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Changing the Subject of Sati

Deepa Das Acevedo

POLITICAL AND LEGAL ANTHROPOLOGY REVIEW
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Changing the Subject of *Sati*

On November 11, 1999, in a small village in India's most populous state, a middle-aged woman named Charan Shah died on her husband's funeral pyre. Charan's death quickly gained national notoriety as the first sati, or widow immolation, to occur in over 20 years. Equally quickly, commentators developed a preoccupation with procedural minutiae that would influence coverage of subsequent satīs. Ultimately, several progressive commentators came to the counterintuitive conclusion that the ritually anomalous nature of Charan's death confirmed its voluntary, secular, and non-criminal nature.

This paper argues that the “un-labeling” of Charan Shah's death, like those of other women between 1999–2006, reflects a tension between the non-individuated, impervious model of personhood exemplified by sati and the particularized citizen-subject of liberal-democratic politics in India. In a twist on “recognition” scholarship, both state and non-state critics seem to fear (not yearn for) a return to idealized notions of precolonial authenticity. Their perplexing responses to seemingly “authentic” contemporary immolations suggest that something more than cultural authenticity or gendered agency places sati beyond the comprehension of liberalism and its legal forms. That something is the inability of liberal-democratic politics and the legal infrastructure to which it gives rise to accommodate alternative models of personhood.

[India, sati, citizenship, law, personhood, agency]

On November 11, 1999, in a small village in India's most populous state, a middle-aged woman named Charan Shah died on her husband's funeral pyre. Charan's death quickly gained national notoriety as the first potential *sati*, or widow immolation, to occur since a highly publicized event in 1987. Equally quickly, however, commentators developed a preoccupation with procedural minutiae that would carry over into coverage of subsequent *satis*, some half dozen in almost as many years. "The way Charan went about burning herself was not *sati*," said her brother, "She should have announced her intentions... she would have been dressed as a bride. People would have gathered" (Anonymous 1999c). Copious ink was spilled over the matter of her sari—was it red? Was it silk? If not, was it *sati*? These kinds of considerations dominated official and media responses to Charan Shah and several commentators, including the All India Democratic Women's Association (AIDWA) and the National Commission for Women (NCW), came to the somewhat counterintuitive conclusion that the ritually anomalous nature of her death *confirmed* its voluntary and secular nature (Anonymous 1999d; Dev Raj 1999; Parsai 1999).

What can explain this eagerness to avoid naming specific deaths as instances of *sati*? Why were anti-*sati* laws, ready and waiting to be marshalled against everyone from the dead woman's in-laws to the village coconut seller, allowed to be so decidedly excised from the conversation? The answer, as with so many things relating to *sati*, has to do with the issue of agency—but not in the usual sense of the widow's desire, or not, to die. Rather, the un-labeling of Charan Shah's death, like those of several other women between 1999–2006, reflects the extent to which the subject of *sati*—*not* of the widow—is in tension with the subject of liberal-democratic politics in India. *Sati* constructs a non-individuated and impervious *persona*—a being who is not an individual, and who acts upon the world without being amenable to action. Consequently an instance of *sati*, if it is acknowledged as such, reflects and constructs a type of actor that exists outside the polity and beyond the jurisdiction of the nation-state.

The majority of this article responds to liberal and feminist commentators on *sati* by arguing that what they think is troubling about the practice, namely that it is the product of coercion, is not the full story. Instead, *sati* is also troubling in contemporary India because it indexes a radically and discomfortingly different model of personhood. Whereas earlier anthropological studies of religious, non-liberal contexts argued that agency is "historically and culturally specific" (Mahmood 2005, 14), this article demonstrates that *multiple* conceptions of personhood co-exist in the same

historical and cultural context, often to puzzling effect. Similarly, whereas anthropological scholarship on liberalism and cultural difference emphasizes liberal yearning for authenticity and absolution alongside native failure and melancholia, sati implicates neither because no recognition, no desire to recognize, is on offer (Povinelli 2002).

The final portions of the article respond to the *critics* of those liberal and feminist commentators by arguing that the un-labeling of immolations is a manifestation of genuine and reasonable discomfort rather than a failure to be adequately inclusive. To say this cuts hard across the grain on a range of tropes that are now axiomatic disciplinary positions: liberalism's faulty claims to universality, the inescapably hegemonic nature of state speech (especially legal speech), and the determinative influences of gender and caste. These are just a few of the criticisms that might—indeed *have*—been made of the un-labeling of recent immolations. This article suggests an alternate reading that does not depend on characterizing liberal critics of sati as disingenuous because they “conveniently” un-label immolations in order to bring the woman who burns within the framework of the liberal state. Nor does this reading depend on castigating liberalism itself for being unable to accommodate or even subsume fundamentally different conceptions of self. Put differently, reactions to sati provide a case study in understanding that the limits of liberalism are not its failings.

A quick note on terminology: I will use the unmarked word “sati” to reference two of the three meanings usually attached to it: the act of immolation (now often called *sati*) and the woman whose innate *sat* (truth, virtuousness) leads her to commit the act and thereby become *sati*.¹ In English, this second iteration usually receives a definite or indefinite article—“the sati Charan Shah” or “Charan Shah, a sati.”

Additionally, I am mostly interested in discussing *sati*, the immolation of a single widow on the funeral pyre of her husband, rather than *jauhar*, the mass immolation of women in the face or aftermath of military defeat—most recently featured in Sanjay Leela Bhansali's controversial Hindi film, *Padmaavat* (2018). This is not to suggest that *sati* is troubling while *jauhar* is not, but to contain the scope of an already challenging discussion to instances involving only one woman's agency, or lack thereof.

The Puzzle

Charan Shah's immolation was first of several between 1999 and 2006 in which public debate did *not* revolve around the issue of agency.² This shift was remarkable, to say the least. Just over a decade earlier cosmopolitan India had erupted over the issue of whether or not a "voluntary sati" was meaningfully possible in contexts heavily marked by patriarchy. Indeed, one of the most celebrated academic articles of the late-twentieth century appeared at that time asking (and answering in the negative) whether a subaltern like the widow who burns is even capable of speech (Spivak 1988). Why, then, was the question of agency so thoroughly absent in the response to Charan Shah's immolation just a few years later? Even more puzzlingly, why did so many commentators argue that Charan Shah had not committed sati *because* she clearly wanted to die?

The objections to calling Charan Shah a sati centered on her ostensible failure to observe certain ritual practices. Charan, seemingly composed in the aftermath of her husband's death and wearing a green printed sari (rather than bridal red), was said to have slipped out of a house full of relatives and proceeded toward the cremation ground by herself (rather than in a procession) (Anonymous 1999b). When her absence was noticed and relatives pursued her, she is said to have sprinted the remaining distance before leaping onto the pyre. Her clothing, her secrecy, the fact that she did not formally announce her intention by uttering a vow (*vrat*)—all of these led a fact-finding team from AIDWA to declare that there could be "no question" of anyone being charged under the anti-sati laws because Charan had clearly acted spontaneously and therefore out of her own volition.³ The Uttar Pradesh state government, the NCW, and the district chief of police quickly agreed (Anonymous 1999a; Dev Raj 1999).

