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“Historicising Child Sexual Abuse in Early Modern and Modern India: Patriarchal Norms, Violence and Agency of child-wives and young women in the Institution of Child Marriage”

By Padma Anagol, Department of History, Cardiff University CF10 3EU, UK

ABSTRACT

Although child-bride harm was uncovered during the Age of Consent controversy (1890s), no attempt has been made to excavate its origins in Indian history. Rectifying this void, I investigate the phenomena of child sexual abuse in early modern and modern regions of Bengal and Maharashtra. I adopt a female-child centred approach that involves engaging with the perspectives of girls and young women. Some questions raised are: Did a girl have rights? If so, how was her freewill visualised by the state, law and popular culture? What can we glean from women’s discourses through historical time on pre-pubertal sex, conjugality and child-marriage and how are they different from official discourses? In order to cast light on an obscured subject, I widen the archive to include an analysis of devotional poetry, bardic literature, personal narratives, royal chronicles besides, the more conventional media reports, religious and medical texts. The essay reveals how religious punditry combined with the state and popular culture to produce a convoluted concept of female agency that authorised girl-bride sexual abuse in child marriage. The study finds more continuities than breaks in the prevalence of child-wife abuse within the institution of child marriage from early modern to modern times.

Keywords: child sexual abuse; child marriage; Raghunandan; Trambakayajvan; Peshwa; Shivaji; women saints; Early Modern Maharashtra and Bengal

Introduction

The institution of child marriage in India came into sharp focus during the nineteenth-century Age of Consent debates when the Raj was prompted into taking legislative action. In keeping with the ideology of the ‘civilising mission’, the Raj affirmed that it would not tolerate the abuse of girls and women. Official debates on the age of consent carefully constructed the sexual abuse of child wives as a uniquely Indian problem without parallels to sexual violence

against children in Europe.¹ Two spectacular episodes were reported in the transnational media of the times. The first is called the ‘Rakhmabai v. Dadaji’ (1884) case when a self-professed ‘civilising’ government harried a reluctant wife, Rakhmabai to consummate her loveless marriage with an immoral husband. Rakhmabai was married as a child to the twenty-year old Dadaji Bhikaji but the marriage had remained unconsummated for eleven years, during which time she continued to live with her parents. Nonetheless, her husband took her to court in 1884 for restitution of conjugal rights and in the final hearing the court ruled in his favour.² The second case was far more troubling as it involved a pubescent ten-year-old bride, Phulmoni Dasi (1890), who died of horrific injuries following forced sexual intercourse by her twenty-nine year old husband.³

These two incidents have excited the attention of scores of political and cultural historians resulting in a meticulous and notable historiography. The two cases have been covered from diverse angles such as how the debates reflected on the hegemonic and civilising mission of the ruling state;⁴ the reformed Indians’ march towards modernity;⁵ the beginnings of the Indian feminist movement stemming from their realisation of gross gendered inequalities;⁶ the tensions between cultural relativism and universal morality that silenced reformers and conservatives from noting that child sexual violence was present in India.⁷ Recently ‘Girlhood Studies’ have started to attract attention from scholars on Indian women following the uncovering of child harm in infant and child marriages in the nineteenth-century. The outcome of these investigations of late nineteenth- and twentieth-centuries girlhood studies has resulted in penetrating insights of how Indian girlhood was a severely circumscribed experience; and how the infantilized girl remained in a subordinate position, socially, economically and that compulsory marriage in twentieth-century India conflates adulthood with married status with the ‘woman’ remaining a ‘girl’ unless she is married.⁸ The study of the phenomenon of child sexual abuse in the Indian deep past however

remains unmined. Possibly, scholarship has shied away from the grim topic due to muted archives. Making the archive talk and suggesting new methodologies of retrieval of women's voices on this buried subject has prompted me to probe the issue of girl-child sexual violence in early modern and modern India and investigate its links to the institution of early marriage.

Research Questions, Location, Periodisation and Sources for this study

Child-bride harm and suffering as revealed in the Phulmoni Dasi, Rakhmabai and other publicised cases during the Age of Consent controversy, I contend, were merely like 'fireflies'⁹ to use a Braudelian term, that lit up the social landscape of India momentarily before being snuffed out. The debate that ensued over these cases do not explain the origins of the phenomenon of girl-bride abuse, nor answer the vexatious question of how consent could be obtained if, at all, from girls for what must be seen as assaults on their own bodies. It is only when we break with standard periodisation and try to link deep histories, i.e., larger units of time in history that we begin to see the bigger picture and connect the dots.¹⁰ This study pursues a narrative that weaves in and out of the early modern and modern periods of Indian history.¹¹ Studying Indian history in the *longue duree* is also prompted by other factors: as many western historians of childhood studies point out – 'the search for child sexual abuse in the archive exposes a very significant methodological problem: textual traces rarely reveal the experiences of the children and young people who suffered abuse.'¹² One can only begin to understand the immense difficulty in unearthing textual traces in an Indian context where minority voices of children and women were not considered worthy of note. The push for a longer periodisation is also due to custom which relies on usage, longevity and tradition as crucial building blocks for the normalisation of a practice such as child marriage.¹³ Ruptures or continuities for patriarchal practices are encrusted like layers of onions on the mentalities of societies and that is what this study hopes to unpack.

By quarrying the Indian past, some of the pioneering investigations I propose to undertake are – How far back can we track female child and child-bride sexual abuse in India? How does normalisation of a deviant behaviour occur? Was consent of girls discussed in historical time in India and if so, did girls exercise agency? If girls did not consent, how was it obtained in child marriage? Did girl children have rights to sexual desire and its fulfilment? I propose to investigate girl-brides viewpoints as they were expressed when they grew up into young women and articulated their thoughts on sexual desire, conjugality and early marriage by foraging Indian annals. I have compared and contrasted women's perceptions with that of official records and male voices to sharpen the focus on differences. While I visit the Rakhmabai and Phulmoni Dasi cases, I do so mainly, to see how we may track changes and continuities in Indian perceptions of these highly relevant themes from the past.¹⁴

As a feminist historian and interested in histories of childhood, I adopt a female-child centred approach. This methodology involves engaging with girl-children and young women's viewpoints and understanding their needs articulated through their experiences. Or, as Tambe succinctly summarises, 'Any effort to historicize the category of the "girl" must engage it in relation to the "woman".'¹⁵ Driver and Droisen have explained how the boundaries between girls' issues and women's issues remain porous thus: 'It starts in the child's physical sensations and perceptions, continues through her emotional assessment of her predicament, and surfaces as an intellectual, political and philosophical question in later life.'¹⁶ Remembered traumas that re-surface in Indian women's personal narratives are insightful markers of how we may find traces of child sexual abuse in the archives. I fully recognise that child harm did and continues to affect both sexes in Indian society, but it is the cases surrounding Hindu female children and girl-wives' that I address in this study. Bodily harm including injury caused by sexual penetration (penile and/or by mechanical modes) and

psychological trauma visited upon female children and child-brides are defined here as child sexual abuse. My definition is evolved through a feminist understanding of Indian religious, judicial, educational and familial systems and how these institutionalise patriarchal power and enable male control over the most powerless of all human beings – girls and female children.

