CONJUGAL WRONGS DON'T MAKE RIGHTS: INTERNATIONAL FEMINIST ACTIVISM, CHILD MARRIAGE AND SEXUAL RELATIVISM

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PRODUCED ON ARCHIVAL ACID FREE PAPER
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(II) DUE ACKNOWLEDGEMENT HAS BEEN MADE IN THE TEXT TO ALL OTHER MATERIAL USED,

(III) THE THESIS IS LESS THAN 100,000 WORDS IN LENGTH, EXCLUSIVE OF BIBLIOGRAPHY AND APPENDICES.

SIGNATURE:……………………………………………………………….......

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Abstract

This thesis examines international feminist activism from the late nineteenth century to the present. In particular it focuses on the campaigns against forms of sexual slavery including child marriage. It examines the male sex right as a major cause of sexual exploitation and it investigates claims that similarities between trafficking children into the institutions of marriage and prostitution reflect the power of heteropatriarchy in governing the social model of heterosexuality and the ensuing subordination of women and girls. It argues that challenging sexual exploitation is difficult because of the social acceptance of men’s right of sexual access to women and girls.

This thesis examines the ways in which the ideologies of cultural relativism and sexual libertarianism protect the concept of ‘conjugal rights’ in systems of traditional marriage. It introduces the theory of sexual relativism in order to explain how cultural relativism works in relation to child marriage. Sexual relativism as a corollary of cultural relativism is used as a feminist tool of analysis in order to make the male sex right visible and politically accountable.

Lesbian historiography is introduced in order to document the role of lesbian experience in the lives and networks of these international activists. The inclusion of lesbian existence in this thesis is a unique approach intended to restore historical accuracy to the lives of women who have been involved in international campaigns against forms of sexual exploitation that include child marriage, child prostitution, incest, and other harmful cultural practices. I discuss how lesbians and spinsters, as unhusbanded women, experienced freedom from domestic duties including child care and the sexual servicing of men. Their ensuing independence enabled them to become involved in political work and by forming networks they were able to discuss and formulate their ideas. I explore the relationship between the personal and political in the examination of these women’s lives. In particular I examine the lesbian existence within the political and friendship networks of interwar feminists such as Eleanor Rathbone, Constance Antonina (Nina) Boyle, Alison Neilans, Cicely Hamilton, Katharine Furse and Margaret Haig. The radical feminist approach to this inquiry is intended to contribute to filling gaps in the knowledge base of feminist history and to broaden the transdisciplinary approach to international scholarship.
Acknowledgements

My own experience of women’s friendships has formed the basis for shaping the ideas about the importance of women’s friendship networks discussed in this thesis. The women in my friendship circles share a similar feminist worldview to my own. Firstly, I thank my friend and supervisor, Associate Professor Sheila Jeffreys, for her intellectual guidance, discussions on chapters, and for her sustained assistance in the final stages of this thesis. I thank Associate Professor Philomena Murray, my associate supervisor, for her comments on the international themes in my thesis. I thank my friend Barbara Palmer for finding ‘out of print books’ containing vital information which contributed to my knowledge of lesbian friendships among women who were political activists in the interwar period. I thank my friend Elaine Cockburn for proof reading my thesis.

My warm thanks are due to my friends and colleagues: Mary Sullivan and Susan Hawthorne for their constant support and encouragement; Elaine d’Esterre for her continuing intellectual curiosity in my work; Purna Sen, whose unpublished Ph.D. thesis, “A Basket of Resources,” was an inspiration to further investigate the topic of ‘child marriage’ as on a continuum of sexual exploitation; Rye Senjen and Kirstie Murdoch for their endless dinners and to Rye for teaching me not to put life on hold while I finished my thesis; Ann Rowett for her culinary expertise and beach walks. I am grateful for the rich exchange with the feminists who welcomed me in London during my research period in 2002: Julie Bindel and her partner Harriet, Rosemary Auchmuty and her partner Sybil Grundberg, Purna Sen, and Liz Kelly. I am grateful to Renate Klein for her contribution to women’s studies. For new friendship clusters formed around completing PhDs I thank Meryl Waugh for her encouragement, her sense of humour and shared thesis “witterings.”