Charan's was not the only immolation to be un-labelled in this way: over the next few years similar objections would be raised in response to the deaths of Kuttu Bai (2002), Ramkumari (2005), and Janakrani (2006).⁴ What sets Charan Shah's case apart is the consistency with which a range of actors who were nominally or vehemently opposed to immolation nonetheless identified the voluntary nature of her behavior (signaled by her inattention to ritual) as the reason why it did *not* qualify as sati.⁵ Subhashini Ali, who led the AIDWA team that concluded Charan Shah had not committed sati because of her voluntary actions, nevertheless wrote that "To speak of free choice and

cultural choices in the context of Sati is particularly reprehensible because Sati is probably the most cruel final solution to the woman question devised by patriarchy” (Ali 1999).

The un-labelling of Charan Shah’s death thus turned conventional objections to sati on their head: rather than saying that a true (because voluntary) sati was impossible, commentators held that an immolation was not sati precisely *because* it was voluntary.⁶ Put differently, even when seemingly no amount of detective work could establish the widow’s lack of agency, sati remained troubling enough to progressive commentators that they found it preferable to un-label the act by calling it suicide.⁷ Why?

The Background

Bengal is the origin point for contemporary debates over the ethics and regulation of sati, and understandably so: the first piece of legislation to address sati, Regulation XVII of the Governor General’s Council (1829), grew out of a protracted debate between and among colonial officials in the Bengal Presidency and native male elites among the *bhadralok* (gentle folk, well-mannered people) (Mani 1998). However, since the early twentieth century, the folk understanding of sati at play in urban debates over the practice has been Rajput rather than Bengali. The significance of this shift has understandably, if problematically, been overlooked.

Colonial officials and Bengali elites shared a perception that sati signaled the widow’s complete subservience to her religion, either as a victim of oppressive, patriarchal traditions or as a figure who successfully enacted the most awe-inspiring of scripturally prescribed wifely devotions. For supporters and critics alike, then, immolation communicated more about tradition and its triumph over the individual than it did about the individual woman who burned (Mani 1998, 79).

The widow’s agency also had little role to play in how the colonial government approached the task of prohibiting sati, or even its decision to do so at all. Regulation XVII justified itself by stating that sati was “nowhere enjoined by the religion of the Hindus,” while the regulation’s author, William Bentinck, defended its timing saying that “now that we are supreme my opinion is decidedly in favor of an open, avowed and general prohibition.”⁸ Nowhere in sight was the widow, her willingness to burn, or whether that willingness could be taken seriously as a sign of her status as an

autonomous subject.

The abolition of sati in 1829 was hailed as a resounding success and colonial record-keeping on the subject soon stopped (Mani 1998, 24). Sati, of course, did not disappear—nor did the question of agency. Outside Bengal, and especially in the princely states of Rajputana (present-day Rajasthan) colonial officials continued to encounter sati under conditions that led them to reinterpret the widow's subjectivity. British conceptions of Rajput caste culture as chivalrous and martial lent a new air of heroic sacrifice to the practice, which in Bengal had represented nothing so much as wanton destruction (Major 2006b, 317). Rajput conceptions of sati also transformed colonial attitudes: whereas Bengali elites had defended sati's religious significance saying that it fulfilled textual prescriptions for wifely behavior, Rajput supporters argued that the widow who burned became a *satimata* (sati mother)—a goddess, a transcendent person (Major 2008, 236; Major 2006b, 320). Sati in the Rajput context was thus a feat of literally supernatural self-expression whose cultural validity was tied to the widow's agency irrespective of its legal or scriptural status.

Importantly, the caste dimensions of this narrative are rarely acknowledged by modern commentators, regardless of their perspectives.⁹ Caste does surface in first-hand accounts of colonial and precolonial immolations, as well as in scholarly treatments of those accounts, but only in a highly circumscribed fashion that reduces to two broad points: first, that immolation is especially linked to *kshatriya* (warrior) castes, and second, that immolation may be forbidden to brahmin widows (although several Sanskrit texts are said to diverge from or moderate this view) (Sharma 1988 29–30). Not only are both these issues somewhat beside the point respecting the immolations of 1999–2006—a majority of which involved non-kshatriya, non-brahmin women¹⁰—but *the very fact of this irrelevance* as well as of any implications it may have carried for understanding the immolations *as* satsis was virtually absent in public discourse.¹¹ Indeed, the intersection of caste identity with immolation surfaced far more regularly during the recent controversy over the film *Padmaavat* than with any of the actual immolations discussed here. Critics of *Padmaavat* panned the film as being “steeped in patriarchy, parochialism and prejudice” while Rajput organizations (which had first vocally and violently protested the film's release) later proclaimed that “the movie glorifies the valour and sacrifice of Rajput and every Rajput will be feeling proud after watching the film” (Dutt 2018; Anonymous 2018).

It is precisely this Rajput sati—the woman who immolates herself despite the pleas of

her relatives and begins to exhibit goddess-like qualities even before her death—who is the true antecedent to contemporary debates on immolation. This is the understanding of agency behind the un-labelling of Charan Shah's death in 1999, and it rests on a vision of personhood that is distinctly at odds with the individuated, actionable self of liberal-democratic politics in contemporary India.

The Ideology

Anthropological and historical accounts of Rajput *satis* have characterized immolation as the turning point in a process transforming an individual human woman into part of an impervious, non-individuated supernatural force.¹² This process begins long before her husband's death: a woman is first a *pativrata* (a devoted wife) then a *sativrata* (one who has vowed to join her husband in the next world) and lastly a *satimata* (Harlan 1994, 80). It is relatively difficult for a woman to be sure of her status as a *pativrata* during her own lifetime and the ill-luck of being predeceased by her husband inevitably casts aspersions on her character. However, since a true *pativrata* wishes to share her husband's fate above all else, by immediately and unhesitatingly vowing to accompany her husband into the afterlife, a woman—and her relatives—may be reassured that she has on the whole been a dutiful spouse.

As a *sativrata*, the widow exists both in time, as a corporeal woman, and outside it, as a being who possesses knowledge of past and future lives. When she declares her intention to commit *sati*, a lifetime of *pativrata* behavior begins to coalesce as *sat* (moral heat) inside her and gives her special powers. She can avenge harms suffered by the human woman who is about to die by issuing curses that last for generations. She almost always issues *oḱs* (behavioral norms) that largely impact the women of her marital family (Harlan 1994, 89). In other words, and unlike in many conventional anthropological accounts (Turner 1969), a *sativrata* is not weakened by her liminal state. Thanks to the terrifying vow she has taken, the *sativrata* begins to transition from being a person acknowledged to have certain powers (especially over her husband's well-being) to being a collection of powers—a *satimata*—alleged to have certain qualities of personhood.