The broader temporal and spatial conditions of India through centuries allow us to observe how human agencies are formed and how strategies for social and cultural action are deployed. The difficulties of spatial and temporal complexities of India are well-known challenges for historians looking for commonalities hence; this study makes no claim for harmonised readings. ‘India’ is represented here as the geo-physical units that comprise Eastern India (pre-colonial Bengal) and Western India (pre-colonial Maharashtra). Pre-colonial Bengal constituted the voluminous North eastern areas serviced by the rivers Brahmaputra and Ganga and includes current day Bangladesh. Maharashtra refers to the pre-colonial Marathi speaking communities in Western India.

The data used here is a combination of official collections and hitherto, largely unknown materials in the older and newer scripts of Marathi, a Western Indian language. They include: palace records, royal chronicles, male populist poetry, farces and authoritative treatises by influential sages/priests. Additionally, sources used include the autobiographies and religious poetry of women saints (in translation) that gain us an entry into women’s consciousness. Sources that talk openly of sexual matters especially sexual violation of female children are rare. The multiple processes of locating and analysing the palimpsest of sources has taken a career spanning thirty years of archival searches and conversations with like-minded colleagues across disciplinary boundaries. Where textual traces have been masked, I have utilised older lexicons especially vernacular dictionaries wherein missionary scholars not only helpfully defined terms but gave samples/testers taken from observing

everyday life in early modern India. Finally for the region of Bengal, I have relied on ethnographical and Indological works of scholars well versed in Bengali.¹⁷ The primary sources I have been able to unearth and deploy are largely about the Hindu communities of women and hence the analysis is confined to them alone.

The Normalisation of Female Child Sexual Abuse in Pre Colonial Maharashtra: Regulating Agency and Rights of Girls and Young Women in Child Marriage

In India, the institution of marriage was perceived to link and affirm two families for life. The extended family acted as a social unit of organisation in Hindu communities which dictated that all males act as co-parceners (patrilineal inheritance) and this meant that women would always be ‘outsiders’ in comparison to their menfolk – the ‘insiders’. Within such a tightly-knit familial organisation, men owed allegiance to other men of their kin but women owed abject loyalty to their husbands alone, upheld by the sacred Hindu laws packaged in the concepts of husband worship (*stridharma*) and perfect wife (*pativrata*).¹⁸ Stringent rules of purity and impurity (pollution) governed all relationships in caste-ist India. Further, caste purity was maintained, and the caste system reproduced itself through endogamous marriages. Hence virgin girls were highly prized and guarded. A post-pubertal unmarried girl was regarded as polluted, the pollution caused by her womb being un-impregnated. The resultant lost egg through menstruation was deemed an impure act akin to sin (embryo-cide), and believed to deprive her husband’s kin of heaven in after-life. Girls were betrothed through mutual arrangements of their families and transferred from the natal home to the husband after marriage, dramatised through rituals.¹⁹ The woman’s identity sprang into being in wifehood, when her sexuality and personhood were transferred to her husband.²⁰ The regulation of intimacy (who can touch whom) was of vital importance to Hindu marital

arrangements. Since the reproduction of patrilineage (*samskara*) depended on her, the management of her sexuality was prioritised in Hindu homes. The sexual commodification of the female body is nowhere as clearly depicted as in the *garbhadhana* ceremony, literally translated as the ‘gift of the womb’ or more practically as the conception ritual that firmly affirmed the husband’s right over his wife’s body. It was not just that the girl–wife had no rights, boys too were married to complete strangers, and often without consent.

I have not found an analogous equivalent for the expression ‘child sexual abuse’ in Indian vernaculars but there are terms that indicate female child-harm and injury in many Indian languages. Violence against a *muli* (girl) and/or *taruni* (maiden) was figuratively expressed and discussed by religious law-makers in Sanskrit and vernacular texts and popularised in the nineteenth-century age of consent discussions by Indian pundits. In the first Marathi dictionary compiled by J.T. Molesworth (1831), several Marathi terms express the idea of a pre-pubertal girl – *mugdha*; *apraudha*; *ajnatayauvana*; *navari* – the last of the terms - *navarī* was used expressly to describe a girl-wife before her consummation ceremony.²¹ A separate tranche of terms express the emotion of violence against her body and the act of sexual penetration: ‘vindhanem; asavinem’; *vyabhicara*;²² - the first term (action verb) refers symbolically to ‘perforating’ or ‘boring’ a girl’s hymen; the second to ‘deflowering’ or the act of ‘sexual congress’ with an under-age female and the third as a ‘deviation’ and transgression of shastric rules on moral conduct whilst the compound words ‘*apraudha nagnika vyabhicara*’ refers directly to the rape via sexual penetration of a pre-pubertal girl. Early modern scholars of British history have also tussled with the terms surrounding ‘rape’ and ‘child rapist’. These terms were not in use, but Sarah Toulalan for example, has recovered equivalent terms such as ‘Licentious Lewd Person’ to describe a paedophile.²³ Parallel processes are evidenced in Indian social reform literature that describes various acts of paedophilia. The reformer G.G. Agarkar and Baba Padmanji,

India's foremost Christian convert describe these grim incidents and label them with the use of condemnatory and evocative adjectives such as *Balsambhog* for child rape and *Rakshashi Athyachari* for a child rapist in their works.²⁴

But, what was the biological age at which a girl became a person? ²⁵ After all, it is only when a person begins to articulate control over the body that the question of 'rights' begin. 'Consent' and 'rights' are clearly inter-twined intimately. When assent is not naturally present but has an element of coercion it falls in the realm of abuse. Analyses of child abuse often emphasise the bleakness of children's rights as persons, 'as a class of people who are younger, smaller and in the physical and legal control of adults...treated as possessions ...within the family', argue Driver and Droisen with reference to contemporary western society.²⁶ If we take a leap in Indian antiquity, the picture is not dissimilar. Whether children had rights in Indian antiquity/thinking is doubtful. The very term used for infants in many Indian languages is usually gender-neutral signified by addressing them as (it). In his study of pre-colonial rights in Western India, Guha has argued that young children had, at best 'tenuous' rights, but these were very unequal as parents sold them into slavery during crises such as famines; or married them to older men without their consent; or handed them over in adoption to relatives. A girl-child had even fewer rights than a boy-child, as the latter enhanced the social standing of the family.²⁷ Sharada Deshmukh, a Marathi scholar has reconstructed a picture of early modern Western Indian society through the palace records of Kings (*Peshwa Daftar*) and historical chronicles (*Bakhars*). She argues that amongst princely families, marriages were arranged between 'boys' and 'girls'. Although the girls were much younger than the boys, both were shackled with marital responsibilities. Typically, a Prince was around twelve or thirteen years old when he was told to accept unconditionally his parents' choice of a girl-wife (usually aged five to seven) for him. The difference was that after the marriage, rights over the girl's body were handed to her husband while the girl wife

was burdened with duties of a wife and mother.²⁸ Further, in aristocratic families, the boy-groom went on to make innumerable marital arrangements with *balikas* (virgin-girls) as he grew older.

