the problem of living widows was partly caused by, or at least exacerbated by, the abolition of sati is an important one to which we will return when we look at how the discursive use of sati evolved in these debates in the period 1887-1891.

⁵⁸¹ On this, see Brian A. Hatcher ‘Introduction’ in Brian A. Hatcher (ed.) *Hindu widow remarriage: Ishvarchandra Vidyasagar: a complete translation, with an introduction and critical notes, by Brian A. Hatcher* (New York, 2012), p. 18

⁵⁸² *The Times*, Monday 16 July, 1838, p. 4

⁵⁸³ *The Times*, Monday 16 July, 1838, p. 4

There was authoritative Indian impetus for reform. Ram Mohan Roy had battled Hindu conservatives in Bengal and disproved the scriptural basis of sati a generation earlier, and thus enabled Bentinck to abolish the practice and still claim the government had not reneged on its policy of non-interference in religion. In the 1850s, Ishvarchandra Vidyasagar led a similar, and equally prominent, tactical campaign in Bengal. The former Sanskrit scholar at Fort William College, the government's Indian language training centre in Kolkata, published detailed exegesis of sacred texts to argue that widow remarriage was not forbidden, triggering "a veritable explosion of print-based polemics" between Hindu reformers and conservatives.⁵⁸⁴ In one of two texts he published on the issue in 1856, and speaking of the predicament of child widows produced by the practice of early marriage in particular, Vidyasagar appealed to the British, citing the abolition of sati as a precedent:

"Where is help to come from? I reply the British Government. True, it has undertaken not to interfere with religious beliefs of the natives in India. But child marriage is not sanctioned by the ancient Hindoo religion. It is mere custom. With custom the Government has more than once to its credit interfered in case of infanticide, homicide and suttee. [*sic*]"⁵⁸⁵

The denial that the practice of enforced widowhood was a religious practice and its consequent locating within the legislative remit of the British government was precisely what Hindu conservatives contested, of course, and repositioning of this sort had been their dispute with the earlier British intervention in sati. We saw this in Chapter 2 of this thesis in the examination of the appeal against the abolition of sati to the Privy Council; Radhakanta Deb and the Dharma Sabha were again active now, joining those in opposition to the widow remarriage proposals. The abolition of sati was claimed by conservatives as well as reformers in support of their case against interference in widow remarriage. They revisited the arguments against the abolition of sati to now protest at intervention in enforced widowhood.⁵⁸⁶ At a meeting reportedly attended by thousands in Kolkata, the *York Herald* and other newspapers relayed how, "...one party exclaimed that the English, or 'White

⁵⁸⁴ Hatcher, 'Introduction', p. 25

⁵⁸⁵ Ishvarchandra Vidyasagar, *Marriage of Hindu Widows*, 2nd edition, (Calcutta, 1864), p. 21

⁵⁸⁶ On the strength of conservative opposition in India to Vidyasagar, see Sekhar Bandopadhyay, 'Caste, widow- remarriage and the reform of popular culture in colonial Bengal' in Sumit Sarkar and Tanika Sarkar (eds.), *Women and social reform in modern India: a reader* (Bloomington, Indiana, 2008), pp. 100 - 117

Vandals', as he termed them, had broken their agreement to respect the religious practices of the country... in abolishing the Suttee rite...; and now, he said, they propose to consummate another infraction, by legalizing the marriage of widows."⁵⁸⁷

Both reformers and conservatives made extensive use of memorials and petitions to make their case to the government, much as they had in the campaigns over sati. As the act enabling widows to remarry made its way through the legislature in Kolkata in the summer of 1856, the press in Britain reported that 55,000 had petitioned for the legislation and 58,000 against.⁵⁸⁸ The same press reports looked with notable complacency at these finely-balanced numbers; the *Manchester Times* went so far as to declare, "[w]hen the bitter prejudices of the old Hindoos against any innovation... are remembered, these numbers are equivalent to a declaration of opinion in favour of the bill."⁵⁸⁹ This striking conclusion was largely reflective of a particular liberal, imperial confidence in the 'second age of reform' underway in India under Dalhousie's Governor-Generalship⁵⁹⁰; its last gasp, in fact, before Dalhousie's extensive political and social interventions became subject to critical and fraught reappraisal when the Rebellion broke out the following year, as we saw in Chapter 3 of this thesis. In these final months before the storm broke, however, much of the press was bullish in support of intervention, the abolition of sati functioning to mark the limits of toleration and endorse action by the state.

As so often occurred across time, the use of sati in these discourses about intervention in enforced widowhood included the establishment of a strategic equivalence between the two issues, the abolition of sati used as a benchmark to test that legislative proscription of enforced widowhood was not a threat to Britain's hold on India. *The Times* in January, 1856, confidently asserted that opposition to the reform in India was "trifling when compared with the opposition to the abolition of suttee. British supremacy survived that measure, and will survive this."⁵⁹¹ A few months later, when the legislation had been enacted, the triumphalism which would so soon be shattered by the Rebellion, was clearer still. An editorial in *The Times* acclaimed the advance of social reforms in India which were "rather in

⁵⁸⁷ *The York Herald*, Saturday 19 January, 1856, p.3

⁵⁸⁸ Eg. *Manchester Times*, Saturday 16 August, 1856

⁵⁸⁹ *Manchester Times*, Saturday 16 August, 1856

⁵⁹⁰ Thomas Metcalf's term: *Ideologies of the Raj*, p. 42

⁵⁹¹ *The Times*, Monday 14 January, 1856, p. 10

the teeth of some maxims and prophecies of old Leadenhall-street authority.” It mocked the East India Company authorities in London for warning it would be all up with the empire the moment religious customs were interfered with and lamented that however “cruel, base and hideous... no popular superstition was to be touched.”⁵⁹² The authorities had “looked away from the Suttee pile” yet the population, the newspaper asserted (and wholly contradicting its argument eight months earlier), “bore very quietly the prohibition of the Suttee system.” The caution and tolerance exercised in India by the home authorities had shown more fanaticism than that of Hindus for their religion, railed the newspaper. There was, though, a movement for reform among Hindus, *The Times* counselled, in which could be found a “lesson against the excessive religious timidity of our Indian policy.”⁵⁹³

Liberal tropes rooted in forms of utilitarianism and evangelicalism which underpinned interventionist ideas about India were common in many of these reports, deployed to justify action. *The York Herald* anticipated that “[e]very admirer of true and rational liberty” would be gratified at the proposed intervention.⁵⁹⁴ *The Royal Cornwall Gazette* saw it as endowing widows with full civil rights and freedom of action under the protection of the law.⁵⁹⁵ For *The Leeds Mercury*, it would “materially promote the moral elevation of the Hindoos”⁵⁹⁶; for *The Times*, the prohibition on the remarriage of widows was “disgraceful to a civilized Government”.⁵⁹⁷

Press reports in Britain particularly pressed the moral case for action in depictions of vulnerable women in need of protection which had underpinned the earlier campaign against sati and, more widely, contributed to narratives of, and set expectations for, British rule. Reports carried pitiful descriptions of widows forced to live as outcasts even within their families, barely fed, stripped of good clothing and ornament, their heads kept shaved, forbidden ever to remarry. Particular focus was often placed on the very young in these reports; girls married as children, often polygamously, to high-caste, much older men whom

⁵⁹² *The Times*, Monday 18 August, 1856, p. 6

⁵⁹³ *The Times*, Monday 18 August, 1856, p. 6

⁵⁹⁴ *The York Herald*, Saturday 19 January, 1856

⁵⁹⁵ *The Royal Cornwall Gazette*, Friday 18 January, 1856

⁵⁹⁶ *The Leeds Mercury*, Thursday 17 January, 1856

⁵⁹⁷ *The Times*, Monday 14 January, 1856, p. 10

they may never have met.⁵⁹⁸ A moral alignment with sati to support the case for intervention was often explicitly drawn. The plight of widows, wrote *The Royal Cornwall Gazette*, was “a demoralizing and cruel wickedness... which may well be classed with the abominations already abolished, Suttees, and child murder...”; later in the same piece, it repeated that a widow remained “for life in a state of degradation and suffering. This is of the same character, and rests on the same principles, as the Suttee”.⁵⁹⁹

Newspapers with a predominantly nonconformist constituency, wholly supportive of the intervention, were nonetheless careful, as well they might be, to emphasise that the legislation was not an interference in religious freedom; rather, it was framed as a civil reform. *The Leeds Mercury*, for example, certainly descriptively addressed the social degradation of widows but focused rather more on their civil disabilities, in particular the illegitimacy of any children they may bear in their widowhood and the exclusion of those children from inheritance rights. The newspaper took issue with the “more bigoted Hindoos, particularly in Bengal”, who presented the proposed legislation as a religious persecution like the abolition of sati. This was not so even nominally, the editorial argued; the bill did not forbid any religious observance, it only protected those disobeying the “stupid and barbarous superstition” of enforced widowhood from suffering civil disabilities in consequence of their exclusion from society. The government could not interfere with the poor social treatment of widows, it asserted, but questions such as the legitimacy of children born to widows and inheritance required its interposition.⁶⁰⁰

Reformers had found a sympathetic ear in the Governor-General, Dalhousie, who had, as we saw in Chapter 3 of this thesis dealing with the Indian Rebellion, undertaken a programme of wide-ranging, often controversial social and material reforms in India. Enforced widowhood was, for one of Dalhousie’s late nineteenth-century biographers employing the tropes of the narrative conventions of the genre examined in Chapter 4, “another of those time-hallowed usages which offended alike his sense of justice and his humanity” and against which he “waged war” in the last years of his rule.⁶⁰¹ Dalhousie oversaw the drafting

⁵⁹⁸ See, for example, *The Liverpool Mercury*, Wednesday 16 January, 1856; *The York Herald*, Saturday 19 August, 1856, p3;

⁵⁹⁹ *The Royal Cornwall Gazette*, Friday 18 January, 1856

⁶⁰⁰ *The Leeds Mercury*, Thursday 17 January, 1856

⁶⁰¹ Lionel Trotter, *Life of the Marquis of Dalhousie* (London, 1889) p. 135f

of the legislation in January, 1856 and the act passed into law under his successor, Lord Canning, in July. Bentinck, whose association with the abolition of sati made him the benchmark against which his successors were measured, as the previous chapter demonstrated, was again evoked. *The Standard* approvingly remarked:

“Lord William Bentinck closed his career in India by abolishing suttee, and Lord Canning inaugurates his rule by sanctioning the removal of all legal obstacles to the marriage of Hindoo widows. One Governor General thus saved the widow from being burnt on her deceased husband’s funeral pile, and after many years another Governor General saves her from eternal widowhood...”⁶⁰²

It was rhetorically neat but an overstatement of what the legislation achieved. It did not, for example, address all civil disabilities faced by widows.⁶⁰³ This was recognised, in fact, and simultaneously brutally trivialized in a widely reproduced news report. The authorities had, for example, agreed that a widow remarrying would give up any inheritance from her dead husband, “but this concession [to Hindu conservative views] matters little”, said the report. The legislation was intended, it said, for the child widow and adult widows would, in any case, not often remarry: “Hindoo women wither so rapidly that they will scarcely be sought for their money” and the control of husbands was so absolute that “wealthy widows will probably prefer independence”.⁶⁰⁴

The legislation also had little impact on the practice of remarriage. In October, 1856 the press widely reported the ‘first’ remarriage of a widow, a 15 year old. “The barrier has burst”, enthused the newspapers, and congratulated the new couple on “breaking the trammels of religious prejudice”⁶⁰⁵ Neither interpretation of the event was wholly accurate. Legislative change did not widely change social attitudes and the majority of widows continued to be stigmatized, their lives unchanged. There was a slow and intermittent drip rather than a flood of remarriages, as Ghulam Murshid finds: in fact, only five hundred

⁶⁰² *The Standard*, Monday 15 September, 1856

⁶⁰³ On the precise provisions of the legislation, its limitations, and impact, for example, on lower caste women who were less subject to restrictions on remarriage, see Lucy Carroll, ‘Law, custom and statutory social reform: the Hindu Widows’ Remarriage Act of 1856’ in Sumit Sarkar and Tanika Sarkar (eds), *Women and social reform in Modern India: a reader* (Bloomington, Indiana, 2008), pp. 78-99

⁶⁰⁴ Eg. *The Essex Standard*, Friday 22 August, 1856

⁶⁰⁵ Eg. *The Morning Post*, Tuesday 14 October, 1856

widows remarried between 1856 and 1911.⁶⁰⁶ It is useful to have some context for this figure. The 1881 census, for example, counted 7,500,000 widows in Bengal, equivalent to 21% of the female population, of whom 300,000 were less than 20 years old.⁶⁰⁷

The issue of widows largely slipped from public view in Britain following the Indian Rebellion. As we saw in Chapter 3, the social reforms of the government in India in the early 1850s, including the legislation on widow remarriage, were subject to critical reappraisal both during and after the Rebellion. The Rebellion dealt such a blow to liberals for whom such reforms were necessary constituents of Indian progress under British rule that for the next thirty years such interventions were largely seen as undesirable, both strategically and ideologically, as fear of further revolt and a view of Indians as essentially different from Europeans came to the fore. But from the mid-1880s until the early 1890s, when the Age of Consent Act was passed in India, the condition of widows, and the corollary concern with the marriage of children which produced so many widows, again excited public attention. This time, however, the attention was on a much larger scale for reasons we shall shortly examine.