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# Acronyms and Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIWC</td>
<td>All India Women’s Conference</td>
</tr>
<tr>
<td>AMSH</td>
<td>Association for Moral and Social Hygiene</td>
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<tr>
<td>ASI</td>
<td>Anti-Slavery International</td>
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<tr>
<td>BCL</td>
<td>British Commonwealth League</td>
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<tr>
<td>CATW</td>
<td>The Coalition Against Trafficking in Women</td>
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<tr>
<td>CATW-AP</td>
<td>The Coalition Against Trafficking in Women Asia Pacific</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
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<tr>
<td>CSW</td>
<td>Commission on the Status of Women</td>
</tr>
<tr>
<td>DEVAW</td>
<td>Declaration on the Elimination of Violence Against Women</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
</tr>
<tr>
<td>ECPAT</td>
<td>Ending Child Prostitution, Pornography and Trafficking</td>
</tr>
<tr>
<td>IAWSEC</td>
<td>International Alliance of Women for Suffrage and Equal Citizenship</td>
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<tr>
<td>ICRW</td>
<td>International Center for Research on Women</td>
</tr>
<tr>
<td>ICW</td>
<td>International Congress of Women</td>
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<tr>
<td>IWA</td>
<td>India Women’s Association</td>
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<tr>
<td>IWSA</td>
<td>International Women’s Suffrage Alliance</td>
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<tr>
<td>FGM</td>
<td>Female Genital Mutilation</td>
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<tr>
<td>LNA</td>
<td>Ladies’ National Association</td>
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<tr>
<td>MAPP</td>
<td>Movement for the Abolition of Prostitution and Pornography</td>
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<tr>
<td>MNA</td>
<td>Men’s National Association</td>
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<tr>
<td>MRU</td>
<td>Moral Reform Union</td>
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<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<td>NCW</td>
<td>National Council of Women</td>
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<tr>
<td>NGO</td>
<td>Non Government Organisation</td>
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<tr>
<td>NUSEC</td>
<td>National Union of Societies for Equal Citizenship</td>
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<td>NUWSS</td>
<td>National Union of Women’s Suffrage Societies</td>
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<td>SBS</td>
<td>Southall Black Sisters</td>
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<td>SCFIU</td>
<td>Save the Children Fund International Union</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>UNCSW</td>
<td>United Nations Commission on the Status of Women</td>
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<tr>
<td>UNDHR</td>
<td>United Nations Declaration of Human Rights</td>
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<td>UNMD</td>
<td>United Nations Millennium Declaration</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Save the Children Fund</td>
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VAD  Voluntary Aid Detachment

WHISPER Women Hurt in Systems of Prostitution

WFL  Women's Freedom League

WIA  Women’s India Association

WRNS  Women’s Royal Naval Service

WSPU  Women’s Social and Political Union
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PART ONE: Introduction, Methodology and Overview of Theoretical Concepts

This section includes an Introduction to the thesis, a discussion of the Research Methods used, the chapter outlines and the first chapter of the thesis, “Placing Child Marriage in the Frame.” In this section I discuss the significance of ‘conjugal rights’ in determining men’s sexual privilege and contravening the idea of women’s rights as human rights. I argue that conjugal rights are upheld by the state, and are further reinforced by the institutions of law and religion. In situations of sexual exploitation, including child marriage, conjugal rights are often prioritised even when they result in the sexual violation of girls or women.

Feminists involved in international campaigns against forms of sexual slavery have struggled to have their voices heard, particularly in cases involving ‘conjugal rights’ such as child marriage. I argue that cultural relativism, in apposition to the idea of women’s rights, further protects the male sex right. In this section I introduce the concept of sexual relativism as a corollary of cultural relativism, and as a key theme used throughout this thesis to make visible the ‘invisibility’ of the male sex right.
Introduction

“We like them young.” Xiong explained. “The men have a saying in Hmong: “If you marry a girl your age, by the time she has given you enough children, she will look twice your age” (Arax 1993).”

