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Abstract: This paper will cover the roots of the tradition of child marriage in India through the British colonial period all the way to the 1980s. This paper will attempt to dissect the economic, social, and philosophical reasonings for child marriage. Particular focus will be placed on the time of British colonial rule because that was a time of both exploitation and reform in child marriage laws. This paper will explore the language that surrounded the discourses on child marriage, from both the British colonists and the Indian detractors. This timeline will follow the legislative action that reformed child marriage laws, and show how active Indian natives, particularly Indian women, were in the changes. This paper will show both how the practice was phased out, yet never completely removed. Citing census figures as late as the 1980s, it will show how child bride deals are/were still occurring. While explaining the psychological and physiological ramifications of marrying off a child at such a young age, a pattern will emerge that shows how gendered the practice was. This will explain where this practice falls into the discussion of gender in history. It will also examine where gender falls into the discussion of subaltern studies.

Before Menstruation-The Upholding and Downfall of
Child Marriage in India

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Studying the facets of how gender and sexuality are discussed and viewed in India is a vital piece of historical research. Evaluating the role of child marriage can offer an intricate view into gender studies of India. In fact, it is crucial to acknowledge the practice of child marriage because it lends some genuine insights into how matrimony correlated to socio-political values, economic prosperity, and cultural/religious preservation. However, what exactly did the eventual abolition of legally marrying children say about the progression of Indian society? Though, it is currently an illegal practice in modern India, there are still child marriages occurring to this day. Even looking at the eventual abolition of the institution it is important to consider why it took so long to outlaw. It is clear that the roots of child marriage in India were deeply embedded in cultural-economic concerns, that were held on to due arguments that reinforced gendered politics.

Historiography and Methodology

In her historic article, “Gender: A Useful Category of Historical Analysis” (1986) Joan Scott outlines how women and gender relations can make the discipline of history more empathetic and complete.^[1] Jaya Sagade’s *Child Marriage in India* explores the many dimensions of the practice such as foundational reasonings, the consequences that the children endure, and the collective forces that implemented reform. Within this particular text we establish a foundation for the acts that aided in the prevention of this custom. Geraldine Forbes’ *Women in Modern India* discusses the life, successes, reforms and movements for women from colonial to postcolonial time. Forbes discusses the British role in abolition of child marriage in

India in through the Child Marriage Restraint Act, 1929. Also, evaluating primary sources from actual Indian women, such as Rassundari Devi, who was married off at a young age (twelve), and writes of her struggles as a subjugated figure in society.

Girls as Sensible Commodities for Marriage

In colonial India the custom of arranging marriage of children, typically young girls, was a responsibility for the older members of the family. It was believed that the best way to ensure the preservation of young women's purity was by arranging marriages for pre-pubescent girls.^[2] As with many customs in India, this too was perpetuated as having religious sanction. It was more common among Hindus but not absent among Muslims. It is clear that the reasoning behind this was the assumption that no man would want to be sexually active with a little girl. The normalization of this approach soon created a social stigma against its contradiction. If this was not adhered to, it was considered to be rather disgraceful because it was believed to be rather taboo to let a girl stay in her family home once she began menstruation.^[3] This is markedly important to note because it shows the patriarchal mentality that female's sexuality and reproduction are best handled by men. The men that these girls married would preserve them, keeping their bodies under surveillance while she was still nubile and would properly see to her once her reproductive cycle began. This was due to the belief that a female's virginity and use of her sexuality were the man's to protect. As though he had property and licensing on her uterus. According to Jaya Sagade, "Since marriage represents an alliance between two families and patrilineages, the honour, reputation, and consequently, power of men is measured in terms of 'purity' of their women."^[4]

British missionaries in India, in the eighteenth and nineteenth centuries, expressed their shock and disdain for the marriage of prepubescent girls. The British Government in India passed a criminal code in 1860 that made the age of consent for these girls ten years old. This code would be revised again and the Age of Consent Bill of 1892 raised the marriage from 10 to 12.^[5] Though it is easy through a modern and cultural lens to read about child marriage and find the mere idea exploitative but it is important to keep in mind Britain was not merely acting out of the good nature of their hearts. Britain's push to end a cultural tradition of India was partially to help prove that India was a regressive country that needed to be civilized. The imperial intent of Great Britain was seen quite often in modern Indian, especially in how they felt issues of gender should be handled. This influence trickled even into writings of men who were of Indian nationality. Rammohan Roy, who advocated for Western-style education, wrote on the topic of widow-burning (sati) and against the practice of child marriage.^[6] Ishvarchandra Vidyasagar, another man who was advocating against sati, also spoke out against child marriage. He also felt it was important to educate young girls for longer to hold off on child marriage. He was taking very much from the British idea of education, thus equating British to modernity. This was playing right into the colonial mindset because the British were trying to use both sati and child marriage as examples of why India needed be colonized by the English: because any society that treated its women poorly was uncivilized.