The earliest Marathi lexicographers indicate three stages in a woman's life cycle: up to the age of five she was deemed a *muli* (girl) and became an adolescent at the age of twelve, reaching full maturity (physical and mental) at sixteen.²⁹ The development of breasts and the onset of menstruation were interpreted as awakening of sexual desire in the woman. Molesworth describes the glow, lustre and fulsomeness in the personality of the pubertal maiden through the use of colour-laden and musical adjectives such as *musamusita*; *lusalusita* indicating the desire for sex.³⁰ Nebulous as it may sound, a woman's awakening of sexual desires and willingness for sex was read by male writers as moulded within the event of the arrival of puberty. In early modern Maharashtra, no *smriti* (remembered tradition) writer had ruled when conception should take place, whether it should be before, during, or after, the first menses of the girl-wife. Responding directly to the Phulmoni case, G.G. Agarkar argued that Hindus misinterpreted certain verses in the religious texts over time to read as 'in every period of the girl the man must go to her, if he does not do so, he is blamed for murdering a foetus (embryo-cide).'³¹ A leading Sanskritist, R. G. Bhandarkar, after a consideration of eighteen Hindu law manuals, referred to this gradual change as a deviation from the original meanings of the texts and a corruption of Indian religious practices over the centuries.³² In any case, the fear of embryo-cide was so prevalent that historical ballads reveal that Shivaji, the most eponymous hero of all Indian Hindu kings was summoned back from the battlefield when his girl-wife attained menarche. In the ballad of *Khalmi Bakhar*, it is reported that Shivaji:

...was ready to commence war and was on horse-back, when a royal courier came bearing the tidings that Rajaram's mother (Shivaji's wife) had come of age. Shivaji could not proceed. He took the decision to bring his wife to the nearest fort of Sindhudurg (Malvan) in her *phalki* (palanquin). After making *ritu shanti* (sexual intercourse) with her, he sent her home to Raigad.³³

Shivaji's fame as a high-minded King and his compassion to the weak and vulnerable is noted as he disallowed *mavales* (soldier-warrior) from raping women as war booty. However, Shivaji showed no awareness of the child-wife Soyarabai's state of mind, let alone body, who had been married very young to a much older king.³⁴ Scholars have noted the entrenchment of Brahmanical patriarchy in eighteenth-century India but an ambitious Shivaji, in an earlier period, had already started the process of appealing to 'high Hindu traditions' in a bid to fuse regional patriotism with the making of a great Hindu Maratha state.³⁵

Some scholars doubt *Khalmi Bakhar's* authenticity as it was a chronicle commissioned by royalty yet, Deshmukh provides convincing proof by a meticulous sleuth through the Peshwa records. She argues that Brahmanical strictures were imposed during Peshwa rule, wherein, a father who kept his daughter unmarried after the age of eight was accused of breaching religious decrees. The Peshwas (1674–1818), who started their careers as Brahmin ministers in Shivaji's time, soon became kings in their own right and inaugurated a more entrenched Brahmanical orthodox state. By c.1790, we have new evidence from royal households that speaks volumes on the nature of marital relations. The tightening Brahmanical regulations over marital relations are revealed during the time of Peshwa Bajirao Raghunathrao (1734–1783). Known for extending the tentacles of the Maratha empire into Northern India, Raghunathrao had issued edicts stating that a Maratha father who

harboured a nine-year-old unwed daughter would face severe penalties.³⁶ His successor, the young Peshwa Bajirao II (1796–1818) was reported to have forced himself upon his pre-pubertal bride on several occasions. His mother found out and prevented the sexual assault of her immature daughter-in-law. Chroniclers testify that there ensued an altercation between him and his mother. Bajirao II insulted her but she stood steadfast in denying her aberrant son's wishes.³⁷ The heir-apparent Bajirao II, was a thirteen-year-old boy and had figured out through the socialisation process of Indian boys that the privilege of being a male, gave him unbridled access to sexual pleasure. His rage was not simply due to his failure in venting his desires but also because he knew that as an adolescent male he could not assert authority in front of the Queen-Mother. Deshmukh has recorded that his twelve wives died one after another, some in early childbirth and all were sent to the Peshwa's Palace well before they reached puberty. She adds in a cryptic tone that the 'stories of the many marriages of Baji Rao II are very unfortunate and strange,' but does not elucidate.³⁸ After a rigorous analysis of Shivaji and Peshwa rule in Maharashtra, Deshmukh concludes that as a result of legitimating pre-pubertal marriages, 'seventeenth and eighteenth-centuries Maratha rule saw a burgeoning of child sex abuse (*balsambhog atyachar*).'³⁹

Brahmanical patriarchal constraints were gradually spreading in the far-flung Maratha empire under Peshwas. This can be observed in the commissioning of a royal priest to write a manual outlining the duties of women. The treatise written by Pundit Trambakayajvan titled *Stridharmapaddhati* (Guide to the Religious and Social Duties of Women) was meant for the subjects of Travancore, a South Indian kingdom ruled by the Marathas (1630–1855).⁴⁰ No other treatise reflects the narrowing boundaries on women's agency as Trambakayajvan's manual written in c.1719.⁴¹ Nothing is left to the imagination, as the text delineates *stridharma* – the conduct and duties of a woman from dawn to dusk, including how much time could be spent in ablutions listed as 'Urinating and Defecating; Cleaning Teeth' and so

on.⁴² Further, in several chapters, Trambakayajvan prescribes in minutiae, a *pativrata* – or perfect wife’s deportment during and after the monthly menses. He ruled that ‘the menstruating woman is impure for three days and nights’ but on the fourth morning, after a ritual bath and making herself sexually attractive she was commanded to go and tend to his sexual needs. It also lists various penalties for a wife who denied her husband the pleasures of the conjugal bed. The range of penalties illustrates the power of religious injunctions on making the wife sexually quiescent to her husband’s demands.⁴³ Whilst sexual desires and pleasures were not denied to a wife, the initiative, I argue, was taken out of her hands pointing to a convoluted idea of women’s agency in early modern India. A close reading of Trambakayajvan’s text only contains her ‘duties’ of unconditional obeisance, if her husband desired her body on the fourth day of her menses. The text stays silent on the wife’s agency to reject sexual demands made on her body.

So far I have discussed how religious texts safeguarded the sexual rights of a man (husband) over his wife and practice has shown the management of a wife’s body by him within the institution of child-marriage. What remains is the question of how Maharashtrian child wives expressed their agency within intimate child conjugal contexts? The consensual union of bodies in an ideal sexual act between a man and a woman is regarded as an event that seeks to bring reciprocal joy to both parties. However, a quite contrary picture emerges through women’s narratives of experiences as child-wives in the Indian past. Women’s testimonies express anxiety and neuroses about marriage, and the nuptial night. In early modern Maharashtra, during the famed Indian Reformation – when the rigid caste system and corruptions in Hinduism came under attack, female religious radicals have left us a set of interesting verse memoirs (oral). Two key women saint-poets left their lasting impression of a system of child marriage which coloured their outlook on sexual relations. Bahinabai, a seventeenth century poet-saint – age three, was married to a 30 year old widower. The exact

age at which her marriage was consummated is unknown but we know that her husband moved into her parental home soon after the marriage and she, at the age of eleven, delivered a girl-child.⁴⁴ Although circumspect, her memoir – nevertheless expressed feelings of repulsion to sex and this is one fact over which Indic scholars do not disagree.⁴⁵ Depicted as a jealous and violent priest, her husband had expressed zero tolerance for her populist modes of expressing devotion to God. Bahinabai had developed an extraordinary affection for a calf (its mother was gifted to her husband for his astrological services). Her husband who disliked her obsessive love for the calf punished her by starving and beating her and the calf. The calf died, and she irrevocably rebelled and went in pursuit of God.⁴⁶