(II)

The issue of widows had not substantially changed in the 1880s (though there was some shift in emphasis as we shall see); campaigners and news reports described brutal lives endured by tens of thousands of these women and children much as they had thirty years earlier. There was, though, some considerable escalation in rhetoric around the issue and sweeping generalisations were made about where and how child marriage and widowhood were practised and by whom. This was observed at the time; the journalist Mary Billington would comment in 1895 that “inaccurate sensationalism reaches its climax over the system

⁶⁰⁶ Gulam Murshid, *Reluctant Debutante: Response of Bengali women to modernisation 1849-1905* (Rajshahi, 1983), cited in Sramana Chatterji, ‘Role of the press in the representing the position of women in Bengali society, with a special reference to widow remarriage (1870-1892)’, *Proceedings of the Indian History Congress*, vol. 77 (2016), pp. 532 - 538

⁶⁰⁷ Henry Beverley, ‘Census of Bengal, 1881’, *Journal of the Statistical Society of London*, vol. 46, no. 4, (December, 1883), p. 687

of child marriage.”⁶⁰⁸ There were clear reasons for this in the social and political context of the debates, as we will see shortly. What changed in many (though not all) ways in the 1880s, though, was the role sati and its abolition were assigned in establishing the moral validity of the problem of widows and its resolution. The next sections will show how the discursive use of sati evolved in these later widow remarriage debates and offer an explanation for this in wider and interconnected ideological and contextual changes in this period in both Britain and India. Whilst interest in the issue of widows may be seen in a continuum from new interest in it from about 1884 until the passing of the Age of Consent Act in 1891, the analysis of references to sati suggest two broadly distinct periods within which, and between which, there were shifts in the discursive role of sati and its abolition in the widow debates: 1884-1886 and 1887-1891.⁶⁰⁹

In the first of these two periods, 1884 – 1886, we will see that there were clear continuities with the 1850s in how sati and its abolition were used in debates: attempts by both Britons and Indians on both sides of the debate to align or disassociate the issue of widows with the practice of sati in order to test both the limits of toleration and the role of the government in setting them. But we also see incipient change in the discursive positioning of the sati (the woman) as we move through the mid-decade, the beginnings of the sati’s displacement in British social and political discourses by the figure of the abused living widow and child bride, as Indian nationalism began to emerge as a political force. Whilst emerging nationalism contributed to some of the greater interest in the plight of widows, particularly in a bullish British press, we will also see how and why Indian nationalism simultaneously inhibited any immediate desire by the government to intervene in this period, a government already inclined to inaction as a legacy of the Indian Rebellion.

⁶⁰⁸ Cited in Andrea Major, ‘Mediating modernity: colonial state, Indian nationalism and the renegotiation of the “civilizing mission” in the Indian child marriage debate of 1927-1932’ in Carey A. Watt and Michael Mann (eds.) *Civilizing missions in colonial and postcolonial South Asia: from improvement to development* (London, 2011), p.169

⁶⁰⁹ The boundaries of, and between, these two periods is approximate, indicative and by no means rigid.

1884-1886

In India, the re-emergence of the issue of widows to public prominence in the 1880s was initially driven in large part, as it had been in large part in 1856, by the activity of Indian reformers. Among the most important of these was the “small, shabbily-dressed, quiet” Behramji Malabari, the Parsi poet, writer, and proprietor of the *Indian Spectator*, an English-language newspaper which he had used as a platform to campaign for social reform over many years.⁶¹⁰ The pivotal moment on the issue of widows came in August, 1884, however. Encouraged to collate Indian views on widowhood by the Viceroy, Lord Ripon, whom Malabari had approached for support, Malabari published and circulated two (very) short pamphlets collectively known as *Notes on Infant Marriage in India and Enforced Widowhood*. The *Notes* were widely published in Indian newspapers in most vernacular languages and copies distributed by the Supreme Government in September to local government administrations for their opinions and those of prominent Indians.⁶¹¹ Formal replies to the consultation exceeded two hundred and in the following years, a “voluminous” body of official opinions, data, Council debates and resolutions would follow.⁶¹² To this may be added innumerable newspaper articles and pamphlets both for and against change, the formation of new campaign associations on both sides of the debate, and appeals such as that made by the widows of Surat and the petition of the widows of Nansari [sic] to the ruler of the princely state of Baroda.⁶¹³ In these respects, the campaigns sparked up around Malabari played out procedurally much as the earlier widow campaigns in the 1850s had, following the example set by those about sati in the 1810s and 1820s.

There is also clear evidence of the continuities in the discursive use of sati and its abolition between the debates in the 1850s and the 1880s: attempts to align or disassociate the older cause with the newer as a just object of legislative intervention by the state, and which

⁶¹⁰ This physical description is, oddly diminishingly, at the beginning of his obituary in *The Times*, 13 July, 1912. See Graine Goodwin, ‘A trustworthy interpreter between ruler and ruled: Behramji Malabari, colonial and cultural interpreter in nineteenth-century British India’, *Social History*, vol. 38, No. 1 (2013), p.1

⁶¹¹ Dayaram Gidumal, *Behramji M. Malabari: a biographical sketch* (London, 1892), p. 211f

⁶¹² Charles Heimsath, ‘The origin and enactment of the Age of Consent Bill, 1891’, *The Journal of Asian Studies*, vol. 21, no. 4, (August, 1962), p. 492

⁶¹³ Heimsath, ‘Age of Consent Bill’, p. 495. NB: Heimsath writes ‘Nansari’ but this may be an error. Nansari was (is) a village in Gujarat. It was not part of the princely state of Baroda. The petition seems more likely to have come from the widows of Navsari.

could also be enacted without endangering Britain's imperial hold on India. This function is most evident in the period 1885-6 when coverage in the British press was first prompted by Malabari's campaigning in India and the responses this generated among Indians and from the government. An article in *The Times* in November, 1885, from its Bombay correspondent, for example, informed readers of the discussions over many months about child marriage and enforced widowhood in the pages of (Malabari's) *Indian Spectator*. The correspondent laid out the degradations endured by widows; "suttee itself was not much worse than her present lot", he summed up. He went on to use the same arguments which were deployed in the earlier sati debates to delegitimize the practices of enforced widowhood: they were not sanctioned by scripture, they persisted through conservative resistance to change and the advocacy of an interested priesthood.⁶¹⁴ In a lengthy editorial accompanying its correspondent's article, *The Times* asserted the "duty" of the British government to interfere in "immoral and atrocious customs" just as it had suppressed sati "in conformity with an obligation upon it which none but itself in India could have discharged." The newspaper went on: "Every Hindoo who reflects at all is grateful to British rule for having relieved his race of a stigma like suttee" and, similarly, infant marriage and enforced widowhood were, though less shocking, a "tremendous burden for Hindooism to carry."⁶¹⁵ This was all largely conventional.

However, despite claiming a moral equivalence between enforced widowhood and sati, and despite its confident assertions on the right (the duty, indeed) of Britain to intervene, *The Times* demurred from calling for a legislative intervention comparable to the abolition of sati to prohibit child marriage and enforced widowhood. Indeed, such demands are strikingly absent from most mid-1880s' commentary, both in Britain and India, in stark contrast to the debates in the 1850s and, of course, the sati debates of an earlier era. More emphasis was placed on longer term cultural shift through education or, in much British commentary, the gradual influence of western civilization.⁶¹⁶

Immediate compromises were also put forward, suggested legislative tinkering to address the social and legal impact of widowhood. Legislative compromise was the proposal of a

⁶¹⁴ *The Times*, Friday 13 November, 1885, p. 13

⁶¹⁵ *The Times*, Friday 13 November, 1885, p.9

⁶¹⁶ Eg. *Bristol Mercury* Monday 14 July, 1884; *The Times*, Tuesday 29 September, 1885 and Friday 10 October, 1886

much-cited essay at the time by the historian and compiler of the *Imperial Gazetteer of India*, William W. Hunter, in the *Asiatic Quarterly Review*, for example.⁶¹⁷ *The Times'* editorial suggested disincentivizing child marriages by removing a widow's right to a life interest in the property of the deceased husband.⁶¹⁸ In India, responses to the Government of India's consultation on Malabari's *Notes* included proposing the use of the existing penal code to tackle some of the abuses associated with widowhood; a letter from K. Bedakker proposed prosecuting those who shaved widows under section 350 which outlawed the use of force to knowingly cause injury, fear or annoyance, for example.⁶¹⁹

Significantly, K. Bedakker justified his opposition to new laws by disassociating enforced widowhood from sati and thus denying that the abolition of sati was a valid precedent: "The questions of sati and infanticide were dealt with as crimes and stood upon a quite different footing. No amount of eloquent appeal will clothe the question of widow marriage as such..."⁶²⁰ It was, he pointedly wrote, "one of those matters which an alien government professing quite a different religion cannot satisfactorily deal with."⁶²¹ In the same consultation, the local government administration of Bombay also advised against definitive legislation, suggesting it risked being perceived as a persecution which would tend to encourage "religious enthusiasm"; superstitious and unnatural social traditions could not be abolished by being directly attacked, they would perish when civilization had outgrown them, the Bombay government argued.⁶²² These were arguments which had been used to delay the abolition of sati in the 1820s, though the Bombay administration was keen to draw a categorical distinction between the cases: "There is no analogy between *sati* and infanticide and the customs in question. Murder and suicide are offences against the criminal law of India."⁶²³ Another respondent to the Government of India's consultation, Raghunath B. Talvarkar, the headmaster of a high school, also disassociated widow remarriage from sati in order to dissuade the government against interference: sati was an

⁶¹⁷ William W. Hunter, 'The Hindu child-widow', *Asiatic Quarterly Review*, (October, 1886)

⁶¹⁸ *The Times*, Friday 13 November, 1885, p. 13

⁶¹⁹ Letter to the Government of Bombay from K. Bedakker, December 15, 1884 in *Papers relating to Infant Marriage and Enforced Widowhood in India. Selections from the Records of the Government of India in the Home Department*, No. CCXXIII (Calcutta, 1886), p. 54

⁶²⁰ *Papers relating...etc.*, p. 54

⁶²¹ *Papers relating...etc.*, p. 54

⁶²² No. 2250, September 24, 1885, *Papers relating...etc.*, p.39

⁶²³ No. 2250, September 24, 1885, *Papers relating...etc.*, p.39

exception, not the rule; the question of widow remarriage “is emphatically a religious question” while sati, infanticide and the like, “if religious questions at all, have only the semblance, and not the substance of religion in them.”⁶²⁴

Arguments against interference which identified widow remarriage as a religious practice carried weight. The Rebellion, which an emerging British consensus in this period blamed on religiously conservative reaction to social reform, had made the British very reluctant to interfere in religion. And, indeed, the 1856 act allowing widows to remarry had been framed as just such an interference by many critics in debates about the causes of the revolt. The British had also (re)committed in the Queen’s Proclamation in the post-Rebellion settlement, as we saw in Chapter 3, to non-interference in religious freedom. There was pragmatism, too, in the principle, of course; fear of renewed revolt played its role in British adherence to this policy. Indians were alive to this fear and some were ready to excite it in the plainest terms: Tavalkar, the high school headmaster, explicitly predicts mutiny or Rebellion if the Government took away restrictions on widowhood, for example.⁶²⁵