It is as a *satimata* that the widow becomes both most potent and un-person-like. As a lineage protector, she issues curses and blessings. Simultaneously, “she” stops being an identifiable woman: the *sati*'s newfound authority replaces the specificity of the

woman who died (Weinberger-Thomas 1999, 218). “Henceforth no one can refer to her by her name. She is either ‘sati’ or ‘sati mata,’ immortalized for her ‘*balidaan*’ and courage” (Badhwar 1987, 98). Where more than one *sati* has taken place in a given family, all are “invariably referred to in the singular... Particular features associated with individual sats come to be associated with the amalgamated, condensed, singular sati personality. Instead of many sats with many stories, there is one sati who possesses many aspects” (Harlan 1994, 82).

This process of amalgamation and abstraction means that talk of “the” sati conflates the woman who dies with the persona of sati. In doing so, it permits—indeed, it pushes—commentators to talk of the widow’s agency and sati’s agency as if they are the same thing. They are not. Sati, the end stage of the transformative process that begins with being a pativrata, represents a distinct model of personhood that is non-individuated and impervious to external forces. By contrast, the widow who burns is individuated and non-impervious. The difference between these two types of persons and their incompatibility underlies the un-labeling of Charan Shah’s immolation, as well as those of the other widows who died between 1999–2006.

The Person(s)

In the classic liberal formulation, persons and individuals are largely co-extensive (Geertz [1983] 2000, 59; Schectman 1990, 72). Indeed, the tendency to equate the two is so strong that non-individuated persons—persons lacking the continuous histories of human individuals—are often reconfigured as being abstract or transcendent. Corporations epitomize this recourse to abstraction: they are legal persons with some of the rights of natural persons, yet their personhood is rarely taken seriously outside social science analysis (Kirsch 2014, 207–08). The very corporate lawyers who deal with these non-individuated persons dismiss the “awesome feat” of creating artificial personhood as nothing more the technical product of a convenient fiction (Bashkow 2014, 297).

A similarly complex relationship between personhood and individuality underlies sati. Even commentators interested in the symbolic or religious significance of sati often reconfigure the outcome of immolation—“the” sati—in abstract terms as an “event” or a “phenomenon” or as “a transcendent being, the *satimata*” (Nandy 1994; Courtright 1994; Harlan 1994). What this approach fails to acknowledge is the *concreteness* of sati

in addition to its *singularity*: sati plays a part in the world, like a person, though without the fleshed-out identity of an individual.

Take the first proposition: that “sati plays a part in the world.” Because the satimata is believed to be capable of action in the form of curses, boons, and warnings, she has one aspect of personhood: she can impact the corporeal world. However, although she may act on her devotees, sati *herself* is unactionable or “impervious.” She does not “appropriat[e] actions and their merit” or become[...] concerned and accountable” for them (Locke 1995, 256). Anthropological studies of sati even suggest that she is only minimally reachable by devotion and prayer, unlike Hindu gods who are regularly affected by human curses or ascetic prowess.¹³ Indeed, unlike Hindu gods (who possess limited legal personhood in India), sati is unreachable by human *law* (Mahapatra 2010). Court opinions involving specific sati temples or immolations rarely even reference either “Sati” (wife of Shiva) or “sati(-Charan Shah).”¹⁴ Instead, the referent in these judicial pronouncements is often a non-specific “sati” or “sati-ji” that is *not* the doer or recipient of deeds.

Now consider the second proposition: that sati acts “without the fleshed out identity of an individual.” The reason the satimata lacks “spatio-temporal continuity of consciousness” is because she is in fact an “amalgamated, condensed, singular sati personality”—in other words, she is a non-individuated person (Helm 1979, 179; Harlan 1994, 82).¹⁵ The distinction between individuals who are persons and non-individuated persons is not unlike the difference between count nouns and mass nouns—roughly, things and stuff (Gillon 1992). Ontologically (and indeed, linguistically) sati is more like water and less like cups, which can be counted as individuals. The language of sati judgments often reflect the non-individuated personhood that immolation is said to produce: “Saraswati would become Sati,”¹⁶ or “[the] widow expressed her intention to become *sati*.”¹⁷

The nature of the journey from pativrata to sativrata to satimata surfaced frequently in public debates following the immolation of Roop Kanwar in 1987. Roop was an eighteen-year-old girl who burned to death after her husband died eight months into their marriage. Both her immolation and the highly politicized battle it inspired over patriarchy, agency, and cultural legitimacy drew extraordinary attention. In the subsequent decade, academic articles and books, magazine symposia, media coverage, and the eventual passage of two new statutes—the Rajasthan Sati (Prevention) Act, 1987 (Act No. 40 of 1987), and an Act of Parliament, the Commission of Sati

(Prevention) Act, 1987 (Act No. 3 of 1988)—arguably transformed Roop’s death into the second major landmark in discourses on sati since Regulation XVII.¹⁸ Although the Commission of Sati (Prevention) Act passed through Parliament “with a minimum of debate or amendment,” observers found much to dislike in it (Daruwala 1988). The Act was simultaneously redundant, since it outlawed something already illegal, and a marked change in the central government’s attitude towards regulating sati. It prohibited, for the first time, the *glorification* of sati (§ 5), placed the burden of proof on those accused of abetting sati (§ 16), and most importantly it punished *attempts* to commit sati (§ 3).

Public debate over Roop Kanwar’s immolation largely engaged with Rajasthani folk conceptions of sati as supernaturally empowering rather than the earlier Bengali understanding of sati as the enactment of scripturally prescribed duty. Even critical responses to Roop’s death reinforced the notion that *this* was the conceptualization of sati to be resisted and denounced. “In the modern interpretation,” declared one journalist, wifely devotion “has been twisted round into a belief which holds that if a woman gives up her body by burning, like the original Sati, she deserves to be venerated and honored” (Narasimhan 1990, 11).¹⁹

Responses to Roop Kanwar rarely touched on the inherently caste-based nature of the idea that immolation was empowering; when they *did* indirectly reference caste they did not do so in a uniform way. Some commentators, like the feminist collective Saheli, explicitly highlighted the localized and caste-inflected origins of this view of sati to demonstrate its “borrowed” nature in Roop’s specific case (Saheli 1987). Other far more sympathetic commentators melded the narratives of empowerment and obligation in the course of naturalizing the role of caste: “What is most astonishing... is not that a Rajput widow has performed the rite of sari [sic], for, in doing so, she simply demonstrates her assent to the set of principles and beliefs that makes one a Rajput in the traditional sense” (Harrigan 1987). Despite these differences, considerations of caste played a relatively minor role in public discourse aimed at either problematizing or defending the events that occurred in Deorala, which continued to forefront questions of agency, empowerment, and transformation.