Yet another eighteenth-century female saint, Vithabai recorded her sexual experiences thus:

My husband pulls me into a secluded place

In order to have sex with me

When he has pulled me there, he beats me badly

In the middle of the night.⁴⁷

The sado-masochistic assaults are described with anguish by Vithabai subjected to this abuse night after night. A tormented child wife, it was only after she left him did she find peace and love in God. The intimate connections between faith and its appeal to Indian women need more in-depth study before we can come make conclusive remarks on these links, yet Bhavalkar's incisive study of medieval women saint-poets shows that none of them were able to follow the path to Liberation along *with* [my emphasis] their husbands. 'Leaving her husband', Bhavalkar explains, was the only way, for a more 'complete Man' (*purusa*) namely God because an earthy husband had only visited pain and suffering upon them and this is what the women poets meant by real liberation.⁴⁸ Rebellious wives who had turned against forced sexual unions imposed on them by their husbands pursued 'God' as their

‘husband’. Bhavalkar notes a different type of rebellion by another woman-saint Vithai, who withstood the constant sexual demands and beatings by her husband but also firmly let him know that:

The authority you have is over my body

Over me you have no power at all.⁴⁹

The idea of autonomy is complex here. Vithai saw her agency outside her body and in her spiritual union with Lord Vitthal of Pandharpur. It is within this context of sexual access to a young girl’s body and taming her mind too, that we can understand how child marriage as an institution developed deep and irreversible roots. Further evidence is provided by studies on the hereditary professions of singing and dancing girls (*kalavantins*) in Maharashtra. Kadam notes that the pre-pubertal girls were typically eight or nine years and were immediately initiated into prostitution through a ceremony called *Sej*.⁵⁰ The Sanskritization process, whereby lower orders mimicked the upper, eased this process considerably and the fact that the Peshwas were ‘Brahmin’ rulers made the progression of textual Hinduism into ‘customary’ practice more easily. It should be clear from the commentary so far that while the agency of the girl-wife and bride were outlined as though she had rights to sexual pleasure upon reaching adolescence, religious pundits such as Trayambakayagvan imposed limitations to it. In the next section, I will consider the process through which normalisation of sexual abuse of girl-wives took place in the Eastern Indian context.

Normalisation of Girl-Wife Sexual Abuse in Pre-Colonial Bengal: Rights and Agency of Girls within Child Marriage

Populist, didactic and religious literature from the fifteenth to the eighteenth centuries in Bengal transmitted notions of under-age girls longing sex due to a ‘natural’ desire in them for allegedly bodily pleasures. A template that governed a husband’s first sexual intimacy with

his pre-pubescent wife is available in Hindu family and marriage compendiums, although some texts took precedence over others over the centuries for different reasons. In fifteenth and sixteenth-century Bengal, Raghunandan Bhattacharya was considered as the most authoritative *smṛti* pundit, (remembered oral Hindu tradition) whose legal codes over family and caste matters were referred to all over India continuously from the sixteenth-century to the present.⁵¹ Raghunandan's influential text was, of course, only known to the learned and elite castes. However, the messages regarding the management of one's familial rights and marital duties were transmitted orally to laypeople through temple discourses, theatre and folk poetry.

Bengali scholarship reveals that early marriage was in vogue just as it was in Maharashtra. Both the boy and the girl were married young yet, the asymmetrical gendered-marital rules addressed a twenty-five-year-old unmarried man as a 'old bachelor' but an unmarried girl after the age of seven (aspired ideal) was subjected to grave social condemnation.⁵² Raychaudhuri observed that child marriage as an institution became an instrument of promoting cohesion between social groups within the same caste.⁵³ Over the centuries, caste regulations accommodated male preferences in achieving social cohesion and disregarded women's inclinations. The continuous insecurity faced by the girl-wife often led to her natal family helping her remain attractive to her spouse and thus, lessening the chances of her husband making polygamous arrangements. Girls were encouraged to be physically precocious through various stratagems and early modern Bengali literatures including medical treatises have references to the societal anxieties of readying a girl-wife for the nuptial night. Raychaudhuri mentions a whole genre of early modern literature titled *panchalis* that contained farces styled as *Nariganer pati Ninda (Wives Malign their Husbands)* in which wives got together and created a 'balance sheet' of their husbands' virtues. The connubial expertise of husbands' were scrutinised leading to much banter

amongst the wives to check whether or not their sexual appetites had been fully satiated.⁵⁴ Curley argues that ‘another set of texts that treat sexuality are *Manasa–mangal*, but the problem is uncontrolled male sexuality, and a husband’s impetuous violation of the rule that there should be no sex on the second night of the wedding.’⁵⁵ Early modern Bengal continued to witness a rise in narrative poetry’s popularity as seen in its celebrated poet Bharatchandra’s composition, *BidyaSundar* (1752) that has been translated many times over the centuries. *BidyaSundar* is a sensual love story but the reader is left speculating as to whether Bidya, the heroine, was a pre–pubescent girl when she engaged in a love affair and married the hero Sundar.⁵⁶ What is clear from early modern Bengali texts is that matters of sex were not taboo but rather that women and girls were encouraged to speak and engage in all matters sexual.

Human reasoning and action were hotly debated topics within Hindu religious literature from the ancient to the early modern periods of Indian history. Early modern Bengali social historians have mined populist literature propagated locally and orally by bards and storytellers. Of them, the *Mangal Kabya* (devotional poetry) is considered as a unique source for retrieving everyday practices and the daily grind of Bengali life.⁵⁷ The *Mangal Kabya* had a rich manuscript tradition but the unschooled laity was drawn to the musical compositions acted out in popular temple–theatres. Among the numerous Kabyas, the *Chandimangal* (In Praise of Goddess Durga) represents a devotional genre with heavily anthropomorphed goddesses and covers their daily moral struggles with human society, offering exceptional value for illumining gender and marital relations in pre–modern Bengal.⁵⁸ I utilise the *Chandimangal*, narrated by Mukundaram Chakrabarti (commonly known as Mukunda) to illustrate the complex location of a girl bride’s agency and the legitimacy of pre–pubescent sex.⁵⁹ Composed around the late sixteenth–century, the verse–narrative covers concepts of sexual rights of children, shame and honour, and the knowledge and power of men and women of a mercantile Bengali community. The tale is spun around a

merchant, Dhanapati, and his second marriage to Khullana, a ten-year-old girl. Before the marriage was consummated, he went abroad to fulfil trading assignments assigned by the local king. In his absence, Dhanapati's jealous elder wife, Lahana, condemned the younger co-wife Khullana, to the role of a servant outside the home. Khullana's toils in the jungle led her to call in distress upon Goddess Chandi to right the many wrongs visited on her. Upon Dhanapati's return, the poem waxes eloquently on the erotic nature of the union between Dhanapati and the physically immature Khullana which modern-day commentators agree was hugely 'enjoyable to Bengali audiences' in past centuries.⁶⁰ The tale ends with Khullana's victory whereby she regains respect and honour.