A more immediate concern than potential armed opposition for the British in this period was the actual political opposition of the growing Indian nationalist movement; the Indian National Congress formed in 1885, for example, just as interest in widowhood was escalating.⁶²⁶ Indeed, there is clear evidence that some of the escalating British interest in widows was a cynical response to nascent Indian nationalism. Sections of the press were quick to bind the issues of child marriage and enforced widowhood to the political issue of greater autonomy. *The Times*, which argued legislative decree would not be an effective route to suppression of the practices, presented the furore over widows as an opportunity to gain an advantage over the nationalist movement. India, it said, had lost control of its political destiny due to the “defects” of Indian society; political concessions should not be granted without reform from within Indian society itself:

⁶²⁴ Raghunath B. Talvalkar, Headmaster of High School, Amraoti, letter dated March 3, 1885, *Papers relating...etc.* p. 292

⁶²⁵ *Papers relating...etc.* p. 296

⁶²⁶ On the roots of the Indian National Congress in earlier regional political groups and religious and social movements, see, eg. Anil Seal, *The emergence of Indian nationalism* (Cambridge, 1971), Partha Chatterjee, *The Nation and its fragments: colonial and postcolonial histories* (Princeton, 1993)

“Several cultivated and able native gentlemen are now on a visit to England in order to instruct the constituencies during the pending electoral campaign on the errors of Anglo-Indian rule, and the demand of India for larger political liberties. English electors are entitled to interrogate them in return on the extent of domestic native ills, such as infant marriage and compulsory widowhood, and to inquire how and when they mean to reform them.”⁶²⁷

Major points out that the image of the wretched child bride in this period “gained a status similar to that of sati as an indicator of Indian ‘backwardness’”, though, as this chapter will indicate, the child widow, and then the child bride, surpassed sati in this function by the end of the 1880s.⁶²⁸ There was political purpose to this picture of ‘backwardness’ in the mid-1880s, just as there was with references to sati in discourses on Indian nationalism; we saw in the previous chapter of this thesis how sati was used rhetorically to attempt to undermine Indian nationalism, depicting Indians as men who burned women and were correspondingly unfit for self-determination. The living widow, particularly the child, now served this function, to some degree displacing the sati.⁶²⁹

Widows (like satis) had rhetorical value in attacks on Indian nationalists. But enforced widowhood had a further advantage for opponents of Indian nationalism: it was the site, once occupied by sati, of division between Hindus. Charles Heimsath argues that the British reluctance to interfere in the issue can be partly explained by their awareness that any resolution of the widow question risked freeing up Indians to focus more on their political demands.⁶³⁰ The issue of widows was, in fact, so deeply divisive among Indians seeking greater political autonomy that the founders of Congress made the decision soon after the publication of Malabari’s *Notes* to exclude matters of social reform from its proceedings in order to facilitate cooperation between reformers and anti-reformers on political

⁶²⁷ *The Times*, Friday 13 November, 1885, p.9

⁶²⁸ Major, ‘Mediating modernity’, p.169

⁶²⁹ The premise of Antionette Burton’s article on the legal case of the child bride Rukhmabai is, for example, precisely that Rukhmabai was ‘made public’ by the British press as the Indian National Congress emerged to show Indians were unfit for self-government and that British imperial rule was still necessary (though Burton does not refer to or compare this to similar uses of sati). ‘From Child Bride to ‘Hindoo Lady’: Rukhmabai and the debate on sexual respectability in imperial Britain.’ *The American Historical Review*, vol. 103, no. 4, (1998), p. 1122. The case of Rukhmabai is raised later in this chapter.

⁶³⁰ Heimsath, ‘Age of Consent Bill’ p. 496

matters.⁶³¹ As we have already noted, Malabari's *Notes* unleashed a torrent of debate in India. Part of the controversy was, as it had been with sati, on the religious authenticity of child marriage and compulsory widowhood. But the dispute was also increasingly politicised, reaching its peak in the Age of Consent debates in 1891, as conservative Hindu revivalists like Bal Gangadhar Tilak clashed with a westernized liberal urban Hindu elite over India's religious and political identity.⁶³² Part of this dispute turned on the rights and role of the British government in effecting change. Hindu conservatives denied, as they had since the sati debates, the right of the government to interfere in what they conceived as religious practice. Increasingly this denial was also framed politically as a patriotic response to the humiliation to the *nation* from intervention by a foreign administration.⁶³³

The abolition of sati played its part in these internal Indian debates. It was often cited by reformers defending their appeals to the government for intervention. This included Malabari whose *Notes*, while not calling for the radical new legislation his critics accused him of seeking, outlined a number of practical strategies the government could employ to discourage child marriage, such as restricting admission to the university entrance exam to unmarried men.⁶³⁴ He quoted critics asking him why, if he was against legislation, he would consult with the government at all and responded: "What would have been the fate of the agitation against Suttee, Infanticide, Compulsory Widowhood... but for official co-operation? How far would Ram Mohan..., for instance, have succeeded without the moral support of Bentinck...?"⁶³⁵

The use of the abolition of sati to determine the remit of the state was echoed by other reformers. In his introductory remarks to a book published in 1885 about the 1856 widow remarriage act, Mahadev Govind Ranade, the Bombay judge, scholar and a founder of the Indian National Congress, tackled conservative objections to state interference. He aligned

⁶³¹ John R. McLane, 'The early Congress, Hindu populism, and the wider society' in Richard Sisson and Stanley Wolpert (eds.) *Congress and Indian nationalism: the pre-independence phase* (Berkeley, 1988) p.54

⁶³² On the use of debates about child marriage in the construction of Hindu revivalist nationalist discourses, see eg. Tanika Sarkar, 'Rhetoric against Age of Consent: resisting colonial reason and death of a child-Wife', *Economic and Political Weekly*, vol. 28, no. 36, (1993), pp. 1869–78. For a short overview, see eg. Heimsath, 'Age of Consent Bill', pp. 497-500

⁶³³ Heimsath, 'Age of Consent Bill', p. 498

⁶³⁴ Malabari, *Note on Infant Marriage* in Dayaram Gidumal, *The life and life-work of Behramji M. Malabari; being a biographical sketch, with selections from his writings and speeches on infant marriage and enforced widowhood, and also his "Rambles of a pilgrim reformer"* (Bombay, 1888), p. 3

⁶³⁵ Gidumal, *Behramji M. Malabari: a biographical sketch*, p.221

widowhood with sati and used the precedent of the abolition of sati to justify some legislative amendments to prevent child marriage and enforced widowhood. He argued, for example, that the abolition of sati, which he pointed out few objected to, showed that state interference was not wrong in principle, where the state was able to check social evils more quickly and effectively than private citizens.⁶³⁶ Nor could there be any objection, he said, to the interference of foreign rulers when that involvement was initiated by Indians themselves, a co-operation that had effected the abolition of sati.⁶³⁷ Ranade dismissed, too, the arguments of conservatives that intervention was unwarranted since the problem of widowhood was exaggerated and widows made no complaint; these objections had also been applicable to sati and dismissed.⁶³⁸

In the mid-1880s, the voices of Indian reform did not prevail. British reluctance to intervene ensured legislative inaction. This inertia was rooted in memory of the Rebellion and commitments to non-interference in the wake of it but also to some extent in tactical exploitation of Indian divisions. Ripon, who had encouraged Malabari to seek Indian opinion before committing himself to any course of action in early summer in 1884, left his post later that same year. He was replaced by Lord Dufferin who considered and rejected any immediate legislative changes after reviewing the findings of the consultations on Malabari's *Notes* which were published, with Dufferin's conclusions, in 1886. These set out the government's own view on where its limits lay and why.⁶³⁹

The government's determination on the issues was that the caste rules governing the marriage of children and the treatment of widows were not of a kind that had recourse to the courts for enforcement, nor could they be enforceable, and so state interference was neither desirable nor expedient and would be ineffective.⁶⁴⁰ Importantly, while the government felt it set a standard of morality in its law-making that may differ from the standards of caste and beneficially influence the latter, it did not consider legislating as a

⁶³⁶ Mahadev G. Ranade 'Introduction to "A collection by Mr Vaidya, containing the proceedings which led to the passing of Act XV of 1856" published in 1885' in *Miscellaneous Writings of M. G. Ranade* (Bombay, 1915, reprinted New Delhi, 1992), p.77

⁶³⁷ Ranade, 'Introduction', p. 80

⁶³⁸ Ranade, 'Introduction', p. 79

⁶³⁹ *Papers relating to Infant Marriage and Enforced Widowhood in India. Selections from the Records of the Government of India in the Home Department*, No. CCXXIII (Calcutta, 1886)

⁶⁴⁰ *Papers relating...etc.* p. 2

didactic tool to influence Indian customs, when this was the primary intent of the legislation, to be within the accepted and natural boundaries of the state; overstepping this boundary risked antagonizing public opinion.⁶⁴¹

The government did consider, and reject, possible amendments to the existing 1856 law allowing widows to remarry so that she would not forfeit her deceased husband's property on remarriage and to allow her to remarry without renouncing her religion if she did not have the consent of her caste for the new marriage. Dufferin had not been persuaded the amendments were required to address a serious extant practical abuse nor, more tellingly of wider influences on inaction and of Dufferin's broadly conciliatory approach to rule of India,⁶⁴² that there was as yet sufficient consensus among Indians for intervention.⁶⁴³ The government trusted instead to the moral and material development of the people over time and the spread of education.⁶⁴⁴

An editorial in *The Times* was typical of responses to Dufferin's conclusions in concurring that legislation would have no impact and change should be effected through time and influence.⁶⁴⁵ Over the next four years this legislative inertia would be dramatically overcome. The reasons for this and the impact they had on the nature and role of references to sati and its abolition in the debates are the subject of the next section.

In this section we have tracked the continuities in the discursive uses of sati and its abolition between debates in 1856 on widow remarriage and the period 1884 – 1886 when reformers sought new government intervention. We have seen how the changed socio-political context of post-Rebellion India made the government reluctant to interfere, an ideological and expedient position compounded by emergent Indian nationalism. But we have also seen an incipient shift in the role of the sati as the living widow, particularly the child, began to become more prominent in discourses on a benighted India.

⁶⁴¹ *Papers relating...etc.* p. 2

⁶⁴² Richard Davenport-Hines, 'Blackwood, Frederick Hamilton Temple – Temple -, first marquess of Dufferin and Ava (1826 – 1902)' *Oxford Dictionary of National Biography*, <https://doi.org/10.1093/ref:odnb/31914> , accessed 23 January, 2023

⁶⁴³ *Papers relating...etc.* p. 2

⁶⁴⁴ *Papers relating...etc.* p. 2

⁶⁴⁵ *The Times*, Friday 10 October, 1886, p. 9

In the next section we will see how discourses on sati further evolved in 1887 -1891. We will see how the restraining influence Indian nationalism had on British desire to intervene was loosened as the debates on living widows shifted emphasis away from the practice of widow remarriage to the practice of child marriage which in part led to so many widows but, more particularly, and certainly more effectively, shifted from the figure of the widow to the figure of the child bride. This section will examine the interconnection between this new shift in emphasis in the widow debates, changing discursive ideations of the figure of the sati and British anxieties about sexual morality. It will show that 'The Maiden Tribute' scandal was a catalyst in the reorientation of the widow debates and the corollary shift in the discursive figure of the sati, which, converging with two infamous child bride legal cases in India, created a new impetus for legislative intervention. In the debates that preceded the Age of Consent Act in 1891, we will see how the abolition of sati was again fully deployed as a moral and legislative benchmark against which the new intervention was determined.

1887-1891

There is a startling passage in Malabari's *Enforced Widowhood*. Lamenting what he saw as the potent influence of caste in continuing to enforce widowhood and socially and spiritually exclude those who dared to remarry, he declared:

"Such are the results virtually of the abolition of Suttee by the British Government. Had... Lord Bentinck anticipated them, [he] would have paused before enforcing the law without its legitimate corollary. For, whereas Suttee was one single act of martyrdom or heroism, as the victim conceived it, and an act of religious merit popularly believed, the life which caste imposes on an unwilling widow, is a perpetual agony, a burning to death by slow fire, without any chastening or elevating effect on the sufferer, or any moral advantage to the community at large by way of compensation."⁶⁴⁶

There are significant, mutually constitutive subversions here of the conventional discursive uses of both sati and its abolition. The abolition here is not the pinnacle of justified and

⁶⁴⁶ In Diyaram Gidumal, *The life and life-work of Behramji M. Malabari; being a biographical sketch*, p. 8

successful social intervention by the state. The rite itself does not mark the limits of toleration. Indeed, criticism is implicitly cast on the legislation and the suggestion is clear here, too, that sati is tolerable compared to the life of the living widow. This radical reconfiguring of the discursive conventions of sati and its abolition, unremarked in 1884, became the dominant form within a few short years.