Responses to the contested immolations of the late 1990s and early 2000s also engaged with an understanding of sati as transformative and empowering rather than scriptural and self-effacing, and they did so despite geographic, chronological, ritual, and even caste distances from the paradigmatic case of Roop Kanwar. Indeed, they did so

despite the best intentions of the commentators themselves, who frequently raised the specter of immolation-as-transformation only to dismiss it, or in order to explain why, in their view, a tribal woman could not become sati.²⁰ The discursive foil in debates over sati has, at least since Roop Kanwar's death, been the model of personhood that sati produces. Put differently, and regardless of the priors of those involved, sati in contemporary Indian discourse is defined by the transformation of an individual human person into a non-individuated, impervious entity.

The Citizen-Subject

Unlike the transformation from pativrata to satimata, the metamorphosis of individual persons into Indian citizen-subjects in 1947 (on independence) and 1950 (on the effective date of the Constitution) did not culminate in the kind of non-individuated, impervious entity represented by sati. On the contrary, the new status constituted by these events was marked by an unusual degree of specificity and permeability. Indian citizens are also subjects who are eminently reachable by the state, and their Indianness is the sum rather than the replacement of their antecedent identities. The specifics of this arrangement have shifted over the years but, as the following snapshots across political and temporal contexts suggest, its overall contours remain essentially unchanged.

Few things better exemplify the extent to which Indian nationhood created citizens who are also subjects than the Fundamental Rights section of the Constitution. Although many of the rights do the conventionally liberal-democratic work of affirming citizen sovereignty by limiting state action (Das Acevedo 2016, 556–57), others commit the state to actively reshaping how Indians treat one another (Austin [1999] 2008, 50). Article 15(2) prohibits discriminatory treatment in the use of privately-managed public venues; Article 17 abolishes the practice of untouchability; and Article 23 outlaws forced labor. Article 25 goes much further by allowing the state to regulate “all secular activity which may be associated with religious practice” and requiring it to ensure that all Hindus may access public Hindu institutions.²¹ These features may not quite signal that the Indian Constitution, taken as a whole, is “militant” vis a vis society (*pace* Jacobsohn 2009, 131) but they do demonstrate that being amenable to state action is explicitly linked to enjoying membership in the polity. In other words being Indian means, at least in part, being subject to the state's grand experiment to “further[...] the goals of the social revolution” (Austin, [1999] 2008,

50).

Like the Constitution, Indian legal and political history is chock full of evidence that being amenable to state action is a hallmark of political life. The breadth and depth of state-led cultural and religious reform is remarkable, and extends from the long process of personal law reform that culminated in the Hindu Code Bills of 1952-56 (Galanter 1968, 79–80) to the development of the “essential practices” doctrine, with which courts identify aspects of religion that deserve to be protected from state interference,²² and more recently to the partial overturning of 377 of the Penal Code in *Navej Singh Johar* insofar as it criminalizes same-sex relations between consenting adults.²³ “The *primary objective* of having a constitutional democracy,” wrote Chief Justice Misra in *Johar*, “is to transform the society progressively and inclusively.”²⁴ Justice Misra’s view of constitutional democracy may not apply with equal force outside India but it certainly and consistently applies within it.

The relationship between particularistic identities and Indianness, on the other hand, is so much a part of the social carpet that it is harder to pick out discrete examples of how the one builds on rather than displaces the other. The Fundamental Rights section explicitly acknowledges that citizens remain defined by “webs of interlocution” in important ways (Taylor 1989, 36) via its recognition of groups as rights-bearers (Articles 26, 29, 30) and its singling out of some groups for state-led reform (Article 25(2)).²⁵ To be sure, many of the Constitution’s framers would have preferred that subnational identities gave way, either to a civic nationalism (as with calls for a uniform civil code to replace religious personal laws) or to a single cultural identity (as with calls for Sanskritized Hindi to acquire mandatory official language status) (Austin [1999] 2008, 80–81, 265–69). However, both types of homogenization largely subsided in the face of persistent attachment to religious and linguistic identity and a conviction that such attachment was not incommensurable with being Indian (Choudhry 2016, 187, 193; Kaviraj 2000, 154).

India’s approach to secular governance also makes clear that citizens are not envisioned as being devoid of identity markers. Notwithstanding the absence of any officially established religion and the presence (since 1976) of a constitutional commitment to secularism, India has never desired the separation of religious and public life in the manner of French *laïcité* or the American “wall of separation.” Rather, Indian visions of the good life have, from the beginning, included two reasonable and decidedly non-secular goals: “the desire to support, protect, and encourage religion and the desire to

reform Indian society, especially with regard to caste practices” (Das Acevedo 2013, 159–60). Indeed, given the panoply of regulations influenced by religious or caste affiliation—family law issues (marriage, divorce, adoption, inheritance), quasi-criminal law issues that are determined by caste panchayats (Dhagamwar 2003, 1483–92), access to public education and employment, to name just a few—it seems ludicrous to even suggest that one can be Indian without also being Hindu, Muslim, or Mahar.

None of this is to say that the unmarked, pre-social self of liberal-democratic politics lacks all relevance in India. The Indian Constitution extensively recognizes the kind of negative liberties through which such a self is constructed, and the same state actors who valorize the transformative purposes of Indian democracy also often support this alternate understanding of personhood.²⁶ India, as generations of observers have remarked, is in many respects a “both, and” universe (Austin [1999] 2008, 318; Choudhry, Khosla, and Mehta 2016, 7).

What this sampling of constitutional prose and political history *does* suggest is that retaining particularistic identity markers and being amenable to state action is decidedly, perhaps even uniquely, important to political selfhood in contemporary India. Neither of these requirements translates well to the self of sati. Indian selves are not unmoored from their specific subnational components, but the aggregated, non-individuated self of sati is detached from the human women who burned. Indian selves are not beyond the reach of the state—far from it—but the self of sati, though she acts via curses and other pronouncements, cannot be acted upon except in the extremely minimal sense of devotions. Sati constitutes a model of personhood at odds with the self of the Indian citizen-subject: she acts without being acted upon and is a person who is not an individual, all in a context where actionability and specificity are antecedents to political belonging.

It is worth noting that unlike previous iterations of the debate over sati, public discussions of the recent immolations did not extensively reference concepts that are related to personhood—agency, voluntariness—much less discuss personhood itself. The commentaries are thus not so much *about* two conflicting conceptions of personhood, that of sati and of the citizen-subject, as they are *shaped by* them. Certainly other models of personhood exist in India, in Mahoba, and in the debates on sati that have been a recurrent aspect of elite cultural commentary on India, native or otherwise, for some five centuries or more (Major 2006a). But this article is concerned with something altogether different: explaining why liberal commentators have

behaved as they did in responding to the recent immolations. That task demands engagement with a smaller set of concepts—a pair, as it turns out—and a different set of questions.

The Implication(s)

It is one thing to grant that distinct and conflicting conceptions of personhood may occupy the same patch of spacetime, and even to acknowledge that the encounter may prove contentious. It is an altogether different thing to say that the contentiousness of the encounter and the erasure of one of the contending conceptions is nobody's fault—and yet, in this penultimate section, I hope to establish just that.