I read Khullana's triumph as the triumph of patriarchal practices in middle Bengal. Mukunda's poetic strategies allow for exploration of Khullana's life chances, but it embeds subversive literary devices that eventually authorise the early modern Indian patriarchal desire for sexual relations with pre-pubescent wives even whilst giving these wives a degree of agency. Several debates take place between the contending parties – Dhanapati v. Lahana and also Khullana v. Lahana. The first and older wife, Lahana, pleads with her husband to refrain from his 'merciless lust' enhanced by the long separation abroad arguing that Khullana was physically too immature to 'enjoy the deep pleasure of *sringar* (eros).'⁶¹ Her pleas fall on deaf ears, and then, Lahana in desperation, warns Khullana that she would suffer a grievous injury if she indulged in sexual intercourse before her body was ready for it. Curley's study suggests that Lahana's objections to sex with a pre-pubescent wife was not imagined by the composer, but that the practice of enjoying sexual intimacy with a pre-pubescent wife was pervasive and objected to as a deep malaise within Bengali women's subcultures. In other words, Lahana's objection was simply an echo of the wider protestations of early modern Bengali women and historians need to take note of women's resistance to the practice of seeking sexual liaisons with underage wives. From this insight we can argue more

cogently that child sexual abuse as a phenomenon was negotiated, debated and fixed amidst competing discourses from different parties and the malaise continues today.⁶²

What is fascinating is that the bard–interlocutor, Mukunda, impugned Lahana’s character throughout the poem thus wrecking any chance of her winning the argument. On the other hand, Khullana is projected as a sensual being whilst refuting Lahana’s objections by citing the erotic experiences of ancient Indian goddesses who were strengthened, she claimed from early cohabitation. The popularity of Mukunda’s poetry along with other Bengali poets in the next two centuries was not just due to the erotic content of the poem as social historians argue, but upheld deeply treasured patriarchal concepts of women’s sexuality. What we witness here in popular poetry is the continuous if gradual dissemination of Raghunandan’s pivotal textual commands for sex with a pre–pubescent wife and its normalisation. By giving a voice to the female child protagonist, bards in pre–modern religious genres sang about bodily desires and made pre nubile sexual relations acceptable and standard by projecting the idea that girl–wives happily consented to sexual relations even before their menarche. This idea re–surfaced in the Age of Consent debates and worked against a positive conception of women’s agency as shown in the next section.

We need to pause here and ask a fundamental question: what were the marital experiences of Bengali girl–wives and did they enjoy sex as claimed in early modern Bengali literature? Child sexual abuse in Bengal came in various ways: from voyeurism to brutal assault. One of Bengal’s famous women doctors left a memoir narrating horrific events in her life. Haimabati Sen (1866–1933), was married at the age of nine to a debauched forty–five–year–old widower. To quicken sexual impulses in Haimabati, her husband would undress her whilst she slept and then woke her and forced her to watch him drink alcohol and have sex with different prostitutes every night. These incidents traumatised an impressionable Haimabati who suffered fainting fits at the memory of it during day–time and, at the merest

hint of being left alone with her husband.⁶³ Haimabati's emotional assessment of her predicament as a victim of sexual abuse began with fear and terror but it re-surfaced as a political question later in her life when she became a women's rights activist. The contours of that harrowing childhood were expressed by Haimabati in her memoir written in her old age, using a medley of emotions of frustration, rage and irony thus:

Shame on you, Hindu society. Great is your glory! A girl of ten will have to pay (the price) for the marriage of an old man of fifty... In no other country does one find either such a society or such conduct. Such oppression is possible only in India; in no other country are such customs (child marriage) in vogue.⁶⁴

Haimabati noted that the prostitutes showed compassion and stopped entertaining her husband in front of her. Her memoir suggests that Bengali women were socialised to believe that a girl-wife should sleep with her husband, as Haimabati's mother-in-law considered her son's behaviour as normal. Instead, Haimabati was thought to be possessed by the devil and exorcists were brought to wrench it out of her body. Shortly after, her husband died of liver psoriasis and her seizures ended too.

Women's experiences of the nuptial night as reflected in their writings suggest the union of bodies – as 'rape' rather than the romantic idea of Mukunda who ventriloquized male fantasies through Khullana. Indian genres of writing are often embedded in animal imagery and are rich in symbolism. Women's writings use the hunter-prey metaphor profusely to describe nuptial nights and subsequent sexual encounters with their spouses. Gender historians could do well to seek answers to concealed subjects such as child sexual abuse in the methodological tool that I am suggesting here. Joanna Bourke's new work,⁶⁵ has intriguingly suggested that women talked through historical time as though they were lesser than animals. I propose that in Indian society, women's observational capacities,

constrained as it was to nature/home, are often in the images of ‘predator–prey’ to depict their vulnerable condition in family and society. Examples abound in the personal narratives: the sexual act on the wedding night has been variously described by women as being stung by a scorpion; or as a goat offering to a tiger. Rashsundari Devi, the first Indian female autobiographer, expressed her life in her in-laws’ as a ‘caged bird’ who became a ‘tamed bird’.⁶⁶ But the mounting fear of the child bride leaving her home is likened to a sacrificial goat being hauled to the guillotine describing it as ‘the same agonized screams’ as that of a defenceless animal in her memoir.⁶⁷ The scars left by early marriage, the use of her body as a receptacle for reproduction, the lack of meaningful conjugality were strong markers in Rashsundari’s rationale for seeking God as a substitute male–comfort just as the Maharashtrian women-saints analysed in the earlier section. Rashsundari’s complete ignorance of her body and its function is revealed in her memoir quite poignantly: ‘. . . How strange it was: So many things came out of my body, yet I knew nothing of their causes.’⁶⁸ This is a hushed reference to her sexual encounters and the twelve children she bore as a young wife. What we may deduce from women’s memoirs is the recognition, as yet nebulous, that they were ‘persons’ yet they hardly bore any rights and the strong realisation that early marriage had stripped them of any human dignity.

The Bengali medical discourse of Indian girls reaching menarche sooner than other countries and hence their unbridled desire for sexual intercourse goes unverified as we have no accounts left by Indian women to that effect. Instead of eulogising the pleasures of child–marriage, women’s accounts have graphic descriptions of the trauma of firstly, being separated from the protective environment of the mother’s home and second, the accompanying physical violence they were subjected to at a time when their own understanding of sex and sexuality was shrouded in myth or ill–informed gossip. Be it Rakhmabai from Maharashtra or Haimabati from Bengal – their experiences of being child

brides was that they had no faith that conjugal love existed in their country. From their accounts it appears that they experienced only a one-dimensional flow of 'lust' rather than 'love'. Indian women at the height of the social reform movements appealed to the British government to ban the institution of child-marriage and cited it as an exemplar of the pathologies of Hindu tradition causing immense harm to Indian girls and women. 'Experience' rather than textual knowledge governed women's responses to the call for legislation of the colonial government to amend the age of consent which was in complete contrast to male discourses.⁶⁹ The long histories of sexual battery of child-wives provided ample ammunition for nineteenth-century women's movements to counter the institution of child marriage and its abuses, using the Raj as a vital source to combat their own menfolk.