In 1887, Malabari's London-based fellow reformer, Devendra N. Das, a lecturer at the Birkbeck Institution, would put Malabari's implied criticism far more explicitly. In his book, *Sketches of Hindoo Life*, a collection of essays previously published in periodicals such as *Graphic* and *Nineteenth Century*, he wrote: "To a Hindoo widow death is a thousand times more welcome than her miserable existence. It is no doubt this feeling that drove, in former times, many widows to immolate themselves on the funeral pyres of their dead husbands."⁶⁴⁷ He proceeded to praise the British government for abolishing the rite but strikingly qualified it: "There is only one thing to be said on this point, and that is that the British Government lopped off the outward and more flagrant part of this pernicious system, but did not strike at the hidden root of it."⁶⁴⁸

Das' book was favourably reviewed in the British press with no apparent questioning of what would have been an exceptional and provocative passage a few decades earlier.⁶⁴⁹ Indeed, when the article on which his chapter was based was first published in *Nineteenth Century* in September, 1886, it had attracted another remarkable comment in *The Englishwoman's Review*. Das, the review said, showed "clearly and pathetically the miserable condition of numberless thousands among our fellow subjects. The English rule which has abolished suttee, has done nothing yet towards mitigating the intolerable hardships, which render death a preferable fate to the life now imposed upon widows."⁶⁵⁰

This reconfigured rhetorical role for sati is predominant from 1887, evident in a wide range of contexts from political speeches to newspaper correspondence and editorials to popular culture, its features broadly standardised. Sir Lepel Griffin, for example, a former diplomat

⁶⁴⁷ *Sketches of Hindoo life* (London, 1887), p.120

⁶⁴⁸ *Sketches of Hindoo life* (London, 1887), p.120

⁶⁴⁹ Favourable reviews in eg. *Leeds Mercury*, Monday 21 November, 1887; *Graphic*, Saturday 3 December, 1887; *Morning Post*, Wednesday 28 December, 1887

⁶⁵⁰ *The Englishwoman's Review*, Friday 15 October, 1886, vol. CLXII, p. 451

to Afghanistan and senior administrator in the Punjab, spoke of the social ills of child marriage and enforced widowhood in his last public speech before he left India in 1888. Sati had been abolished, he noted, “but I know many Hindoo women of good caste and family who would willingly become suttees and welcome the releasing fire as a deliverance from the degradation and suffering imposed by the brutality of men.”⁶⁵¹ Griffin was regarded as provocative by his peers (as well as foppish and self-regarding, and inconsistently able)⁶⁵² but his comments had by this time no taint of controversy. Similarly, a lengthy, anonymous letter to *The Times* on the lot of widows remarks, “[i]t is true they can no longer be burnt, but it is equally true that many of them would gladly prefer the funeral pile to the hell on earth to which they now find themselves consigned.”⁶⁵³

It is important to note these new iterations of British discourses on sati did not emerge fully fledged. There are earlier, milder iterations, evidence of transition. There were hints of it as interest in widows slowly began to re-emerge in the early 1880s. In 1880, Sir Arthur Hobhouse, who had returned to England in 1877 after serving as James Fitzjames Stephen’s successor as law member on the council of the Viceroy, addressed the Dialectical Society in London. He shared his view that Britain’s purpose in India ought to be India’s welfare which would be achieved with least danger (to British rule) by gradual change from within rather than hasty pressing of English ideas. The need, he felt, was clear: “In suppressing suttee, and infanticide, though we had saved many lives, we had not made them happy lives.”⁶⁵⁴ In 1881, the unhappiness of women, and widows in particular, provided a rallying cry for those who sought funds for missionary enterprises, much as sati had been in the 1810s and 1820s. A long essay in the penny weekly *The Girl’s Own Paper*, one of the early magazines for girls, described a pitiable lot for girls: married as children, sent to be “slaves” to husbands, the fortunate ones died before their husband. The author went on to describe in plaintive tones the fate of the less fortunate child widow. Sati was now forbidden, she said, but significantly qualified the observation: “but it is a life of ignominy and wretchedness for which she is

⁶⁵¹ *The Times*, Monday 7 May, 1888, p.7

⁶⁵² Katherine Prior, ‘Griffin, Sir Lepel Henry (1838-1908), ODNB, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/33576>

⁶⁵³ *The Times*, Monday 22 August, 1887, p.3

⁶⁵⁴ *The Times*, Friday 3 December, p.10

spared.”⁶⁵⁵ *The Times*, though it supported Dufferin’s decision not to interfere in the matter of widows in 1886, nonetheless made a strikingly qualifying remark: “We have forbidden suttee, and we have put down female infanticide. But we have only made more widows; and revolting though both those practices are, it may be questioned whether either the sum of Hindoo happiness or the sum of Hindoo morality has been increased by our action.”⁶⁵⁶

The new campaign to address the plight of widows, in large part stimulated by Malabari in India, separates these milder shifts in the discursive use of sati and its abolition at the start of the 1880s and the bolder shifts from 1887. In the latter period, sati is frequently explicitly framed as preferable to the life of a widow and the abolition, at least until agitation to raise the age of consent, as just but flawed. The campaign itself is not the cause of the rhetorical shift, however. As demonstrated in the previous section of this chapter, the campaign was largely conducted as the campaign for widow remarriage had been in the 1850s, this earlier campaign itself mirroring that against sati in the 1820s. In the mid-1880s, as the previous section showed, sati and its abolition were still broadly used according to the discursive conventions in use since the abolition was enacted, to determine the limits of toleration and the role of the state in setting them. Some part of the shift can certainly be explained by opposition to Indian nationalism and the escalation in rhetoric this entailed and in which women served as sites of debate, as we have seen and shall revisit shortly. This chapter will show, though, that the shift can be more fully explained by British anxieties about sexual morality in this period. In particular, this chapter locates a turning point in the moral frenzy created in 1885 by William T. Stead’s disturbing expose of child prostitution and trafficking, ‘The Maiden Tribute of Modern Babylon’. The shocking content and the rhetoric he used to depict childhood innocence lost to the depravities of men was crucial to the pivot away from the focus on social depravations of widows in debates to the plight of the child bride, and to ideas of sati as a fate better than life. It is useful to look at the rhetorical strategies of ‘The Maiden Tribute’ and the impact it had on the British public to make sense of its subsequent impact on the widow debates.

⁶⁵⁵ Mary Selwood, ‘Girls work in the mission field’, *The Girl’s Own Paper*, Saturday 22 October, 1881, vol III, issue 95, p.54

⁶⁵⁶ *The Times*, 15 October, 1886, p. 7

(i) *'The Maiden Tribute of Babylon' and the re-orientation of the widow debates*

In 1885, the liberal William T. Stead was the editor of *Pall Mall Gazette*. He had made his name at the *Northern Echo* in the 1870s where he positioned the paper in support of many radical liberal causes, Gladstone's party leadership and the religious and social campaigns of The Salvation Army.⁶⁵⁷ Importantly, he pioneered the 'new journalism', a proto-tabloid journalism in which he used sensationalism to excite public interest and influence public opinion. Stead's greater goal was in turn to be instrumental in swaying government policy, 'government by journalism'.⁶⁵⁸ He applied his approach at *Pall Mall Gazette* to various social and political issues. He was instrumental, for example, in pressurising Gladstone in 1884 to disastrously send the unstable General Gordon to the Sudan during the Mahdi uprising, a conflict in which Gladstone had no desire to intervene.

One of Stead's principal interests at *Pall Mall Gazette*, befitting a crusading nonconformist form of liberalism with which he aligned, was agitation on behalf of the poor and marginalised. This included the publication of Rev. Andrew Mearns' *'The Bitter Cry of Outcast London'*, the highly influential 1883 report on the horrors of urban housing. But Stead's most sensational and controversial work on the poor and marginalised came from his association with campaigners concerned with prostitution such as William Bramwell Booth, the First Chief of The Salvation Army, and the social reformer Josephine Butler.⁶⁵⁹

Butler had a lifelong concern with the status and rights of women, embracing causes such as female education and suffrage. From the late 1860s she became deeply involved in campaigning for the repeal of the Contagious Diseases Acts with other leading liberal women reformers such as Harriet Martineau. The sequence of 1860s' Acts allowed intimate examinations of prostitutes, and women merely suspected of prostitution, in garrison towns and ports and compulsory confinement in a lock hospital if they were found to have a sexually transmitted infection. When these acts were repealed in Britain in 1883, Butler turned her attention to the Indian equivalent, the Cantonment Acts. In a striking example of the evolution in the discursive function of the abolition of sati that this chapter examines,

⁶⁵⁷ Joseph O'Baylen, 'Stead, William Thomas (1849–1912)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/36258>, accessed 25 February, 2023

⁶⁵⁸ Stead would address this himself later. 'Lord Cromer and government by journalism', *The Contemporary Review* vol. 93 (April, 1908), pp. 436-50. See also O'Baylen, 'Stead', *ODNB*

⁶⁵⁹ See, for example, Walkowitz, *City of dreadful delight*, p. 96; and Grace Eckley, *Maiden Tribute: a life of W. T. Stead* (2007), pp. 49 -52

the Dean of Durham, speaking at a public meeting organised by Butler to protest a new Cantonment Act introduced in 1895, declared, “[w]e have abolished Suttee, and think ourselves fine people for it – these people would establish a hideous sacrifice of Indian women far more terrible than the flames [sic].”⁶⁶⁰

By the beginning of the 1880s, Butler was particularly closely concerned with child prostitution and the trafficking of young women to brothels in London and abroad, the so-called ‘white slave trade’.⁶⁶¹ Butler and Booth, among others, encouraged Stead to expose the trade in the *Pall Mall Gazette*. Stead was willing; he had always supported repeal of the Contagious Diseases Act and on the trade in young girls he had previously written to Butler of the sense of burden he felt “to write an *Uncle Tom’s Cabin* on *The Slavery of Europe*.”⁶⁶² There was, importantly, an immediate legislative goal: to push through an amendment to criminal law raising the age of consent, as well as increasing restrictions on brothels to protect children and curb trafficking; a bill to this purpose had been introduced in 1881 but had drifted on and off the parliamentary legislative agenda ever since.⁶⁶³ With an expose agreed, Booth and Butler provided contacts to Stead such as Rebecca Jarrett, a former prostitute.