The two models of personhood I have outlined here necessitate different requirements for the recognition of an agentic being *as such*. The subject of sati is amalgamated, synchronic, and non-individuated. Although human women with unique histories burn as a precondition of sati, sati is not the sum of their selves—she is not, unlike the Indian citizen-subject, a “both, and” conjunction of particularistic identities and a superordinate self. Sati does not even give rise to an “either, or” because there is no dynamic relation possible between the women who burn and the subject that emerges from the fire. The nature of the transformation undergone by individual women, from *pativrata* to *satimata*, is unidirectional and absolute. The subject of sati, lacking even the specificity of other supernatural beings like Krishna, is only affirmatively characterized by the ability to act.

Conversely, the Indian citizen-subject is a diachronic assemblage of identity markers. Without being Muslim or Maratha it is hard, and at times very nearly impossible, to be Indian; Indianness, in other words, is predicated on exactly the kind of particularity that sati lacks. It derives its transcendental or universal aspect from potentiality not, in any real sense, from the sublimation of self. It is also crucially dependent on the ability to *receive* action. The Indian state actively shapes the society it represents—it is more carnival mirror than vanity glass—and that it does so reflects both constitutionally encoded impulses and politically and historically contingent circumstances. Still, even the best carnival mirrors require substance to reshape and reflect and this does not exist in the case of the “amalgamated, singular sati personality.”

Sati, in other words, is troubling not only because of a worry that the widow is

controlled by the greed and religious or patriarchal values of others rather than by her own intent. It is, of course, worrisome for this reason, but as the responses to Charan Shah demonstrate there is far more in play than the widow's agency. Sati remains troubling to liberal commentators even in the face of voluntary behavior. If an event *is* sati it constructs a model of personhood that defies the one on which Indian law and politics depend. And yet, if the unlabeled of satis like Charan Shah is a response to the conceptual incompatibility I have described here, what does that response suggest?

It might signal a defensive maneuver, a convenient if not necessarily self-conscious form of conceptual protectionism in favor of the model of personhood—the particularistic and actionable citizen-subject—that lies at the heart of Indian politics. Ashis Nandy has consistently deployed this type of reasoning to explain away liberal anxieties over sati as stemming from a modern unwillingness to appreciate the awesomeness of ritual and faith, or at the very least as arising out of an inability to comprehend the widow's act of self-sacrifice (Nandy 1994; Nandy 1988). Nandy's writings on sati were largely addressing the aftermath of Roop Kanwar's 1987 immolation, but it takes no great effort to imagine he would view the un-labelling of Charan Shah's death in similar terms.

We *might* understand responses to Charan Shah's death in this way—but we should not. Doing so implies that liberal critics privately sense that Charan's death was sati, while publicly they exploit a claim—the significance of ritual prerequisites, or the impossibility of voluntary sati—to recast the immolation as a comparatively unthreatening suicide. Imputing this kind of bad faith to the commentators who declared that Charan Shah committed suicide not sati transforms them into wily editors of a common cultural text without any reason to assume either their wiliness or their interest in editorial work. The *least* troubling aspect of this interpretation is that it views debates over sati as a kind of cultural performance in which liberal commentators tell themselves a story about themselves and their political ontology (Roseberry 1982, 1018–22).

Instead, the unlabeled of Charan Shah's death, along those of Kuttu Bai, Janakrani, and others, is better understood as signal evidence of reasonable limits—the limits in question being those of liberal-democratic politics generally and, specifically, of the variation of those politics that obtain in India, to imagine alternate models of personhood. That they are reasonable limits may appear to be too ambitious a claim

to make at this stage in the conversation, but it is not. The contrast between the highly particularistic, permeable self of the citizen-subject and the non-individuated, impervious subject of sati is exhaustive and important. How *could* they co-exist?

The increasingly tangled legal responses to sati demonstrate that law is no more capable of deep accommodation than the individuals who construct and are constrained by it. Over the course of their nearly 200-year history, laws pertaining to sati have repeatedly been adjusted (or attempts have been made to adjust them) in ways that would be unnecessary if sati was indistinguishable from suicide, homicide, or culpable murder—all already violations of the Penal Code.²⁷ These alterations betray an uneasy awareness that, whatever sati might mean to the people who draft, implement, and critique legislation, it could mean something very distinct for the people who are prosecuted. Most importantly, the changes indicate a belief that multiple understandings of sati can and should be captured by law.

An early regulatory shift acknowledged the possibility of a voluntary sati but dismissed the legal significance of volition. Regulation XVII had criminalized “the practice of suttee, or of burning or burying alive the widows of Hindus” regardless of the widow’s willingness. Any person “convicted of aiding and abetting in the sacrifice of a Hindu widow... whether the sacrifice be voluntary on her part or not” would be guilty of culpable homicide. The Commission of Sati (Prevention) Act of 1987 replicated its predecessor’s approach: abettors were guilty “irrespective of whether such burning or burying is claimed to be voluntary.”²⁸ The 1987 Act further reinforced the notion that voluntary sats were possible by adding a punishment for the women who failed to successfully carry out their immolations.²⁹

A later shift implied that not only was sati distinct from existing crimes, but that there were *legal* sats distinct from the *illegal* sats outlawed by the 1987 Act and Regulation XVII. The shift grew out of a Supreme Court case regarding the 1987 Act’s proscription against glorifying sati. The Court upheld the provision in response to a constitutional challenge but observed that any interpretations of sati outside the statute’s definition were unaffected by the rule against glorification (Anonymous 2001a). The All-Indian Democratic Women’s Association observed that Court’s ruling had effectively broadened the legal meaning of the term “sati” while also narrowing the regulatory scope of the 1987 Act (Anonymous 2001b).

A proposed but unrealized shift in the late 2000s would have seemingly exacerbated

both these earlier adjustments regarding volition and definition. After multiple immolations in 2006, the Ministry for Women and Child Development proposed amendments to the 1987 Act that would have mitigated consequences for the widow while strengthening punishments for everyone else. Had the amendments passed, the entire community in which an immolation occurred would have been held responsible for a new crime, “sati murder,” carrying a maximum life sentence (Gaur Singh 2007).

Conclusion

If sati is at least partly troubling because it indexes a radically different conception of personhood, and if the un-labeling of recent immolations is a reasonable reaction to the differentness of that conception of personhood—well, what then? At the level of theory it might be enough to say that responses to Charan Shah’s death constitute another testimonial for the view that there is no position of externality with respect to either liberalism or its legal forms. Anthropologists have been saying this for some time with respect to culture (Vivieros de Castro 2013) and philosophers are starting to say it with respect to logic (Kimhi 2018). It is indeed worth noting that liberal anxiety regarding cultural difference can produce something besides misrecognition or a failure to recognize—it can trigger simultaneous efforts to (legally) recognize yet wholly un-label, as with sati.