Continuities in Normalising Child-bride Sexual Abuse: The Age of Consent Controversy (1880s-1890s)

In the late 1880s, the government of India conducted a survey to find out whether Indian communities wished to reform their marriage practices. After conducting oral interviews with Bengali elites, a prominent official reported:

The practice of consummating marriage with immature girls is universal in this Division, as it is all over East Bengal. It is less common among Mahomeddans, but is universal among all castes and classes of Hindus. *Everyone consulted admits this, whether in favour of reform or against it* (emphasis mine).⁷⁰

The official points clearly to the widespread sexual violence against premature girl-brides by the time we reach the nineteenth-century. As early as 1826, based on interviews of native

Bengali medical practitioners, one of the British Judges of the Nizamat Adalat, argued that in cases of rape of pre-pubertal girls under the age of ten, either within or outside marriage, ‘the English doctrine regarding the assent of children being immaterial, he was against adopting it in this country, where females came to maturity so early.’⁷¹ Sixty six rape trials are reported from the Calcutta courts during the period 1800-1854.⁷² Of them, more than thirty involved rape and death of girls less than twelve-year-old, many of them were betrothed but had been sent to their husbands’ homes for special occasions when the assault occurred. In the light of this evidence, it is clear that there are more continuities than change that we can trace in how the person of the girl-wife was disrespected and her personhood disregarded from pre-colonial times till the Age of Consent controversy erupted in 1880s.

The call for continuing the practice of the institution of child marriage are also discernible during the Age of Consent debates when educated Bengali men appended select religious texts that favoured early marriage, to the imported European pseudo-scientific climate theories and, argued that tropical climes induced early menses in Bengali girls thus, justifying early consummation.⁷³ Borthwick cites texts that point to encouraging girls to stimulate the clitoris to trigger early menstruation.⁷⁴ This was based on the notion that it would help the girl-wife to adjust quicker to the new demands made on her tender and as yet, unformed body in the stranger’s home – the in-laws. Norman Cheevers, Principal of the Calcutta Medical College, reported a large number of cases under the heading, ‘Fatal Injuries inflicted on the Person of Young Girls in the First Act of Connexion’ with the intention of training medical officers in identifying and distinguishing the level of harm caused by coitus and by mechanical means (blunt instruments including sticks and metal rods) in autopsies on the bodies of under-age girls.⁷⁵ What is interesting is that in the discussions over gruesome details of extensive haemorrhaging; laceration of the girl’s vagina; rupture of hymen; abrasions spreading from the vagina to the anus, the judges remarked on how the personhood

of the girl was no longer being protected and blamed nineteenth-century Indian cultural practices, ‘...of sending immature children [girl-wives] to their husbands’ houses, which at present obtains, is evidently as much an infraction of the law of the land, as it is a violation of the law of nature.’⁷⁶ However, the study of both Maharashtrian and Bengali marital practices in the early modern period demonstrate that these processes were burgeoning in a much earlier period even if gradually, unlike what the British judges thought as a nineteenth-century practice alone.

Feminist scholars have studied the power of Hindu tradition and how it was strengthened in the nineteenth-century through the rise of a powerful vernacular press that pulped out scandalous stories of women’s behaviour (*stri charitra*) and the hysteria created about the ‘new woman’ and her empowerment destroying a cohesive community and family structure in India.⁷⁷ The resistance put up by Rakhmabai and her letters to the powerful English newspapers demanding legislation for banning child marriage and ending incompatible marriages through divorce now saw a shoring of patriarchal power by Maharashtrians and Bengalis. In the light of these developments, Bengali and Maharashtrian conservatives, increasingly resurrected religious texts for legitimating the practice of child marriage – a trend propped by Orientalist scholarship that sought authenticity in the texts of a mythic Hindu golden age. Whilst the government sought the judgement of twelve topmost religious Pundits (*Mahamahopadhyayas*) of Bengal over the issue of the age at which the consummation ceremony ought to take place, the populist view matched the pundits in their agreement that normally, Indian girls reached menarche before the age of twelve in India.

An often-quoted example in the historiography on child marriage debates is that of the ultra-orthodox Bengali newspaper, *The Bangabasi*, which upheld casteist politics and led the opposition to the Bill predicted that if the Age of Consent was raised, every Indian would see a monstrous spectacle ‘of females in groups hurrying from door to door begging males to

gratify their lust.⁷⁸ Conservatives argued that the strong sexual desires in Indian girls, was a consequence of menstruation appearing earlier in them in comparison to their western counterparts. This resulted in discussions surrounded the question of whether it was before the age of ten or twelve.⁷⁹ The spectre of Lahana versus Khullana was resurrected once again and we see that Khullana again won, as the conservative sections led a ferocious campaign to protect their homes – from the alien Raj. After all, it was the institution of early marriage that helped Indian patriarchs control women's sexuality. Mrinalini Sinha has incisively analysed how the reformist stance had more commonalities with the conservative one as both agreed that sexual intercourse before puberty did not cause harm to the girl-wife.⁸⁰ The end-result was a huge compromise by the government which appeased Indian men and allowed them to continue the institution of child marriage with the shadowy presence of female child sexual abuse. When the government of India legislated on 31 March 1891, to amend the clauses in Indian Penal Code and the Criminal Code of India, it raised the age for consummation (from 10 to 12) rather than ban child marriage or raise the age at which an Indian girl would be entering marital relations. This compromise made by the government with native elites, resulted in continuing Indian practices of conjugality and exposed starkly the normalisation of girl-wife sexual abuse in the institution of early marriage.

Connecting Indian Past Narratives of Girl Sexual Abuse to the Present: A Postscript

The analysis of child marriage has proven that the institutionalisation of female child sexual abuse had become an everyday part of early modern and modern fabric of social life because it had been normalised in child marital unions. What conclusions can we flesh out of these processes and what can a contemporary historian, child rights activist and legislator garner from this narrative? I offer some tentative pointers for further reflection especially as child marriage is endemic in contemporary India. The International Centre for Research On

Women (UNICEF) has a revealing statistic of forty seven percent of the world's underage girls who are married, live in India today.⁸¹ One in three of them are child brides who face sexual abuse against them on a day to day basis from their older husbands.⁸²

The contemporary Indian state is faced by communities demanding religious freedoms, and regularly meets this challenge by compromising the rights of individuals, i.e. women and, instead, recognises the family and community as repositories of rights. I contend that the state behaviour comes from inherited traditions from the past. As this study has shown religious pundits along with their political patrons – sovereigns such as Shivaji and the Peshwas had settled the question of women's legal personhood. They denied the girl-wife rights-bearing identities by making the institution of child marriage mandatory wherein, her rights were morphed into her husband's personhood. This pattern was similar to early modern Bengal where Raghunandan's text was recognised as the ultimate authority on Hindu dharma. Does this mean the girl-wife had no rights at all? The evidence mined for this study certainly points to a complex if not convoluted concept of agency for girls. Rights did not mean right of consent but a right to sexual pleasure and fulfilment which were granted in marriage alone for a Hindu wife. Trambakayajvan, recognised sexual desires in girls but they were not given the right of refusal upon their husbands' sexual advances. On the other hand, the Chandimangal established without doubt the intensity of sexuality of young girls and gave them agency to express it, thus, legitimating the institution of child marriage and pre-pubescent sex within it.

But women themselves in early modern and modern India had different conceptions of their agency. Trawling through devotional poetry and personal narratives, I have revealed how differently women interpreted marital unions. Their nubile bodies expressed pain and suffering rather than pleasure leading to different kinds of resistance – some outright who had the protection of good in-laws or some such as the women-saints who rebelled and accepted

God as their husband. Their memoirs and poetry express the seeds of a concept of autonomy: the ability to say ‘nay’ and not just ‘yeah’ to sexual advances from husbands; the articulation of unhappiness at the early termination of their girlhood and the longing for a proper childhood; and their free-will to control their bodies – all of which need to be recognised and incorporated by jurists, child rights activists and scholars of women.