On Wednesday 1 July, 1885 Stead published the notorious “frank warning” in *Pall Mall Gazette* advising the ‘squeamish’, the ‘prudish’ and those who wished to remain “oblivious to the horrible realities” tormenting those living in “the London inferno” not to read the newspaper the following Monday and the following three days. Readership thus assured,

⁶⁶⁰ Josephine Butler Society, *Proposed revival of the Contagious diseases Act: a report of the conference and public meeting held at Birmingham, November 13, 1896, under the auspices of the British Committee of the Federation for the abolition of the State Regulation of Vice* (London, 1897)

⁶⁶¹ On the emergence of the term ‘white slave’ and the role of *The Maiden Tribute* as a founding event in the ‘white slave’ panic of the late 19th and early 20th century, see, for example, Cecily Devereux, “‘The Maiden Tribute’ and the rise of the white slave in the nineteenth century: the making of an imperial construct”, *Victorian Review*, vol. 26, no. 2 (2000), pp. 1-23

⁶⁶² Scott J. W. Robertson, *The Life and death of a newspaper* (London, 1952), p. 116 cited in Cecily Devereux, “‘The Maiden Tribute’ and the Rise of the White Slave in the Nineteenth Century: The Making of an Imperial Construct”, *Victorian Review*, Vol. 26, No. 2 (2000), pp. 1-23, p.12

⁶⁶³ On the history of the amendment and the role of reformers such as Josephine Butler in agitation on child prostitution, see, for example, Deborah Gorham, ‘The “Maiden Tribute of Babylon” re-examined: child prostitution and the idea of childhood in late-Victorian England’, *Victorian Studies*, vol. 21, no. 3 (Spring, 1978), pp. 357-359

'The Maiden Tribute of Modern Babylon' was duly published over four editions in the week beginning July 6th, 1885.⁶⁶⁴

Stead's advance warning was indicative of his flair for capturing public attention, a flair which would, this chapter suggests, influence campaigners on widows, but the warning was not merely rhetorical. 'The Maiden Tribute' was a (deliberately) graphic and disturbing read. It described the procurement of children through deceit, manipulation and violence for brothels across Europe. Headings were explicitly sensationalist and lurid, such as 'The violation of virgins', 'Strapping girls down'.⁶⁶⁵ Stead included detailed descriptions of abuse from interviews he conducted with those involved in the trade, such as 'The confessions of a brothel keeper' who told of how "fresh girls" were entrapped.⁶⁶⁶ In what would prove to be his undoing, Stead also included the story of 'Lily', a thirteen year old girl bought for £5. 'Lily' had, he said, been sold by her mother, submitted to a virginity test and taken to a brothel. There she was given chloroform before Stead ended the story of Lily with a sequence of ellipses at the moment her 'purchaser' entered her room and she was heard to cry out in terror.⁶⁶⁷

There was an immediate public frenzy in response to the first articles, both physical and moral. *Pall Mall Gazette* had to source more paper to meet demand for the next editions, the police called to restore order at the newspaper offices when crowds besieged them in search of copies.⁶⁶⁸ Mass demonstrations were held such as the one in Hyde Park in August marking the founding of the National Vigilance Association, one of a number of social purity organisations in this period, dedicated to the protection of young girls. Questions were immediately raised in parliament; the Home Secretary was asked what action was being taken to bring perpetrators to justice, for example.⁶⁶⁹ Some of the furore was directed at Stead himself. Critics considered the articles pornographic and in breach of obscenity laws. W. H. Smith, supplier to railway book stands, appalled by the content, had forbidden the sale of the *Gazette*, for example. The Home Secretary was asked in the Commons about

⁶⁶⁴ *Pall Mall Gazette*, Monday 6 July, 1885; Tuesday 7 July, 1885; Wednesday 8 July, 1885; and Friday 10 July, 1885

⁶⁶⁵ *Pall Mall Gazette*, Monday 6 July, 1885, and Tuesday 7 July, 1885

⁶⁶⁶ *Pall Mall Gazette*, Monday 6 July, 1885

⁶⁶⁷ *Pall Mall Gazette*, Monday 6 July, 1885

⁶⁶⁸ Eckley, *Maiden Tribute*, p. 60

⁶⁶⁹ House of Commons sittings, 10 July and 13 July, 1885, *Hansard*, 3rd series, vol. 299, col. 289 and col. 425-7

action against Stead for obscenity.⁶⁷⁰ This did not happen but legal action was taken against Stead when it emerged that ‘Lily’ was a child called Eliza Armstrong and it was Stead who had ‘purchased’ her, using Rebecca Jarrett, to prove the trade in children. It was Stead, in role, who entered the child’s room and promptly exited at her screams and arranged for her to be taken to safety in France.⁶⁷¹ Stead was prosecuted in October, 1885 for abducting Eliza along with Bramwell Booth, Jarret and others Stead had involved.⁶⁷² Stead was found guilty on the grounds that he did not have Eliza’s father’s consent to take her from her home and would spend three months in prison.⁶⁷³

The moral and legal controversy over Stead’s methods did not detract from the impact of ‘The Maiden Tribute’; indeed, it largely ensured its impact. ‘The Maiden Tribute’ was, as Judith R. Walkowitz puts it in an echo of Stead’s own words, “prostitution’s *Uncle Tom’s Cabin*”.⁶⁷⁴ Stead’s work had a much more immediate impact than the earlier American anti-slavery novel, however. The moral panic Stead had curated ensured the immediate goal in publishing ‘The Maiden Tribute’ was achieved: the long-stalled Criminal Law Amendment Act was passed, just weeks after ‘The Maiden Tribute’ was published.⁶⁷⁵ The Act raised the age of consent for girls from thirteen to sixteen and made a number of provisions designed to protect girls up to the age of eighteen from abuse and entrapment.⁶⁷⁶

This chapter proposes that there is a direct connection between the panic about sexual mores ‘The Maiden Tribute’ scandal induced and renewed British interest in the plight of widows in India, particularly in children, something which does not seem to have been explicitly examined in the historiography of either.⁶⁷⁷ Whilst this chapter is not directly

⁶⁷⁰ eg. House of Commons sitting July 14, 1885, *Hansard*, 3rd series, vol. 299, col. 661

⁶⁷¹ *The Pall Mall Gazette*, 25 August, 1885. Stead, though, claimed ‘Lily’ was a composite figure and that some of the details were the story of another unnamed child.

⁶⁷² Louise Mourez, who had conducted the physical examination of Eliza, Elizabeth Combe, who took Eliza to France and Sampson Jacques, a reporter on *The Pall Mall Gazette*.

⁶⁷³ Jarrett and Mourez were also found guilty and sentenced to six months imprisonment. The others were acquitted.

⁶⁷⁴ Walkowitz, *City of dreadful delight*, p. 123. She does not seem to acknowledge that the phrase is Stead’s, however.

⁶⁷⁵ On *The Maiden Tribute* and the pathology of moral panic, see Walkowitz, *City of dreadful delight*, p.121

⁶⁷⁶ The Labouchere amendment to the act also criminalised for the first time all acts of ‘gross indecency’ between men.

⁶⁷⁷ Only Antoinette Burton hints at it in her analysis of the case of the child bride Rukhmabai but, perhaps because she is focused on seeing interest in child brides as primarily a function of imperialism, she misses the role of ‘The Maiden Tribute’ in the interest the Rukhmabai case attracted and its role in shaping the debate. Burton says only that the British scandal would have been ‘fresh in people’s minds’. ‘Rukhmabai: from child

concerned with this connection in and of itself, the reframing of the debates about widow remarriage from 1887 onwards in the aftermath of 'The Maiden Tribute', and the wider social concern for regulated sexuality of which it is partly indicative, is key to understanding the change in references to sati and its abolition.

The success of 'The Maiden Tribute' in effecting moral panic and legislative change, from which campaigners on widows certainly learned, is at least in part attributable to Stead's moral reframing of the issue in focusing on the abuse of children. This was an important shift away from the structural social and economic inequities which drew adult women into prostitution which Butler had often drawn attention to.⁶⁷⁸ Butler had, for example, in public meetings across the country and in writings such as *The Constitution Violated*, emphasised the inequities involved in, for example, the power invested in male police and medical examiners over working class women and the double standards which penalised women but not the men engaging them.⁶⁷⁹

'The Maiden Tribute' was principally, powerfully and effectively, an account of powerful, predatory men and innocent young girls. In an interesting 'sati-esque' metaphor, Stead spoke, for example of the "immolation of the daughters of the people as a sacrifice to the vices of the rich."⁶⁸⁰ Tellingly, too, he wrote of trafficked virgins in "the fatal chamber from which they are never allowed to emerge until they have lost what woman ought to value more than life."⁶⁸¹ This implied notion of 'death before dishonour' is key to the pivot in the widow campaigns that followed the 'The Maiden Tribute' and the reworking of sati as a rhetorical device in them.

bride to 'Hindoo lady': the debate on sexual respectability in imperial Britain', *American Historical Review*, Vol. 103, No. 4 (Oct., 1998), p. 1224

⁶⁷⁸ See eg. Devereux, "The Maiden Tribute", p. 13, Gorham, 'The "Maiden Tribute of Babylon" re-examined', p. 355. For an overview of wider historiographical debates on the question of agency and adult prostitution, see Julia Laite, 'A global history of prostitution: London' in Magaly Rodriguez Garcia, Lev Heerma van Voss, Elise van Nederveen Meerkerk (eds.) *Selling sex in the city: a global history of prostitution, 1600s-2000s* (Leiden, 2017), p. 119

⁶⁷⁹ Judith R. Walkowitz, 'Butler [née Grey], Josephine Elizabeth (1828-1906)', *Oxford Dictionary of National Biography*, <https://doi-org.ezproxy.lib.bbk.ac.uk/10.1093/ref:odnb/32214>; and Judith R. Walkowitz, 'Male vice and feminist virtue: feminism and the politics of prostitution in nineteenth-century Britain', *History Workshop*, vol. 13, issue 1, (Spring, 1982), p. 80

⁶⁸⁰ *Pall Mall Gazette*, Tuesday 7 July, 1885

⁶⁸¹ *Pall Mall Gazette*, Monday 6 July, 1885

Stead's picture of predatory men resonated in the late nineteenth century. As Ben Griffin outlines in his study of Victorian masculinity, political culture and the struggle for women's rights, from the 1870s various events and reform movements had in common the theme of male sexuality as dangerous: it was embedded in the campaigns against the Contagious Diseases Act and for the raising of the age of consent, and in social purity movements, for example, and later violently exhibited in the Jack the Ripper murders in 1888.⁶⁸² Griffin does not mention it, but the furore over the Ilbert Bill in India in 1883, which brought down Ripon's Viceroyship, is a powerful exemplar of this theme deployed as a hostile interpretative framework for Indian men in this period.

The abandoned Ilbert bill sought to allow Indian magistrates and judges in the *mofussil* (country districts) to try Europeans in criminal cases, a jurisdiction they already held in the towns. The Government of India saw the bill as a minor legislative adjustment and did not consider it particularly controversial. But a sustained and ferociously hostile campaign was launched by the European community in India, extensively reported and sometimes echoed in Britain. Sati was evoked. A parliamentary candidate stated at a meeting that the bill proposed that Europeans "should submit to be tried and judged by people who... indulged in suttee, and a hundred other practices which no decent Englishman, let alone Christian, could tolerate."⁶⁸³ *Moonshine* satirically imagined the message sent to the India Office if the bill passed: "Natives overjoyed... 10,000 [*sic*] Suttee widows will be sacrificed. Pyres preparing. Excitement."⁶⁸⁴ Much of the protest, however, centred on a sexualised rhetoric expressing dark warnings and outrage at the possibility of Indian men trying European women.⁶⁸⁵

The threat from male sexuality remained the premise of reports of high profile public scandals in Britain, some of which were brought to and kept in the public domain by Stead in *Pall Mall Gazette*. These included the divorce case in 1885-6 of the alleged teenage former mistress of Sir Charles Dilke, the radical Liberal MP and some-time minister in

⁶⁸² Ben Griffin, *The politics of gender in Victorian Britain: masculinity, political culture and the struggle for women's rights* (Cambridge 2012), p.100

⁶⁸³ *Trewman's Exeter Flying Post*, Wednesday 31 October, 1883

⁶⁸⁴ *Moonshine*, Saturday 1 December, 1883

⁶⁸⁵ See, for example, Mrinalini Sinha, "'Chatham, Pitts, and Gladstones in petticoats': the politics of gender and race in the Ilbert Bill controversy", in Nupur Chaudhuri and Margaret Strobel (eds) *Western women and imperialism: complicity and resistance* (Bloomington, 1992), pp. 98 - 118

Gladstone's government. Stead also took up the cause of Mildred Langworthy. She had met the vastly wealthy Martin Langworthy in Paris and been persuaded to travel with him across Europe where he (twice) duped her with invalid marriages. When she fell pregnant he abandoned her. Socially outcast and penniless, she approached Stead who supported her as she pursued a claim against Langworthy through the courts. She was eventually awarded a substantial sum for breach of promise and an annuity for her child.⁶⁸⁶ Stead ran her story over several editions of the newspaper in 1887, creating a *cause celebre*; the case was even raised in parliament.⁶⁸⁷ In one edition, Stead offered a striking analogy: "It is the fashion to...moralize over the Hindoos, whose treatment of widows is such as to even make suttee seem a beneficent institution" but life was no less merciless for a woman in society who has "lost her footing" in the struggle for existence.⁶⁸⁸

After the success of 'The Maiden Tribute' in securing legislative change, with its evocations of childhood innocence lost to the depravity of older men, the campaigns about widow remarriage reoriented. In echoes of Stead's shift from Butler's focus on the humiliations and hardships of adult women drawn into prostitution, there was a shift away from appeals based on the social and material degradations endured by widows and towards what was seen as a primary cause of the high number of widows, the practice of child marriage. 'The Maiden Tribute' response had demonstrated the emotional appeal children had but, as Major points out in a different context, the focus on child marriage by campaigners avoided the "'problematic' of mature, sexually experienced widows".⁶⁸⁹ In fact, Major perhaps misses the greater 'problem' of widows and sex for campaigners seeking sympathy and support: it was not that widows had consummated their marriages but that they would be driven to prostitution through economic need or, forbidden to remarry, would form illicit sexual relationships. Indeed, these possibilities were sometimes alluded to in appeals for intervention on the issue of enforced widowhood. An editorial in *The Times*, for example, notably published only weeks after 'The Maiden Tribute', wrote of the "dissolute courses" to which widows, especially young widows, may be turned by the misery of their life, noting