While Roy and Vidyasagar worked with the British to improve the condition of women in India, others like Tarabai Shinde placed the blame entirely on Indian men. In Tarabai Shinde's *A Comparison Between Men and Women* she mocks what she views as Indian men's submission to British's colonial rule. She shows that men's reasons for patriarchal control are ridiculously linked to their interpretations of religion:

...jacket on your back, a hat on your head, trousers, socks and shoes, a little handkerchief sprinkled with lavender water in your hand, a pipe in your mouth to finish it off. You turn yourselves into real live sahibs (the only difference being that they're white all over, and you're half white and half black, like a piebald horse!). You eat all sons of forbidden foods just as your fancy takes you, you do all sons of improper things, then you turn around and claim you're great defenders of dharma. Aren't you even slightly ashamed saying it?^[7]

Shinde is saying that the Indian men cannot consider themselves great defenders of their cultures and religion when they constantly demonstrate their submission to British colonial rule. She directly points out they make this contradiction every day by wearing British clothing. She is mocking men's inability to recognize the irony of their day to day contradictions. To her, India's colonization had impacted men in the worst possible way which was manifested in their treatment of women.

There is a plethora of reasons examined by social scientists as to why Indian child marriage was upheld for so long. Sagade is rather opinionated when voicing her analyses of the custom. In *Child Marriage* she states, "A woman's autonomy, her ability to obtain information and use it as the basis for making decisions about her private concerns and personal matters, is not recognized or respected culturally in India."^[8] Shinde is exemplary but the lot of women in India needed intervention. Unfortunately, it came either from the British or the Indian male for the most part. Voices such as Shinde's are far and few. This is not a claim that is too outlandish to wrap one's head around, considering the historical treatment of women and girls. A female's will was dictated by the parents, particularly the father, when she was a girl and then by her husband once she married. This forfeiting of autonomy persisted throughout her womanhood.

Women struggled to voice their desires, sometimes to simply learn to read and write. These examples of women's agency are hopeful but they are not abundant. In one instance, Bibi Ashraf, nineteenth century Muslim woman's story of learning to how to write is an example of

women going against the normative expectations of their society. Yet, it is still relevant to the argument being brought forth, because it shows the pre-existing conditions of her life that caused her to take this decision. In her family she noted that the women only need to “vocalize” the Qur’an and read a bit of Urdu in order to understand their faith. She struggled to find someone who would help her learn, the women she asked to teach her would not cooperate. In fact, she treated her with confused derision:

But none of them was the slightest bit moved by my pleading. Each gave me the same reply, “Girl, have you gone crazy? You better find a cure for this madness. First of all, what will you do with it even if you learned to read? Secondly, why do you think it is all that easy to teach someone to read? It is not an easy task. It demands much hard work. I don’t have so much energy to waste on you.”^[9]

However, if she asked them, it was clear that they must have known how to read too, but simply did not do much with it. A similar case can be seen in Rassundari Devi’s autobiography, she details her own journey to the destiny of literacy. While Ashraf’s path may have been bumpy, she still secured a way to accomplish her goal, Devi’s was much more difficult in that she did it with the utmost secrecy. At one point she stated, “...I have been widowed. I feel ashamed and hurt by the realization that even if a woman has lived her life fully, has brought up her children and leaves behind her sons and daughters to carry on, her widowhood is still considered a misfortune.”^[10] This is further proof of a lack of worth placed in women without a man to take claim of her. Both these women were married at quite a young age themselves. If grown women could reflect on their powerlessness and still have to be subjected to it, it is easy to see how child brides could be powerless to it.

Legislation Against

Besides Britain's attempted suppression of child marriage there were still more legislative acts that followed in attempt to end it. During the second half of the 1920s women's national organizations began focusing on this issue, marking it as the first piece of social reform that "organized women" played a role.^[11] This was crucial as females themselves got to be a part of actively developing the arguments against the practice and participating in the act of political petitioning. Having the women be a part of the movement was crucial, in the sense that women needed their voices to be heard and men had to listen. While it is often considered a degradation to claim that men "allowed" women to fight for their rights, in reality that is what had to happen, not just in this case but throughout history. While this may create an intellectual dichotomy to claim that women reach autonomy because men give them permission to, yet still say that they were actively taking their destiny into their own hands, it is important to remember that the two are not mutually exclusive. The patriarchal forces needed to loosen their grip and listen to the protesting voices. You always need the deciding forces to listen if you want to reach an agreement. As stated before, women were complacent to the tradition of child marriage, and so were the young girls. By participating they too were perpetuating the necessity of it, therefore the cycle would take forever to break. Having women's voices involved may not have brought a direct end to the practice but it brought attention to Indian women themselves having a distaste for it.