A close look at current legislation passed to curb rape against minors; arresting under-age offenders show a lack of consultation with women.⁸³ All-female referendums and surveys are necessary as methods of understanding violence against girls/women and finding solutions for the malaise. Women’s voices are a tool of empowerment and its integration is vital for feminist jurists and scholars to take notes from and impress the government of it if we wish to make a positive difference to contemporary Indian girls’ lives. The easy availability of child wives as mere sexual objects and not as thinking, feeling and rights borne-humans is what lies deep within the institution of child-marriage and it is this central principle that must not be forgotten.

Notes

¹ However, in practice, instances of sexual violence by white settler men against South Asian girls were frequently unpunished. Jonathan Saha, ‘Whiteness, Masculinity and the Ambivalent Embodiment of "British Justice" in Colonial Burma’, *Cultural and Social History*, 14, no. 4 (2017): 527-542.

² Sudhir Chandra, *Enslaved Daughters: Colonialism, Law and Women’s Rights* (New Delhi: Oxford University Press, 1998).

³ Tanika Sarkar, ‘Rhetoric against Age of Consent: Resisting Colonial Reason and Death of a Child–Wife’, *Economic and Political Weekly* 28, no.36 (September 4 1993): 1869–78.

⁴ Himani Bannerji, *Inventing Subjects: Studies in Hegemony, Patriarchy and Colonialism* (London: Anthem, 2002).

⁵ Geraldine H. Forbes, ‘Women and Modernity: The Issue of Child Marriage in India’, *Women’s Studies International Quarterly* 2, no. 4 (1979): 407–19.

⁶ Padma Anagol, ‘Feminist Inheritances and Foremothers: The Beginnings of Feminism in Modern India’, *Women’s History Review* 19, no. 4 (2010): 523–46.

⁷ Ishita Pande, *Sex, Law, and the Politics of Age: Child Marriage in India, 1891-1937* (Cambridge: Cambridge University Press, 2020).

⁸ Ashwini Tambe, *Defining Girlhood in India: A Transnational History of Sexual Maturity Laws*, (Illinois: University of Illinois Press, 2019).

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- ⁹ Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Phillip II*, vol. 2 trans. Sian Reynolds (Berkeley: University of California Press, 1995): 901.
- ¹⁰ Recently there has been a call for amalgamating micro with macro histories and adopting multi-scalar perspectives allowing for historians to ask big questions. See John Brewer, 'Microhistory and the Histories of Everyday Life', *Cultural and Social History*, 7 (2010): 87–109.
- ¹¹ Periodisation for Indian history differs from Europe. Early modern is approximately 1560–1860 and the modern refers to 1860–1970. Peter Robb, *A History of India*, 2nd ed. (Basingstoke: Palgrave MacMillan, 2011), 3.
- ¹² Adrian Bingham, et.al., 'Historical child sexual abuse in England and Wales: the role of historians', *History of Education*, 45, no.4, (2016): 411-429.
- ¹³ The older periodisation for gender history of India has been problematized recently. Padma Anagol, 'Agency, Periodisation and Change in the Gender and Women's History of India', *Gender and History* 20, no.3 (2008): 603–27.
- ¹⁴ Readers desiring more information on the age of consent controversy are directed to readings mentioned in endnotes 2 to 9.
- ¹⁵ Ashwini Tambe, *Defining Girlhood in India*, 45.
- ¹⁶ Emily Driver and Audrey Droisen, eds. *Child Sexual Abuse: A Feminist Reader*, (NY: New York University Press, 1989):119.
- ¹⁷ The author works with Marathi, Kannada and Hindi research materials only. Hence, for Bengali sources, I have relied on translations.
- ¹⁸ Meera Kosambi, 'The Home as Social Universe: An Analysis of Women's Personal Narratives in Nineteenth Century Maharashtra', in *House and Home in Maharashtra*, eds. Irina Glushkova and Anne Feldhaus (Delhi: Oxford University Press, 1998), 82–101.
- ¹⁹ Uma Chakravarti, *Gendering Caste: Through a Feminist Lens* (Kolkata: Stree, 2003).
- ²⁰ Leela Dube, 'On the Construction of Gender: Hindu Girls in Patrilineal India', in *Socialisation, Education and Women: Explorations in Gender Identity*, ed. Karuna Chanana (London: Sangam, 1988), 177.
- ²¹ J. T. Molesworth, *A Dictionary: Marathi and English* 8th repr. (Pune: Shubhada-Saraswat Prakashan, 2005), for definitions see 656, 59, 36, 452.
- ²² J. T. Molesworth, op.cit., 759, 55, 776.
- ²³ Sarah Toulalan, "'Is He a Licentious Lewd Sort of a Person?": Constructing the Child Rapist in Early Modern England", *Journal of the History of Sexuality* 23 no.1 (2014): 21-52.
- ²⁴ Gopal Ganesh Agarkar, *SudharanaVibhag, Khand Ek, Agarkar Vangmaya* [Social Reform, vol.1, A Compendium of Agarkar's Writings], eds. M.G. Natu and D.Y. Deshpande (Mumbai: Maharashtra Sahitya Mandal, 1999): 223–6; Deepra Dandekar, *Baba Padmanji: Pioneering Vernacular Christianity in Colonial India*, (London: Routledge, 2021).
- ²⁵ I would like to thank a reviewer for bringing my attention to the difference between chronological age and biological age in India where disasters like famines or diet and male-child preferences can influence when a girl reaches maturity.
- ²⁶ Emily Driver and Audrey Droisen, eds., *Child Sexual Abuse: A Feminist Reader* (New York: New York University Press, 1989), 20.
- ²⁷ Sumit Guha, 'Wrongs and Rights in the Maratha Country: Antiquity, Custom and Power in Eighteenth Century India', in *Changing Concepts of Rights and Justice in South Asia*, eds., Michael Anderson and Sumit Guha (Delhi: Oxford University Press, 1998): 14–29.
- ²⁸ Sharada Deshmukh, *Shivakalateel va Peshwaiteel Stri Jivan* [Women's Status in the Reign of Shivaji and the Peshwas] (Pune: TilakVidyapeeth Press, 1973), 39–55.
- ²⁹ The transition from childhood to puberty was more visible in regulations governing her attire. See Molesworth, op.cit, 488.
- ³⁰ Molesworth, op.cit., 313, 661 and 721.
- ³¹ Gopal Ganesh Agarkar, *SudharanaVibhag, Khand Ek, Agarkar Vangmaya* [Social Reform, vol.1, in A Compendium of Agarkar's Writings], eds. M.G. Natu and D.Y. Deshpande (Mumbai: Maharashtra Sahitya Mandal, 1999), 223–6.
- ³² R. G. Bhandarkar, *A Note on the Age of Marriage* p.10.