⁶⁸⁶ See Grace Eckley, *Maiden Tribute: a life of W. T. Stead* (2007) pp. 113-115. Also (for an account less sympathetic to Mildred and Stead), W. Sydney Robinson, *Muckraker: the scandalous life and times of W. T. Stead, Britain's first investigative journalist* (Hull, 2012), pp. 212-17

⁶⁸⁷ House of Commons sitting, 12 May, 1887. *Hansard*, 3rd series, vol. 314

⁶⁸⁸ Chapter XIX, 'A struggle for life', *Pall Mall Gazette*, Friday 22 April, 1887

⁶⁸⁹ Major, 'Mediating modernity', p. 169

the “abundant evidence... of the depraved consolations they administer to themselves.”⁶⁹⁰ In a telling anticipation of the soon to be common shift in rhetorical use of sati, the editorial went on, “Hindoo tenacity of opinion has avenged itself for... BENTINCK’S interdict upon open and flagrant suttee... by sentencing the rescued lives to a social suttee fraught with a more prolonged agony.”⁶⁹¹

This section has examined the impact of ‘The Maiden Tribute’ scandal in reorienting debates on widowhood towards the figure of the child bride, a reorientation that in turn contributed increasingly to the recasting of sati as a fate better than life; we have seen, too, that Stead himself on occasion consciously employed sati tropes to this end. ‘The Maiden Tribute’ was not the only cause, however. The next section examines the impact of the cases of the child brides Rukhmabai and Phulmoni Dasi as interest in child brides, and the legislative success of ‘The Maiden Tribute’ in raising the age of consent led to a new determination to achieve reform in India. We will see that in this period, the idea of sati as better than life for the child bride embedded but the abolition was again a focal point and benchmark in determining the role of the state in setting the limits of toleration.

(ii) *Rukhmabai, Phulmoni Dasi and the Age of Consent Act, 1891*

The pivot towards the marriage of children by campaigners in Britain was certainly influenced by the rhetoric and success of ‘The Maiden Tribute’ but it was not the only cause. Within months of the scandal, from March, 1886, *The Times’* Kolkata correspondent, John Cameron McGregor, began reporting regularly on the ongoing legal case brought in Bombay against the former child bride Rukhmabai by her husband for restitution of conjugal rights, the correspondent’s reports reproduced across other newspapers and periodicals.⁶⁹² British attention to this case was certainly also stimulated by British imperial interests in damaging Indian nationalism, as Burton argues.⁶⁹³ But the domestic context of sexual scandal is important; it seems unlikely Rukhmabai’s case would have been a site of debate or attracted quite the same attention without it.

⁶⁹⁰ *The Times*, Tuesday 29 September, 1885, p.9

⁶⁹¹ *The Times*, Tuesday 29 September, 1885, p.9

⁶⁹² Burton identifies McGregor and examines his many columns in ‘*Rukhmabai*’.

⁶⁹³ Burton, *Rukhmabai*, p. 1224

Rukhmabai was married at age eleven in 1875 but her Hindu reformist family did not allow her to live with her nineteen year old husband Dadaji Bikhaji and, when she reached puberty at age twelve, did not allow consummation of the marriage. In the ensuing years, the family were increasingly dissatisfied with her husband's desultory lifestyle and mounting debts. Rukhmabai, supported by her family, persistently refused to join her husband and in 1884 he sued for restitution of conjugal rights. The case, naturally sensational, went through multiple hearings and appeals. At the first, a British judge, Robert Hill Pinhey, dismissed the case on the grounds no conjugal relations had occurred to be restituted and that the claim had no basis in Hindu law.⁶⁹⁴ Following an appeal, the case went before another British judge, Charles Farran, who ordered Rukhmabai to live with her husband or be imprisoned, noting that restitution was not actually forbidden in Hindu law.⁶⁹⁵ The case was finally settled in 1888 when Bikhaji accepted compensation from the family to abandon his claim. The settlement was widely welcomed in the British press along with hopes "that legislative means may be taken to prevent a repetition of the scandal involved in bringing such suits."⁶⁹⁶ The scandal for many commentators was not simply in the practice of child marriage itself but in how Farran's ruling showed that the British government was complicit in upholding it.⁶⁹⁷

More scandals would follow the case of Rukhmabai, however, building pressure for intervention. The British press gave more attention from the mid-late 1880s to physical violence and murders of child brides and sati and its abolition are again present as benchmarks for the issue of child brides.⁶⁹⁸ The *Daily Gazette for Middlesbrough*, for example, told of two cases of cruelty to child brides before the Calcutta Police court and,

⁶⁹⁴ As Padma Anagol-McGinn importantly points out, the idea of restitution of conjugal rights was actually an importation from English ecclesiastical law. 'The Age of Consent Act (1891) reconsidered: women's perspectives and participation in the child-marriage controversy in India', *South Asia Research*, vol. 12, issue 2, (1992), p. 112

⁶⁹⁵ For detail of the court case see, eg. Meera Kosambi, 'Girl brides and socio-legal change: Age of Consent Bill (1891) controversy', *Economic and Political Weekly*, vol. 26, no. 31/32, (August, 1991), p. 1858. See also Sunder Chandra, *Enslaved daughters: colonialism, law and women's rights*, 2nd ed. (Oxford, 2008) and Kanika Sharma 'Withholding consent to conjugal relations within child marriages in colonial India: Rukhmabai's fight', *Law and History Review*, vol. 38, no. 1 (2020), pp. 151 -175 which examine the case within the context of the collision of colonial and Hindu law and emerging debates about women's rights and autonomy.

⁶⁹⁶ Eg. *The Standard*, Saturday 7 July, 1888

⁶⁹⁷ Eg *The Times*, Monday 22 August, 1887 and *Birmingham Post* Thursday 21 August, 1890

⁶⁹⁸ Eg. *The Times* on Monday 2 May, 1887, Monday 4 July, 1887, Monday 25 July, 1887, and Tuesday 2 August, 1887

too, of the trial and conviction of the brother of a Holkar maharajah for cruelty to a wife aged 12; she had, the report said, jumped from a window to escape his brutal treatment and been placed in police protection. Sati had been abolished, the newspaper noted, and it was “about time” the example of ending child marriage set by Rajput princes was more generally followed.⁶⁹⁹

The story of the Holkar child bride was still being circulated eight months later. It appeared in the *York Herald* but with some key changes. The girl is given a younger age (9 years) and the article claims the husband was acquitted.⁷⁰⁰ It is not clear if these are genuine errors or indicative of the escalation in rhetoric around the issue in this period. The latter seems likely. Certainly, the newspaper’s comment on the crime is an escalation on the conventionality of that given by the *Daily Gazette for Middlesbrough* in simply calling for abolition of child marriage in the way sati had been abolished. Indeed, the *York Herald* editorial is indicative of the full shift in the nature and use of references to sati this chapter demonstrates occurred in this context:

“Suttee has long been abolished in India, but child marriage has not; yet, without the abolition of the latter, the abolition of the former is a proceeding of questionable success. Many a young widow would much rather perish on the funeral pile than go through a life of misery and wretchedness such as a young Hindoo widow must and does endure.”⁷⁰¹

The final catalyst for change would come when cases of sexual violence inevitably came to prominence as readiness to report the worst abuses of child brides, certainly at least in part attributable to the boundary-crossing reportage of Stead, increased. The issue of sexual abuse lay implicitly at the heart of Rukhmabai’s case, of course. It was presented in its fullest, explicit horror to the public in the case of Phulmoni Dasi. Phulmoni’s was not the first or last case of its kind but she became the *cause celebre*.⁷⁰² Probably aged ten⁷⁰³,

⁶⁹⁹ *Daily Gazette for Middlesbrough*, Friday 17 August, 1888

⁷⁰⁰ *York Herald*, Saturday 27 April, 1889, p. 4

⁷⁰¹ *York Herald*, Saturday 27 April, 1889, p. 4

⁷⁰² Many examples are given, for example, in *Abstract of the Proceedings of the council of the Governor General of India, assembled for the purpose of making laws and regulations, 1891. With Index. Vol. XXX*, (Calcutta, 1892), p. 78f

⁷⁰³ Her age is given variously as 10, 11 or 12 in historiographical accounts perhaps reflecting the range of ages given at trial. On this, see Ishita Pande, whose evidence suggests 10 is correct: *Sex, law and the politics of age: child marriage in India 1891-1937* (Cambridge, 2020), p. 38

Phulmoni died in 1889 on the night of her wedding from injuries sustained when her husband, Hari Maiti, a man in his thirties, attempted to consummate the marriage. He was tried and convicted of causing grievous harm and was sentenced to one year of hard labour; more serious charges could not be brought as under existing law in India, Phulmoni was above the age of consent (ten) and marital rape was not recognised. The violent manner of her death and her bodily immaturity were laid out in the stark, dispassionate medical terminology of her postmortem report, a document widely circulated and discussed in government, press and public meetings, as momentum grew for legislative change.⁷⁰⁴

The revulsion Phulmoni's case evoked gave additional impetus to campaigners' focusing their desire to end child marriages on demands for the age of consent to be raised in India, a process catalysed by 'The Maiden Tribute' and compounded by the case of Rukhmabai.⁷⁰⁵ In Britain, a powerful coalition of committee-forming, speech-giving and article-writing public figures calling for new legislation included Lord Ripon, the Ilberts, the MP Dadabhai Naoroji, Millicent Garrett Fawcett and Cardinal Henry Manning. In echoes of Ram Mohan Roy's visit to England to support the abolition of sati in 1830 against appellants, Malabari, the veteran of the campaign against child marriage in India, came to England in 1890 to join agitation for raising the age of consent, speaking at meetings, publishing a much-circulated pamphlet, *An Appeal on Behalf of the Daughters of India*, and writing letters to *The Times*.

The campaign had deep reach in Britain and, like the campaign against sati, engaged women's social reform groups.⁷⁰⁶ There was, for example, a talk by Florence Bourne, an "earnest young speaker", on the position of women in India to a Women's Union meeting at a private home in south London in November 1890 to which "many women of the working and middle classes" had been invited and at which there were a number of speakers. The similarities with the campaign against sati did not extend to the framing of the rite,

⁷⁰⁴ See Ishita Pande, *Sex, law and the politics of age: child marriage in India 1891-1937* (Cambridge, 2020), p.31f, p. 35

⁷⁰⁵ The continuum between the cases of Rukhmabai and Dasi and the passage of the Age of Consent Act, though not the role and impact of *The Maiden Tribute*, is recognised in much of the historiography cited in this chapter on the debates in the 1880s eg Kosambi, 'Girl brides', Burton, 'Rukhmabai', Pande, *Sex, law and the politics of age*.

⁷⁰⁶ For pioneering work on the activism of women in India in these campaigns, particularly in the Indian state of Maharashtra, see Anagol, 'The Age of Consent Act', and her revised and extended version, 'Rebellious wives and dysfunctional marriages: Indian women's discourses and participation in the debates over restitution of conjugal rights and the child marriage controversy in the 1880s and 1890s' in Sumit Sarkar and Tanika Sarkar (eds), *Women and social reform in Modern India: a reader* (Bloomington, Indiana, 2008), pp. 282 - 312

however: for Florence, the death “...of the suttee was merciful in comparison...” to the lot of the child bride; Britain had ended sati but done nothing to improve her position.⁷⁰⁷

This chapter has recorded a number of instances of women using discourses on sati in speech and print to denounce child marriage. It is worth making here some comment on these discourses and gender. More women were certainly writing and speaking publicly about sati than had been the case at any time since the abolition campaigns in the 1820s.⁷⁰⁸ But men and women used discourses on sati primarily to the same end: to depict the greater horrors of child marriage and to call for legislation, as we have repeatedly seen in this chapter. It is useful to note that there is some evidence, though, of male writers appropriating discourses on sati in the 1880s to mock British and Indian feminists and campaigners.