Through their demonstration of this distaste the women's national organizations learned about the difficulties involved with reform. Competitive petitioning and even collaborating with those who sought the same goal proved to be incredibly arduous. Though this could have been very much expected as the topic was already a rather prickly subject, as discussed, the 1920s

were not the first time suppression of this practice had been sought. During this period great discussion in the League of Nations brought forth proposals to the Indian Assembly. These proposed bills were all shot down, until 1927 when Rai Sahib Harbilas Sarada presented the Hindu Child Marriage Bill.^[12] At first the bill did not have a lot of traction, but once American journalist, Katherine Mayo, published *Mother India*, which attacked Indian customs, particularly the ones concerning women and girls, the Assembly concluded it was an important piece of legislation to begin working on publicly.^[13] This bill was soon organized into committees to work out the details which eventually concluded to have the minimum age of marriage at fourteen for girls, eighteen for boys, and the age of consent left unspecified.^[14] While this may still seem like a relatively low legal marrying age, accompanied by a fairly ambiguous age of consent, it was quite an achievement. Considering how Mayo focused heavily on rapes that supposedly happened to very young girls during their early marriages, it was vital to establish a minimum marriage age that did not fall in the developmental period of “pre-pubescence.”

In decades to follow the trend of child marriage begin to show a marginal decrease, at least in the sense that the average age of marriage increased among females. In a 1981 census the mean age of “currently married females” was recorded as being around sixteen and a half to approximately seventeen and a half years of age in India (excluding Assam).^[15] This shows that while marriage was still prevalent among teenagers it was a significantly older age bracket than the previously common group. Of course, it should be noted that the information is labeled as “currently married,” which could mean that the girls were merely around sixteen and half at the time of the census but could have very well been younger when they originally became betrothed. So, though it is hopeful to infer that this data indicates a move away from child marriage, it does not give any guarantee. The census also indicates that at the time in certain

states such as, Bihar; Madhya Pradesh; Rajasthan; and Uttar Pradesh more than sixty percent of the females in 15-19 age bracket were married.^[16] This further indicates that the Indian tradition of marrying the daughter off as soon as possible was still commonplace.

Conclusion

Child marriage in Indian was a long-standing tradition that is still existing to this day. Though trends indicate the move away from pre-pubescent marriages, there is no guarantee the records such marriages would be made public. Despite the British rule trying to curb the practice the extent to which the suppression occurred was minimal. It is evident that the practice persisted due to the fact that the Indian culture believed in the rewards of the dowry system and the tradition of having the families join in such ceremonies. It was easy to do so since women were presented as the property exchanged, and young girls were even more easy to control. The fact that it was female children that were subjected to the exchange while male children tended to be eighteen and over, exemplifies how child marriage was yet another tool to control women. From a young age they learned what their roles as women would be, therefore they were less likely to rebel against it. It is so important to consider child marriage as a gender issue to fully understand its place in a historical context. The historian Joan W. Scott explains, “To pursue meaning, we need to deal with the individual subject as well as social organization and to articulate the nature of their interrelationships...crucial to understanding how gender works, how change occurs.”^[17] This rings very true on this subject because it would be very hard to understand why a practice that involves marrying off children could persist for so long. We must understand how gender interacts with Indian history and tradition to fully rationalize it. This requires looking outside of a United States, twentieth century scope. When doing so it becomes

clear that the practice persisted due to parameters of law, but specifically the relationship between gender and tradition within the culture.

Endnotes

- [1] Joan Scott .. 1986 This will be tied in at the end of the paper to explain the importance of gender as a framework for historical analysis. Essentially why this paper matters; why gender is an important aspect to consider when discussing child marriage.
- [2] Jaya Sagade, *Child Marriage in India*, (New Dehli: Oxford University Press, 2005), 3-4.
- [3] Sagade, *Child Marriage*, 4.
- [4] Sagade, *Child Marriage*, 9.
- [5] Geraldine Forbes, *Women in Modern India*, (Cambridge: Cambridge University Press, 1999), 85.
- [6] Rammonhan Roy, "In Defense of Hindu Women," 76.
- [7] Tarabai Shinde, *A Comparison of Men and Women*, (Marathi: 1882), 94.
- [8] Sagade, *Child Marriage*, 10.
- [9] Bibi Ashraf, *Learning to Read*, 91-92. *This is how I originally read the source. In the corresponding bibliography I provide a place that a translated version of this text can be found--not sure if it is the same as the one originally provided for class*
- [10] Rassundari Devi, *Reform and Nationalist Movements*, 191. *See above.*
- [11] Forbes, *Women in Modern India*, 83.
- [12] Forbes, *Women in Modern India*, 85.
- [13] Forbes, *Women in Modern India*, 85-87.
- [14] Forbes, *Women in Modern India*, 88.
- [15] "Child Mortality, Age at Marriage and Fertility in India," Census of India 1981, 8.
- [16] "Child Mortality, Age at Marriage," 10.
- [17] Joan W. Scott, "Gender: A Useful Category of Historical Analysis," *The American Historical Review*, vol. 91 no. 5, 1986.

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