But some theoretical contributions are less theoretical than others. Saying that there is no position of externality with respect to “contentious traditions,” that commentators manifest this and lawmakers codify it, is not a statement of the same order as the observation that peccaries are human. It *matters*. It means that liberal responses to sati, whether popular or legal, when they try to speak from within a universe marked by non-individuated, impervious persons rather than from the repertoire of particularized and actionable selves, are likely to produce puzzling and perhaps easily misinterpreted outcomes. It also means that critics of the increasingly expansive regulatory approaches to sati discussed earlier are on to something when they argue that sati-specific legislation is undesirable in the face of comparable crimes like murder, culpable homicide, and suicide. Yet, these critics are on to something for even more reasons than they may be aware of: not simply because sati legislation creates unnecessary redundancies in the penal code, but because, via its initial attempt to accommodate alternate forms of personhood, such legislation begets more legislation in an unpromising and likely perpetual effort to grapple with those alternate subjectivities.

Going further, since sati itself may be an easy test case—the Indian Supreme Court certainly thought so and said so in a recent decision about another contentious tradition³⁰—the lesson of these recent immolations is still more difficult and weighty. That lesson is that inside or outside the hallways of government and even in the bewilderingly “both-and” incarnation that obtains in India, liberal-democratic politics are subject to conceptual limits. This same lesson, sobering as it may be, should also be freeing. Asymptotic progression toward a true multiplicity of worlds leaves room for infinite progress.

Notes

My thanks to Gyan Prakash and Herman Tull, who bore patiently with my first attempts to understand sati; to John Kelly, William Mazzarella, Leo Coleman, Arvind Elangovan, Sonam Kachru, commentators at Columbia University and Indiana University (Bloomington), and three anonymous *PoLAR* reviewers for their engagements with various iterations of this paper; and, as always, to John Felipe Acevedo. Errors are mine alone.

¹ The third meaning, Sati, references the wife of the Hindu deity Shiva. Sati *does* immolate herself, but it is a means of protest—Shiva has not died. In other words, Sati does not commit sati (Talwar Oldenburg 1994b, 159–73; Weinberger-Thomas 1999, 161).

² In addition to the three immolations mentioned in note 4, below, I found one other immolation that occurred before Charan Shah (Javitri, in 1989) as well as instances of two other immolations (Sita Devi and Vidyawati) in 2006. I do not discuss these three immolations for lack of adequate information.

³ Anonymous, ‘It was not ‘Sati’.

⁴ Objections to calling Kuttu Bai’s immolation sati were raised by the national government, state government, district collector, and village head (Bhagat 2002; Pervez 2002). Eventually, however, four men were found guilty of abetting her sati (Anonymous 2006a). A district magistrate and the senior superintendent of police made similar objections regarding Ramkumari (sometimes called Rajkumari) before changing their minds (Chakraborty 2005b; Anonymous 2005b). After Janakrani’s death, a national minister and the state Women’s Commission resisted calling the event sati (Anonymous 2006c; Anonymous 2006d).

⁵ I should also note that Charan Shah’s death also received considerably more media coverage and attention from national organizations like AIDWA and the NCW for

reasons that remain unclear to me.

⁶ Not all commentators would agree with my account of the conventional liberal (especially feminist) objection to sati. Talwar Oldenburg, for instance, argues that “coercion or consent is not really relevant” to feminist views on sati (1994a, 104). However, as she herself notes, feminists are concerned “about the women involved—their lives, the pain they endure, the cruelty and barbarity they experience, and the resultant negation of the meaning of their separate existence” (Id).

⁷ A “counter-report” on Charan Shah, published in response to the AIDWA and NCW findings, suggests that caste politics may be at play in the un-labeling of a Dalit sati (Jaishree et al. 1999): “[i]f only Charan Shah had belonged to a higher caste, the belief went, the administration might have reacted differently. They felt that as with other claims by Dalits, their claim to their own sati was not being recognised by the state or upper castes.” Unsurprisingly, this line of thinking rarely surfaced in mainstream liberal discourse; moreover, the “counter-report” itself cast doubt on the villagers’ theory by pointing out that the presence of a sati site is commercially and socially valuable (pp. 21–22). It is also difficult to explain away the unlabelling of recent immolations solely on the ground of caste elitism when many of the same commentators engaged in a different kind of unlabelling (calling immolations *murders*) and protested the commercialization of sati in the case of the Rajput widow Roop Kanwar.

⁸ Sati Regulation XVII, A. D. 1829 of the Bengal Code: 4 December 1829; Bentinck (1829).

⁹ For examples of rare—and still minor—references to caste, see Harrigan 1987 (quoted earlier on) and Aron 2006 (“Confined to the upper castes till a few decades back, it is now spreading among the backward castes as well.”).

¹⁰ Of the three immolations mentioned in n. 3, above, one involved a widow from the barber caste (Kuttu Bai) and another a widow from a tribal community (Janakrani) (Pervez 2002; Anonymous, 2006b). The third, Ramkumari, was a brahmin (Chakraborty 2005a). Of the three immolations *not* discussed in this paper, Javitri was a brahmin, Vidyawati likely belonged to a lower caste, and I could not determine Sita Devi’s caste.

¹¹ One of the relatively few (but typically incidental) references to caste identity in the aftermath of Charan Shah’s immolation surfaces in an exchange between Subhashini Ali and Madhu Kishwar, in which Ali objected to the idea that the oppressed Indian woman was a colonial concept. Kishwar responded that “[p]an-Indian gender identity is a recent creation” and that “[i]t is absurd to suggest that the position of women among Nairs, Meitis and other matrilineal communities... would have been the same as that of Rajput women... or Yadavs of Bihar” (Kishwar 2000).

¹² My description of the transformation process draws heavily on Harlan (1994) and Weinberger-Thomas (1999).

¹³ Harlan argues that sati is not clearly equivalent to a goddess: “Women I interviewed generally explained her status as lower than that of a goddess (*devi*) but higher than that of an ancestor (*pitrami*)” (Harlan 1992, 119–20).

¹⁴ In a 1994 property dispute, the Madhya Pradesh High Court simply referred to a temple as “Sati ka Chabutra” (*sati platform*) notwithstanding the appellant’s attempts to link the monument with a female ancestor. *Ramsingh v. State of Madhya Pradesh*, AIR 1995 MP 154. The Board of Revenue, quoted by the Madhya Pradesh High Court, did evoke the conventional paradigm of deities owning their own temples; however, its language fits poorly with other parts of the Board’s observations (as well as the language of the High Court), which only consider the appellant’s contention “that Sati Chabutara related to an ancestor of [his] family.”

¹⁵ This is not to say that sati is a “dividual” in the tradition of Louis Dumont or Marilyn Strathern (Smith 2012, 53).

¹⁶ *Tejsingh v. State of Rajasthan*, AIR 1958 Raj 169.

¹⁷ *Emperor v. Ram Dayal*, Criminal Appeal No. 531 of 1913 (emphasis in the original).

¹⁸ The news magazine symposia include, most prominently, *Manushi* No. 42–43 and *Seminar* 342.

¹⁹ Indeed, the same argumentative foil appears in Kumkum Sangari and Sudesh Vaid’s study of a Rajasthani sati that occurred *before* Roop Kanwar’s immolation (1981, 1286–87).