An interesting example is The Guernsey newspaper *Star*'s comment on a lecture by the young Indian widow Pandita Ramabai in 1882. Once, it noted, the idea of a Hindu woman lecturing in public would have seemed “worthy of Mr. Gilbert;⁷⁰⁹ but in Bombay, the Pandita Romobai [sic], a young widow of 25 [sic], instead of carrying out the custom of suttee, is actually in the midst of a series of public addresses to any who care to hear her. The lady speaks well, moreover, when she does not become too far advanced – for at times she shows an unfortunate tendency to support the views of the English ‘shrieking sisterhood’ and this is beneath the dignity of an educated Hindoo gentlewoman.”⁷¹⁰ The writer found many of the things Ramabai said “sensible” but doubted many English ladies would concur with her opinion, though men would applaud it, that it was the duty of a wife to conform her habits and ways of thinking to those of her husband to secure domestic happiness. At the end of her lecture, “numbers of ladies eagerly vied with each other” to speak: “It will indeed be good luck if Bombay is not shortly too much belectured.”⁷¹¹

⁷⁰⁷ *The Women's Penny Paper*, Saturday 29 November, 1890, vol III, issue 110, p. 83

⁷⁰⁸ On the role of women in these campaigns, see, for example, Clare Midgley, ‘Female emancipation in an imperial frame: English women and the campaign against sati (widow-burning) in India, 1813-1830’, *Women's History Review*, vol. 9, no.1 (2000), pp. 95-122

⁷⁰⁹ This seems most likely to be a reference to Gilbert and Sullivan whose popular comic operatic output was beginning to peak from the early 1880s

⁷¹⁰ *Star*, Thursday 14 December, 1882, vol. 80

⁷¹¹ *Star*, Thursday 14 December, 1882, vol. 80. The piece is interesting evidence of the increasing space for women in the public sphere and of contestation about this in both Britain and India in the context of empire. To suggest that Ramabai might have performed sati is entirely anachronous in the 1880s, of course. The writer knew this; Ramabai's public platform is his example of what he sees as the progress of the work of anglicizing

For a public inclined by scandal to anxiety about sexual morality in the 1880s, the lot of the innocent Hindu child bride and widow, increasingly horrifyingly presented to them in an evolving cultural rhetoric in newspapers and public meetings as one of sexual abasement, death was (or, at least, almost) preferable to life. Sati, in these new rhetorical deployments, no longer marked the outer limits of what could be tolerated in a civilised society. Yet in some important ways, both sati and its abolition retained their core conventional, and by now historic, functions in deciding whether the solution to the issue of child brides and widows lay in legislation.

As we saw in the preceding sections of this chapter, in the mid-1880s, when the debates were primarily focused on the social and civil deprivations of Hindu widows, there was a general British consensus against legislative change which was born in great part of fears and sensitivities rooted in the Indian Rebellion and the commitments made to non-interference in the wake of it, and of some cynical desire to undermine nascent Indian nationalism. Instead, gradual change from within Indian society under a steady and benign western influence was envisioned by many British commentators, though perhaps with rather less vigour than in an earlier optimistic pre-Rebellion period of liberalism. The shift in focus in the widow debates to the child widow and then to the child bride at the end of the decade, and the maelstrom of moral outrage and campaigning the depiction of her life ensured, changed this consensus in favour of legislation as the broader issues became subsumed in the question of the age of consent.

Many in the liberal leaning British press heaped praise on Malabari and disapprobation on the British government for its inertia. The abolition of sati was again a legal and moral precedent, a point of alignment for those who sought legislative change. For *The Daily News*, “[t]he dreadful custom of child-marriage is one the legislature that had the courage to abolish Sutte has been afraid to meddle with.”⁷¹² For the *Birmingham Post and Pall Mall*

India in consequence of which, he implies, she has been given an alternative choice to sati. But there is a sense of tension between his desire to celebrate what so many saw as the progress of India through westernization and his apparent ambivalence about the progress of women both in England and India; there is a satirical hint that the widow liberated from sati and thus empowered with a public voice is not, perhaps, entirely a benefit of its abolition.

⁷¹² *Daily News*, Thursday 24 July, 1890

Gazette, government culpability went beyond inaction: it had helped enforce child marriages through the provision of recourse to the courts for restitution of conjugal rights; in its editorial in response to Malabari's appeal in *The Times* the preceding day, the *Birmingham Post* gratefully noted it as the "first intimation for most English readers of the large measure of responsibility for the abuses connected with child marriages which rests upon the British Government."⁷¹³ The practice should be abolished, the newspaper stated, noting Malabari's own citing of the abolition of sati as a precedent for reform. *The York Herald* approvingly reported Malabari's view that it was "not desired that the Government should meddle with Indian domestic affairs, but he does not see why a State authority which has not hesitated to abolish Suttee, the poisoning of babes, and other usages, should be afraid to put a stop to a most harmful marriage system."⁷¹⁴

There were still cautious voices in the domestic debates, even among those in favour of legislation to raise the age of consent. There was, for example, a lengthy article by a correspondent in *The Times*, one of a series, and an editorial summarising and commenting on it, in October 1890, which drew on the abolition of sati to shape a position. It was fallacious, argued the correspondent, to cite the prohibition of sati as a precedent for interference in child marriage and widowhood: sati involved the taking of life; there was a need to distinguish between the cases, however morally cruel the latter. Nonetheless, though "not exactly precedents", the editorial countered, they were still instances where Hindus had accommodated "our" view of morality though in conflict with their religious precepts; evidence, it went on, that Hindus were not so "immovable and unsusceptible to guiding influence of British law" as popularly assumed.⁷¹⁵ The correspondent also doubted the efficacy of legislative change without changes in social attitudes; it was not enough to show there was no scriptural basis for child marriages as reformers had done with sati. He noted in particular how conservative Hindus saw marriage as protection for females, a view only strengthened by their horror at English newspaper reports of female crime, prostitution and, in what is likely a reference to 'The Maiden Tribute', the revelations that filled British newspapers half-a-dozen years earlier.⁷¹⁶

⁷¹³ *The Times*, Thursday 21 August, 1890

⁷¹⁴ *York Herald*, Thursday 21 August, 1890

⁷¹⁵ *The Times*, Tuesday 7 October, 1890, p.9

⁷¹⁶ *The Times*, Tuesday 7 October, 1890, p.8

Hindu conservative clashes with reformers over enforced widowhood and child marriage were particularly vehement and intense in the age of consent debates. The escalation was at least in part because the British government, reluctant in 1886, was now inclined to act. This was certainly in response to the pressure from reform groups both at home and in India which had grown exponentially in the intervening years but, as Heimsath points out, the government also felt intervention was more easily defended since raising the age of consent did not involve creating new legislation, only amending that already in place on the age of consent.⁷¹⁷

Once the government was thus inclined to act, there was some sense of haste. The bill to raise the age of consent was introduced to the Legislative Council in India by Sir Andrew Scobie, Council member and former Advocate-General of Bombay, in early January 1891 and ten weeks later on March 19th, 1891 the bill was passed. The meeting, as *The Times* reported the following day, was a “more animated scene than usual” and there were a “considerable number” of spectators, chiefly Indians.⁷¹⁸ The controversy was clear even among council members; one of the two Hindus on the council, the high court judge Sir Romesh Chunder Mitter, strongly opposed the legislation as unwarranted and did not attend. Among his objections was the claim that the bill was a breach of the promises of non-interference made in the Queen’s Proclamation; the other Hindu member, Rao Bahadur K. L. Nulkar, supported the bill, emphasising it met obligations to protect the vulnerable.⁷¹⁹

The abolition of sati was deployed in arguments by those in favour of the legislation as a precedent and justification for immediate intervention. Council member and Kolkata lawyer, (later Sir) Griffith H. P Evans, rejected the idea of allowing time and education to gradually effect change: “This was the very argument employed in the sati case, which kept Lord Amherst during the five years of his Governor-Generalship from meddling in the matter.”⁷²⁰ Reading from Kaye’s *History of the Administration of the East India Company* he went on to give old statistics on cases of sati and quoted Kaye’s acclamatory judgement that “[t]he high moral courage of Lord William Bentinck faced the abomination without shrinking.”⁷²¹ It was

⁷¹⁷ Heimsath, ‘Age of Consent’, p. 502

⁷¹⁸ *The Times*, Friday 20 March, 1891

⁷¹⁹ Kosambi, ‘Girl brides’, p. 1859

⁷²⁰ *Proceedings*, p. 99

⁷²¹ *Proceedings*, p. 99. It is assumed here that he was reading either directly from the book in hand or from notes and not simply speaking: he gave several precise statistics and a page reference.

a striking evocation of an earlier era of pre-Rebellion liberal confidence as much as an indication of how embedded a liberal narrative of the British role in India, exemplified by Kaye's ageing work, and in part shaped by the abolition of sati, had become despite the fracturing impact of the Rebellion.⁷²²

The speed of intervention was not, of course, the substance of the disputes over the age of consent. Hindu conservatives like Tilak continued to present British intervention as a threat to Hinduism, an attack on religious freedom in contravention of the historic commitment to noninterference in matters of religion, to rule with due regard to the ancient customs and usages of India, most recently reiterated in the post-Rebellion Queen's Proclamation. At the Council meeting, the senior military commander (and minor novelist) Sir George Chesney denied any fatal blow to Hinduism and lamented that the same arguments in support of sati were again being deployed in the current case.⁷²³ Sir Andrew Scobie also noted "almost the identical grounds" on which the current bill was opposed but argued, in essence, that the question of where "'due regard' to ancient religious rites and usages" ended had been "answered sixty years ago [sic], in relation to the practice of sati."⁷²⁴ Evans took up this point, reiterating that the limits to the principle of toleration had been laid down in the regulation outlawing sati and confirmed in the appeal against it made to the Privy Council.⁷²⁵ Where acts inflicted injury in the name of religion or were injurious to society, as sati had been, he argued, the government had a right to protect its subjects; it was "impossible" to read the Proclamation's assurance of toleration as an abandonment of this right and deny it the means of putting down crime.⁷²⁶ The Viceroy, Lord Lansdowne, too, referred to the appeal against the abolition of sati to the Privy Council: among the reasons for which the appeal had been dismissed was the finding that the practice had not been "prohibited as a religious act but as a flagrant offence against society" and as such did not represent a departure from the established principles of toleration.⁷²⁷ Lansdowne's position was, then, as the legislation against sati had exemplified, that "...where demands were made in the name of religion which would lead to practices inconsistent with individual

⁷²² Chapter 4 of this thesis explored the role of sati and its abolition in the construction of this narrative.

⁷²³ *Proceedings*, p.141

⁷²⁴ *Proceedings*, p.81

⁷²⁵ *Proceedings*, p. 94

⁷²⁶ *Proceedings*, p. 94f

⁷²⁷ *Proceedings*, p.147

safety and public peace and contrary to morality, it was religion and not morality that must give way.”⁷²⁸

The bill was passed, though by setting the age of consent at twelve, its provisions were a compromise. There was also no real sense the legislation would have any immediate impact on the practice of child marriage;⁷²⁹ Scobie said he would settle for an “educative impact.”⁷³⁰

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This chapter has examined the discursive use of sati and its abolition in debates about enforced widowhood and child marriage. It has tracked continuities across time, from the debates in 1856 around the legislation to recognise Hindu widows’ remarriage to debates leading to the Age of Consent Act in 1891. We have seen how the abolition of sati was consistently a benchmark, a test of where the rights and limits of the state lay in religious and social intervention. This chapter has also identified change over time, particularly in the rhetorical uses of the figure of the sati. It has accounted for this change primarily in her displacement by the figure of the child as a widow and as a bride. This displacement was in part an expedient feature of British imperial discourses seeking to undermine Indian nationalism through the amplification of an extant social issue. But this chapter has also shown that the displacement of the sati and the shift in ideations of her death as preferable to life was prompted, too, by British anxieties about sexual morality in the 1880s. This chapter has argued that ‘The Maiden Tribute’ was a key to these discursive changes, changes compounded and augmented by the impact on public feeling of the cases of the child brides Rukhmabai and Phulmoni Dasi.