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- ³³ Deshmukh, *Shivakalateel va Peshwaiteel Stri Jivan* [Women's Status in the Reign of Shivaji and the Peshwas], 69.
- ³⁴ There is no accurate way of computing their age, but an educated guess is that he was past 30 years when he married Soyarabai, the second of his eight wives.
- ³⁵ C.A. Bayly, *Origins of Nationality in South Asia* (Delhi: Oxford University Press, 1998), 24.
- ³⁶ Deshmukh, *Shivakalateel va Peshwaiteel Stri Jivan* [Women's Status in the Reign of Shivaji and the Peshwas], 63.
- ³⁷ Vasudev Bhawe, *Peshwekalin Maharashtra* [Maharashtra under the Peshwas] 2nd ed. (Pune: Suvichar Prakashan, 1976), 223.
- ³⁸ Deshmukh, *Shivakalateel*, 76-79.
- ³⁹ *Ibid.*, 68.
- ⁴⁰ Tryambakyajvan, *Stridharmapaddhati* [The Perfect Wife: The Orthodox Hindu Woman according to the Stridharmapaddhati of Tryambakyajvan] trans. and ed. Julia Leslie, (Delhi: Oxford University Press, 1989).
- ⁴¹ *Ibid.* 14.
- ⁴² *Ibid.* 'Contents' vii-x.
- ⁴³ *Ibid.* 273-283. For penalties see 284-88.
- ⁴⁴ Justin E. Abbott, (ed. and tr.), *Bahina Bai: A Translation of her Autobiography and Verses* (Poona: Scottish Mission, 1929), 1-8.
- ⁴⁵ Vidhut Aklujkar, 'Between Pestle and Mortar: Women in Marathi Sant Tradition' Arvind Sharma (ed.), *Goddesses and Women in the Indic Religious Tradition* (Leiden: Brill 2005), 121.
- ⁴⁶ Anne Feldhaus, 'Bahina Bai: Wife and Saint,' *Journal of the American Academy of Religion* 4 (1982): 595-7; and Tara Bhavalkar, 'Women Saint-Poets' Concept of Liberation,' in *Images of women in Maharashtrian Literature and Religion*, ed. Anne Feldhaus, (Albany: State University of New York, 1996), 239-52.
- ⁴⁷ Cited in Bhavalkar, 'Women Saint-Poets' Concept of Liberation,' *Ibid.*, 240.
- ⁴⁸ *Ibid.*, 239-251.
- ⁴⁹ *Ibid.*, 242.
- ⁵⁰ V.S. Kadam, 'The Dancing Girls of Maharashtra', in *Images of Women in Maharashtrian Society*, ed. Anne Feldhaus (New York: State University of New York Press, 1998), 81.
- ⁵¹ Raghunandan Bhattacharya, 'Introduction' in *The Divyatattva of Raghunandan Bhattacharya: Ordeals in Classical Hindu Law*, ed. and trans. Richard W. Lariviere (Delhi: Manohar, 1981), 1-61. I thank Max Deeg for this reference.
- ⁵² Tapan Raychaudhuri, *Bengal under Akbar and Jahangir: A Study in Social History*, 2nd ed. (Delhi: Munshiram Manoharlal, 1969), 214.
- ⁵³ *Ibid.*, 12.
- ⁵⁴ *Ibid.*, 11.
- ⁵⁵ David Curley, email message to author, 08_09_2015.
- ⁵⁶ Edward C. Dimock, ed., *Thief of Love: Bengali Tales from Court and Village* (Chicago: University of Chicago Press, 1975).
- ⁵⁷ David L. Curley, *Poetry and History: Bengali Mangal-Kabya and Social Change in Precolonial Bengal* (Delhi: Chronicle, 2008); and Clinton B. Seely, 'Secular and Sacred Legitimation in Bharatacandra Ray's *Annada-Mangal*,' *Archiv Orientalni, Quarterly Journal of African and Asian Studies* 68 (2000): 327-58.
- ⁵⁸ Kumkum Chatterjee, 'Goddess encounters: Mughals, Monsters and the Goddess in Bengal,' *Modern Asian Studies* 47, no. 5 (2013): 1435-87.
- ⁵⁹ I am indebted to David Curley for sharing his knowledge on the *Chandimangal* and rely on his translations of it.
- ⁶⁰ David L. Curley, 'Marriage, Honour, Agency, and Trials by Ordeal: Women's Gender Roles in Caṇḍimaṅgal,' *Modern Asian Studies*, 35, no. 2 (2001): 334.
- ⁶¹ *Ibid.*, 335.
- ⁶² Swapna Banerjee, 'Baby Halder's "A Life Less Ordinary": A Transition from India's Colonial Past,' in *Colonization and Domestic Service*, eds. Victoria Haskins and Claire Lowrie (New York: Routledge, 2015), 239-255.

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- ⁶³ Haimabati Sen, *Memoirs of Dr. Haimabati Sen: From a Child Widow to a Lady Doctor*, ed. and trans. Geraldine Forbes and Tapan Raychaudhuri (Delhi: Lotus, 2000), 63–98.
- ⁶⁴ *Ibid.*, 98.
- ⁶⁵ Joanna Bourke, *What It Means to be Human: Historical Reflections from 1800 to the Present*, (Berkeley: Counterpoint, 2011).
- ⁶⁶ Cited in Tanika Sarkar, 'A Book of Her Own. A Life of Her Own: Autobiography of a Nineteenth-Century Woman', *History Workshop*, 36 (1993): 52.
- ⁶⁷ Cited in Tanika Sarkar, *Hindu Wife, Hindu Nation* (Delhi: Permanent Black, 2001), 231.
- ⁶⁸ Cited in Tanika Sarkar, 'A Book of her Own', p.35.
- ⁶⁹ The lobbying efforts of women's organisations and reformers are in Padma Anagol–McGinn, 'The Age of Consent Act (1891) reconsidered: Women's Perspectives and participation in the child–marriage controversy in India,' *South Asia Research* 12 no.2, (1992): 100–18.
- ⁷⁰ Government of India, *Home Office Proceedings*, Letter by D.R. Lyall to Chief Secretary to Government of Bengal, 25 September 1890 (P–3951), India Office Records (BL), 11.
- ⁷¹ Norman Cheevers, *A Manual of Medical Jurisprudence in India*, (Calcutta: Thacker, Spink and Co., 1870), 677.
- ⁷² *Op.cit*, 677–9.
- ⁷³ Meredith Borthwick, *The Changing Role of Women in Bengal, 1849–1905* (Princeton: Princeton University Press, 1984), 18–9 and 110–2.
- ⁷⁴ *Ibid.*, 132–7.
- ⁷⁵ Cheevers, *A Manual of Medical Jurisprudence*, 679–95.
- ⁷⁶ *Ibid.*, fn.1., 692.
- ⁷⁷ Uma Chakravarti, *Rewriting History: Pandita Ramabai and Her Times* (Delhi: Kali, 2000);.
- ⁷⁸ Dagmar Engels. 'The Age of Consent Act of 1891: Colonial Ideology in Bengal,' *South Asia Research* 3, no.2 (1983): 134. The quote re–appears many times in other scholars' works.
- ⁷⁹ *Ibid.*, 130–5.
- ⁸⁰ Mrinalini Sinha, 'Nationalism and "Respectable" Sexuality in India,' *Genders* 21, (1995): 30–57.
- ⁸¹ <https://www.icrw.org/child-marriage-facts-and-figures/>
- ⁸² https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf .
- ⁸³ Flavia Agnes, 'Controversy over Age of Consent', *Economic and Political Weekly*, XLVIII, no.29 (2013),: 10–13