²⁰ Consider the following comments regarding, respectively, Charan Shah, Janakrani, and Ramkumari: “Maybe a temple will also come up at the site and the dead woman will be transformed into a goddess, brainwashing more illiterate women...” (Bhagat 2002); “The tribal family worships Hindu gods... ‘Tribals don’t believe in sati’” (Anonymous 2006b); “Sati puja has moved indoors after police launched a crackdown ... ‘*Hum to Sati Maiya ka ghare me puja karbe* (I will do the sati puja at home),’ said Champa Devi, a housewife” (Chakraborty 2005b).

²¹ *Constitution of India*, Part III: Fundamental Rights, Article 25(2)(a).

²² *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt*, AIR 1954 SC 282 (1954).

²³ *Navej Singh Johar v. Union of India*, Writ Petition (Criminal) No. 76 of 2016 (2018).

²⁴ *Johar* at ¶ 253 (iv) (Misra, C.J.) (emphasis added).

²⁵ *Constitution of India*, Part III: Fundamental Rights, Article 25(2)(b) (the state may provide “for social welfare and reform or the throwing open of Hindu religious institutions”); Article 26 (granting various rights to religious denominations or sections thereof); Article 29 (granting linguistic and cultural conservation rights); Article 30 (enabling “[a]ll minorities” to “establish and administer educational institutions”).

²⁶ *Johar* at ¶ 149 (Misra, C.J.) (“Autonomy is individualistic. It is expressive of self-determination...”).

²⁷ Indian Penal Code § 300 (murder); Indian Penal Code § 299 (culpable homicide); Indian Penal Code § 309 (attempted suicide).

²⁸ The rushed passage of the Act—roughly within a year of Roop Kanwar’s immolation—is apparent in the redundant language with which it introduces and dismisses volition: “‘*sati*’ means the burning or burying alive of – (i) any widow along with the body of her deceased husband or any other relative... or (ii) any woman along with the body of any of her relatives, irrespective of whether such burning or burying is claimed to be voluntary on the part of the widow or the women...”

²⁹ In 2005, a 42-year-old woman named Basanti Devi was arrested under the 1988 Act for allegedly attempting to commit sati. Unusually, Basanti Devi’s husband, Ganpat Lal, was alive at the time of the attempt, and even marched with her to the site of her intended immolation (Anonymous 2005a).

³⁰ *Indian Young Lawyers Association v. State of Kerala*, Writ Petition (Civil) No. 373 of 2006 (2018) at ¶ 8.2 (Malhotra, J., dissenting) (regarding women’s access to the Sabarimala temple) (“It is not for the courts to determine which of these practises of a faith are to be struck down, except if they are pernicious, oppressive, or a social evil, like *Sati*”).

References Cited

- Anonymous. 1999a. "UP Tries to Douse Sati Fire With 'Self-Immolation' Lid." *The Statesman*, November 13.
- Anonymous. 1999b. "India: It was not 'Sati', Says CPI(M) Women's team." *The Hindu*, November 17.
- Anonymous. 1999c. "Neither Sati Nor Suicide: The Final Solution of Charan Shah." *The Times of India*, November 20.
- Anonymous. 1999d. "India: It is not 'Sati', but Suicide: NCW Panel." *The Hindu*, November 21.
- Anonymous. 2001a. "Devotees to 'sati' temples do not glorify 'sati.'" *The Hindu*, November 8.
- Anonymous. 2001b. "AIDWA for review of SC ruling in sati case." *The Hindu*, November 21.
- Anonymous. 2005a. "Sati rumour leaves many hurt in Rajasthan village." *The Hindu*, March 22.
- Anonymous. 2005b. "It was an act of Sati, accepts Banda admn." *The Times of India*, May 28.
- Anonymous. 2006a. "Life term for 4 in Sati Case." *Hindustan Times*, April 5.
- Anonymous. 2006b. "In MP, Woman Commits Sati, Admn Moves in to Stop Glorification." *Indian Express*, August 22.
- Anonymous. 2006c. "Woman Kills Self on Husbands Pyre." *The Statesman*, August 23.
- Anonymous 2006d. "It was Sati, claims Oza." *Hindustan Times*, August 25.
- Anonymous 2018. "'Padmaavat' glorifies Rajputs, says Shri Rajput Karni Sena; withdraws protest." *The Hindu*, February 3.
- Aron, Sunita. 2006. "Stigma smoulders: Time has stopped in Bundelkhand." *Hindustan Times*, May 23.

- Austin, Granville. [1999] 2008. *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford Indian Paperbacks.
- Badhwar, Inderjit. 1987. "Sati—A Pagan Sacrifice." *India Today*: 98-105, October 15.
- Bashkow, Ira. 2014. "Afterword: What Kind of a Person is the Corporation?" *Political and Legal Anthropological Review* 37 (2): 296–307.
- Bentinck, William C. 1829. *Minute on Sati*, November 8.
- Bhagat, Rasheeda. 2002. "Sati: A Bonfire of Sensibilities." *Business Line*, August 9.
- Chakraborty, Tapas. 2005a. "Blind faith in sati – Pyre death sparks rush of worshippers." *The Telegraph*, May 26.
- _____. 2005b. "Sati puja inside, whispers outside." *The Telegraph*, May 26.
- Choudhry, Sujit. 2016. "Language." In *The Oxford Handbook of the Indian Constitution*, edited by Sujit Choudhry, Madhav Khosla, and Pratap Bhanu Mehta, 180–95. Oxford, Oxford University Press.
- _____, Madhav Khosla, and Pratap Bhanu Mehta. 2016. "Introduction: Locating Indian Constitutionalism." In *The Oxford Handbook of the Indian Constitution*, edited by Sujit Choudhry, Madhav Khosla, and Pratap Bhanu Mehta, 1–13. Oxford, Oxford University Press.
- Commission of Sati (Prevention) Act (1987).
- Constitution of India*, Part III: Fundamental Rights.
- Courtright, Paul B. 1994. "The Iconographies of Sati." In *Sati, the Blessing and the Curse: the Burning of Wives in India*, edited by John Stratton Hawley, 27–48. New York: Oxford University Press.
- Daruwala, Maja. 1988. "Central Sati Act – An Analysis." *People's Union for Civil Liberties Bulletin* (July).
- Das Acevedo, Deepa. 2013. "Secularism in the Indian Context." *Law and Social Inquiry* 38(1): 138–57.
- _____. 2016. "Temples, Courts, and Dynamic Equilibrium in the Indian Constitution." *American Journal of Comparative Law* 64(3): 555-82.