⁷²⁸ *The Times*, Friday 30 March, 1891

⁷²⁹ See eg. Dagmar Engels, ‘The Age of Consent Act of 1891 colonial ideology in Bengal’, *South Asia Research*, vol. 3, no. 2 (1983), p. 107

⁷³⁰ *Proceedings*, p.14

6: Conclusion

In 1895, towards the end of his life, Sir Edward Braddon, brother of the novelist Mary Elizabeth Braddon, wrote a memoir of his time in India, where he had worked as a merchant and then in the Indian Civil Service until 1878. The memoir, *Thirty Years of Shikar*, was, as the title indicates, primarily an account of his sporting pursuits in India which included pig-sticking, tiger and boar hunting, bear and bird shooting. Interpolated are some accounts of events and his opinions on the current rule of India; the Indian, he says, does not love the Englishman but sees him as “the only possible fount of justice” and so “prefers the alien rule to that of any of his fellow-countrymen.”⁷³¹

Among the events he includes in the memoir is an account of his rescue of a would-be sati in Deoghar, where he was a District Officer. It was he said, his “duty” to prevent the young widow from immolating herself on her husband’s pyre. Upon hearing of the widow’s intention, he describes himself riding “hard to the scene of intended burning – only arriving just in time.”⁷³² The widow was not easily dissuaded and not grateful; Braddon notes that the average man is unused to a woman who is “determined to have her own way, and is also regardless of logical reasoning.”⁷³³ He recalls the romance evoked by Jules Verne’s tale of a sati rescue in “Round the World in Eighty Days [sic]” and mockingly laments that he cannot copy this with his own tale of a beautiful, loving and grateful woman swept away by him on an Arabian steed from the clutches of evil Hindu priests.⁷³⁴ The widow he rescues is, in fact, he complains, “an ill-tempered tangle-headed vixen, with no more sentiment in her than is to be found in a tadpole, and as much ill-nature and power of vituperation as goes with a drunken fishwife.”⁷³⁵ Despite the brevity of Braddon’s tale of the sati rescue (barely two pages of the four hundred and twenty in the memoir), and its marginality to the

⁷³¹ Edward Braddon, *Thirty years of Shikar* (Edinburgh, 1895), p. 151. ‘Shikar’ is an anglicisation of words meaning or suggesting game hunting.

⁷³² Braddon, *Thirty years*, p. 144

⁷³³ Braddon, *Thirty years*, p. 145

⁷³⁴ Braddon, *Thirty years*, p. 145 - 6

⁷³⁵ Braddon, *Thirty years*, p. 146

principal content of the book, *The Morning Post* gave a precis of the story in its review, a review otherwise appropriately, given the theme of the book, entitled 'Indian Sports'.⁷³⁶

This concluding chapter has begun in the way that this thesis started, in the mid-1890s with an evocation of the now largely forgotten deep cultural presence of discourses on sati and the Victorian appetite for them, a presence which provides the wider context in which the analysis of references to sati and its abolition in British social and political discourses which forms the substance of this thesis sits. Braddon's memoir (and *The Morning Post*'s review) doesn't just exemplify the popularity of a sati tale, nor, indeed, simply its conventionality in this genre of writing, however (though it clearly does this, too). The book points to a number of threads that run through much of this thesis' accounting for the ways in which sati was discursively deployed in the nineteenth century and why. There are the tropes of the irrationality of the would-be sati's intent, of older tropes of devious brahmins and a recognition of the role they play in British narratives of sati, of India itself. But the widow here is also autonomous, a 'modern' tale suited to the 1890s when the Hindu child bride was a more present victim in negative ideations of India. There is also Braddon's robust interventionism, his confidence that as an officer of the British government there is moral purpose, justice, in his actions, even if the Hindu woman does not recognise and appreciate what he has done for her.⁷³⁷ Though he does not directly link the case of his intervention in the sati with the issue of Indian self-determination (what he calls "the cry of India for Indians"), it is British justice which he cites for his assertion that Indians prefer British rule.⁷³⁸

This thesis, it was stated in the introduction, is in many ways about the legacy of the abolition of sati, about what happened next. It has, as its starting point, established the diffuse presence of sati in Victorian culture; arts and literature, as Braddon's tale reminds us, and pastimes and objects, were imbricated with ideas of sati. This thesis has identified that sati had a more consequential presence in British social and political discourses across the nineteenth century, however, and this has been our principal subject. This thesis has thus asked and answered, in broad terms, when, how, in what contexts, and most

⁷³⁶ *The Morning Post*, Monday 3 June, 1895, p. 3

⁷³⁷ There is also a strong sense of the 'manly Englishman' type identified by Sinha, *Colonial Masculinity*. See Chapter 4 of this thesis for a brief discussion of this.

⁷³⁸ Braddon, *Thirty years*, p. 151

importantly, why references to sati and its abolition were present in British social and political discourses. Examination of British newspapers, books about India, and government records has shown that sati and its abolition had two key functions in these discourses which were consistent across time, place and context. These two functions have been the focus of this thesis.

The simplest of these functions, though not without its subtleties, was the justification of British rule of India. It is widely acknowledged that the abolition of sati was used in this way but there has been no systematic examination of this role. This thesis has addressed this gap, analysing when, where, how and why discourses on sati were used to justify British rule. At its crudest, the abolition of sati was simply a trope in press reportage on India, lazily present as a ubiquitous symbol of the benefits of the British presence in India. More significantly, the abolition was used across time to constitute and sustain discourses on necessary and beneficent British rule, more systematically after the Indian Rebellion and alongside discourses on child brides when Indian nationalism emerged as a political force in the 1880s. This function was embedded as a convention of much of the vast and deeply influential historical and biographical literature on India, for example. Much of this was written by men who had served in India in civil and military office, their justificatory narrative disseminated further through reviews and excerpts in the press. Most importantly of all, the abolition of sati, exemplifying necessary and beneficent rule, was used in press and parliament to assess current rule(rs) of India and set expectations of how India should be ruled and by whom in both the present and future. Sati and its abolition were deployed in debates determining the constitution of the governance of India in 1852-3, for example, used by participants both with interests in, and against, the East India Company and more substantive roles for Indians. The impact of discourses on sati was far greater on Indians; use of these discourses to argue against Indian self-determination persisted through the nineteenth century and, indeed, well into the twentieth.⁷³⁹

The second function of references to sati and its abolition in British social and political discourses was more diffuse, nuanced and complex, and is wholly unrecognised by historians. This function has accordingly been the principal focus of this thesis. Across the

⁷³⁹ In Edward Thompson's *Sati*, for example, discussed in the introduction to this thesis.

nineteenth century, sati and its abolition were used as a moral and legislative benchmark to test the limits of religious, social and cultural freedoms and the role and limits of the state in setting them. This thesis has examined this function across time in debates around religious freedom in the 1830s, the role of religion in the causes and settlement of the Indian Rebellion in the 1850s, and enforced widowhood and child marriage in the 1850s and 1880s. In these debates, sati and its abolition were repeatedly and consistently a point of alignment or divergence in testing the validity of a cause and whether intervention was justified. This function was not always separate to its function in discourses on the defence of empire. Many of the debates examined here were about the nature and reach of Indian policy and an alignment of sati with an issue was most often made by those calling for greater intervention in India. The debates around Dalhousie's legislation on widow remarriage in 1856 are an example of this. As aspects of the debates on the Indian Rebellion and enforced widowhood also made clear, the abolition of sati was also sometimes explicitly used to determine which religious and social reforms were sufficiently comparable to it that they could be enacted in India without endangering British rule.

Discourses on sati had these functions in social and political debates about India because the abolition of sati in 1829 had radically reconfigured Britain's sense of itself and its purpose in India. As is well documented, the discourses of utilitarians like James Mill, evangelicals like Charles Grant and missionaries like William Ward broke the intellectual and political dominance in India of eighteenth-century orientalist administrators like John Zephaniah Holwell and asserted instead the superiority of British civilisation. India was, in the vastly circulated literature of evangelicals, in particular, a benighted land of superstition and violence in which thousands of women were burned alive, victims of delusion or simple brute force.⁷⁴⁰

A particular authoritarian form of liberalism, rooted in a convergence of evangelical and utilitarian ideas about India and about Britain which came to dominance in the 1810s and 1820s created the intellectual and political conditions in which the abolition of sati was enacted. The abolition of sati in 1829 codified a particular liberal position, then, shaped by these early nineteenth century discourses, on what was tolerable in a civilised society and

⁷⁴⁰ As discussed in the introduction to this thesis.

the role of the state in determining this. The abolition moved and reset the limits of religious, social and cultural freedom and toleration and the boundaries of the state. It became in this way a moral and legislative benchmark across the century to test the limits of these freedoms and the limits of the state. This thesis has shown how, in significant ways which underpin the discursive functions of sati across time, the abolition of sati was seen to have reduced these freedoms and expanded the role of the state by many liberals who used it to call for and justify robustly interventionist rule in India.

But this thesis has also found that discourses on sati and its abolition in many of the debates it has examined were also often, at least implicitly, about British liberal concerns with the relationship between religion and the state, about religious freedom and toleration and the role of the state in determining their limits, in Britain as much as, if not more than, in India. This was evident in Stephen Lushington's advocacy of the principle of freedom of religion in the appeal against the abolition of sati in 1832, for example. This was a century in which the religious freedom of those outside the Anglican communion was being tested and negotiated over several decades. This thesis has shown how debates about India were in important ways sites for these domestic concerns to play out. The debates around religious policy in India in 1858 exemplify this. Interdenominational and intra-denominational disputes about the role and limits of the government in the spread of Christianity in India were, for example, also a projection of many nonconformists' concerns about fundamental issues of religious freedom at home, such as Church establishment or the funding and religious curriculum of schools.

This thesis has also demonstrated, however, that the Indian context contributed to the development of liberals' ideas about religious and cultural freedom and toleration and the role of the state. Many liberals committed to religious freedom in Britain struggled to apply it to India, a land ideologically interpreted by authoritarian liberal discourses of necessary and benevolent intervention in India, exemplified by the suppression of sati by the state. Discourses on sati were used to work through what religious freedom and toleration meant, whether they meant different things in India and Britain. Many liberals disassociated sati from religion to justify its abolition and reconcile it with religious freedom. Other liberals sought to distinguish between religious practices that were tolerable and those that were not; *The Leeds Mercury*, the organ of the Congregationalist Edward Baines, for example, in

defending intervention in sati, and in enforced widowhood in the 1850s, as practices which interfered in the religious freedom of the women who were victims of them.

This thesis has examined sati and its abolition in British social and political discourses c. 1832 – 1895. It has added to the historiography of sati which is almost entirely concerned with the campaigns against sati and the debates in colonial Bengal preceding its suppression in 1829. The abolition of sati was a legislative act grounded in an authoritarian liberalism shaped by early nineteenth-century evangelicalism and utilitarianism. By examining the presence and function of references to sati in social and political discourses through the century this thesis has also brought fresh perspectives to the historiography of liberal imperialism. Discourses on sati have provided a case study of how liberal thought about empire was constituted through engagement in political debate about specific issues, but also on how particular authoritarian, justificatory liberal discourses on empire were constituted and sustained across time.⁷⁴¹

The debates examined here were also about British concerns about domestic issues, a site on which many liberals used discourses on sati to test and develop ideas about religious, social and cultural freedom and toleration, and the role and limits of the state at home. Much of this thesis has reminded us of how central religion was for much of the nineteenth century in Britain: many chapters here have shown the significance of religion as a social and political issue, as a social and political force, as a lived system of beliefs and practices, as an intellectual interpretative framework. The findings of this thesis have challenged trends in some modern historiography which have underplayed or missed the significance of British concern with religion in the nineteenth century; this has particularly limited previous analyses of the appeal against the abolition of sati in 1832, for example, but is also pertinent to some historiography of the Indian Rebellion, as we have seen. The chapters examining the appeal and the Rebellion show the impact Victorian domestic religious politics had on empire and the impact the empire had in return, adding to our understanding of both.

This thesis has contributed to our understanding of sati and of liberalism, particularly in relation to empire and religion. In the introduction, this thesis addressed the value of

⁷⁴¹ See the introduction to this thesis for a discussion on historiographical debates about the relationship between liberalism and imperialism, for example, the work of Uday Singh Mehta and Jennifer Pitts.

historiographical approaches which bring empire and metropole into the same field of analysis. By examining in this way discourses on sati and its abolition in British debates on religious freedom in the 1830s, the Indian Rebellion, and on enforced widowhood and child marriage, this thesis has provided fresh perspectives on them, contributing to the historiography of each. Above all, this thesis has shown in new ways how closely bound up liberal social and political discourses of home and empire were and how embedded sati and its abolition were within them.

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