- Dev Raj, Ranjit. 1999. "Rights-India: Widow Immolation Custom Prevails Over Law." *IPS-Inter Press Service*, December 8.
- Dhagamwar, Vasudha. 2003. "Invasion of Criminal Law By Religion, Custom and Family Law." *The Economic and Political Weekly* 38(15): 1483–92.
- Dutt, Barkha. 2018. "'Padmaavat' is pure misogyny dressed up in diamonds and drama." *The Washington Post*, February 6.
- Emperor v. Ram Dayal*, Criminal Appeal No. 531 of 1913.
- Galanter, Marc. 1968. "The Displacement of 'Traditional Law in Modern India.'" *Journal of Social Issues* 24 (4): 65–91.
- Gaur Singh, Deepali. 2007. "Sati: Suicide, Murder, or Martyrdom?" *Rewire.com*, October 30.
- Geertz, Clifford. 1983 [2000]. "From the Native's Point of View': On the Nature of Anthropological Understanding." In *Local Knowledge: Further Essays in Interpretive Anthropology*, 55–72. New York, Basic Books.
- Gillon, Brendan S. 1992. "Towards a Common Semantics for English Count and Mass Nouns." *Linguistics and Philosophy* 15(6): 597–639.
- Harlan, Lindsay. 1992. *Religion and Rajput Women: The Ethic of Protection in Contemporary Narratives*. Berkeley: University of California Press.
- Harlan, Lindsay. 1994. "Perfection and Devotion: Sati Tradition in Rajasthan." In *Sati, the Blessing and the Curse: the Burning of Wives in India*, edited by John Stratton Hawley, 79–90. New York: Oxford University Press.
- Harrigan, Patrick D. 1987. "Tyranny of the Elect?" *The Statesman*, November 5.
- Helm, Paul. 1979. "Locke's Theory of Personal Identity," *Philosophy* 54:173-85.
- Indian Penal Code (Act No. 45 of 1860), §209, §300, §309.
- Indian Young Lawyers Association v. State of Kerala*, Writ Petition (Civil) No. 373 of 2006 (2018).
- Jacobsohn, Gary Jeffrey. 2009. "The Sounds of Silence: Militant and Acquiescent

- Constitutionalism.” In *The Supreme Court and the Idea of Constitutionalism*, edited by Steven Kautz et al, 131–60. Philadelphia: University of Pennsylvania Press.
- Jaishree et al. 1999. Charan Shah’s Immolation: Countering Earlier Reports. *Manushi*: 17–22, Nov.–Dec.
- Kaviraj, Sudipta. 2000. “Modernity and Politics in India.” *Daedalus* 129(1):137-162.
- Kimhi, Irad. 2018. *Thinking and Being*. Cambridge: Harvard University Press.
- Kishwar, Madhu. 2000. “India: To Those on a New Civilising Mission.” *The Hindu*, February 3.
- Kirsch, Stuart. 2014. “Imagining Corporate Personhood.” *Political and Legal Anthropology Review* 37(2): 207–17.
- Locke, John. 1995. *An Essay Concerning Human Understanding*. Amherst, NY, Prometheus Books.
- Mahapatra, Dhananjay. 2010. “How the Lord became a litigant.” *The Economic Times*, October 1.
- Mahmood, Saba. 2005. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton: Princeton University Press.
- Major, Andrea. 2006a. *Pious Flames: European Encounters with Sati 1500–1830*. New Delhi: Oxford University Press.
- _____. 2006b. “Self-determined Sacrifices? Victimhood and Volition in British Constructions of Sati in the Rajput States, 1830–60.” *History and Anthropology* 17(4): 313–25.
- _____. 2008. “The Burning of Sampati Kuer: Sati and the Politics of Imperialism, Nationalism and Revivalism in 1920s India.” *Gender and History* 20(2): 228–47.
- Mani, Lata. 1998. *Contentious Traditions: The Debate on Sati in Colonial India*. Berkeley: University of California Press.
- Manushi* No.42-43. 1987.
- Nandy, Ashis. 1988. “Sati in Kaliyuga.” *The Economic and Political Weekly* 23 (38): 1976.

- Nandy, Ashis. 1994. "Sati as Profit Versus Sati as a Spectacle: The Public Debate on Roop Kanwar's Death." In *Sati, the Blessing and the Curse: the Burning of Wives in India*, edited by John Stratton Hawley, 131–48. New York: Oxford University Press.
- Narasimhan, Sakuntala. 1990. *Sati: Widow Burning in India*. New York: Doubleday.
- Navej Singh Johar v. Union of India*, Writ Petition (Criminal) No. 76 of 2016 (2018).
- Parsai, Gargi. 1999. "Feudal Embers Still Smouldering." *The Hindu*, November 21.
- Pervez, Mohammad Shahid. 2002. "Dubious Divinity." *The Statesman*, August 28.
- Povinelli, Elizabeth A. 2002. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham: Duke University Press.
- Rajasthan Sati (Prevention) Act (Act No. 40 of 1987)
- Ramsingh v. State of Madhya Pradesh*, AIR 1995 MP 154.
- Roseberry, William. "Balinese Cockfights and the Seduction of Anthropology." *Social Research* 49(4): 1013–28.
- Saheli*. 1987. "Anti-Sati Campaign." *Newsletter* (October).
- Sangari, Kumkum and Sudesh Vaid. 1981. "Sati in Modern India: A Report." *The Economic and Political Weekly* 16 (31): 1284–88.
- Sati Regulation XVII (4 Dec. 1829).
- Schectman, Marya. 1990. "Personhood and Personal Identity." *The Journal of Philosophy* 80(2): 71–92.
- Seminar* 342. 1988. "Sati: A Symposium on Widow Immolation and Its Social Context."
- Sharma, Arvind. 1988. *Sati: Historical and Phenomenological Essays*. Delhi: Motilal Banarsidass.
- Smith, Karl. 2012. "From Dividual and Individual Selves to Porous Subjects." *The Australian Journal of Anthropology* 23: 50–64.
- Spivak, Gayatri Chakravorty. 1988. "Can the Subaltern Speak?" In *Marxism and the*

Interpretation of Culture, edited by Cary Nelson and Lawrence Grossberg, 271-313. Urbana: University of Illinois Press.

Talwar Oldenburg, Veena. 1994a. "The Roop Kanwar Case: Feminist Responses." In *Sati, the Blessing and the Curse: the Burning of Wives in India*, edited by John Stratton Hawley, 101–30. New York: Oxford University Press.

_____. 1994b. "Comment: The Continuing Invention of the Sati Tradition." In *Sati, the Blessing and the Curse: the Burning of Wives in India*, edited by John Stratton Hawley, 159-73. New York: Oxford University Press.

Taylor, Charles, 1989. *Sources of the Self: The Making of Modern Identity*. Cambridge, Harvard University Press.

Tejsingh v. State of Rajasthan, AIR 1958 Raj 169.

The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt, AIR 1954 SC 282 (1954).

Turner, Victor. 1969. *The Ritual Process: Structure and Anti-Structure*. Chicago: Aldine.

Vivieros de Castro, Eduardo. 2013. "The Relative Native." Translated by Julia Sauma and Martin Holbraad. *HAAU: Journal of Ethnographic Theory* 3(3): 473–502.

Weinberger-Thomas, Catherine. 1999. *Ashes of Immortality: Widow-Burning in India*. Chicago: The University of Chicago Press.