Thesis Overview

This thesis is an investigation into two intensive waves of international feminist activism against child marriage in the 20th century. I cover the period between the two world wars, and the period since the 1970s when feminists campaigning against the sexual subordination of women and girls again became active on this issue. During the 1920s and 1930s, feminists, through organisations such as Save the Children, the All India Women’s Conference and the League of Nations, campaigned against child sexual exploitation in the form of child marriage, female genital mutilation, trafficking and prostitution. In this thesis I document the work of interwar feminists including British MP Eleanor Rathbone, Antonina Constance (Nina) Boyle, Margaret Haig, Rachel Crowdy and Katharine Furse. Through an inquiry into archival primary sources, I ask what difficulties such international feminists encountered in their campaigns to eradicate harmful cultural practices such as early marriage, female genital mutilation and child prostitution? The central argument of this thesis is that institutional power structures in eastern and western societies enable a cultural defence of child sex exploitation. I will describe areas of ‘silence,’ areas of ‘cultural resistance’ and ‘state reluctance’ that occlude recognition of the sexual exploitation of children as a universal

1 Annie Bunting, human rights activist and campaigner against child marriage, quotes from the Hmong people living in California as one example of how throughout the world girls are married young.


The quote illustrates how men’s sexual control of women and girls is used as a way to preserve cultural tradition.

2 In 1995, the United Nations defined child marriage, child prostitution and female genital mutilation as among harmful cultural practices carried out for the benefit of men at the expense of women.

phenomenon and not just a ‘third world’ problem. It is my hope that knowledge of earlier political campaigns will aid today’s feminist theorists and activists, and scholars in their research and analyses, as well as in their continuing pursuit of eradicating ongoing cultural practices that harm girls and women.

The rationale for investigating the problem of ‘child marriage’ in this thesis is that the history of international feminist involvement in these campaigns is not well researched. In particular, international feminism in the 1920s and 1930s is under researched and in many instances has been omitted entirely from conventional historiography (Harrison 1978; Stienstra 1994; UNICEF 2001). The issue of child marriage is also under researched. The absence of political and historical literature concerning the childhood experience of sexuality within early marriage is significant (Daly 1978; Mikhail 2002; Sen 2000; UNICEF 2001). My research endeavours to fill this particular gap in the knowledge base of feminist history. I will ask who the feminist campaigners were on the issue of child marriage, in what ways they thought about the issue, and how they worked together politically on issues of sex slavery.

The antislavery movement, beginning in the nineteenth century, was the forerunner of the idea that human beings could not be held in slavery as property (Stienstra, 1994; Nussbaum, 1999 #359; CATW 1999; Barry, 1995 #481; Howard, 1993 #59; Jeffreys, 1997 #23; MacKinnon, 1989 #167). International feminists have subsequently struggled, in the interwar period and since the 1970s, with varying degrees of success, to gain recognition that child marriage, female genital mutilation and child prostitution operate as forms of sexual control and enslavement. Canadian political scientist, Deborah Stienstra points out that as early as 1840, and until 1920, women were actively organising at international levels to “bring about changes in national and international structures” in order to address women’s inequality (Stienstra 1994 p.43). The major activities of international women’s organisations prior to, and during the interwar period, centred on franchise and peace movements. However, feminists with a radical\(^3\) approach to challenging women’s sexual subordination campaigned against forms of sexual slavery such as child marriage in India, the trafficking in children for prostitution in China, childhood sexual abuse in Britain, female genital mutilation in Africa, marital rape and prostitution (Barry 1988; Daly 1978; Lake 1999; Paisley 2000;  

\(^3\) The definition of radical feminism in this thesis means “pertaining to the root,” or looking at the roots of women’s oppression (Rowland and Klein, 1996, p.9).
Stienstra 1994). In their intention to eradicate sexual slavery, feminists challenged male sexual practices that led to the subordination of women and girls (Barry 1979; Gage 1893).

Researching interwar feminist activism on sex slavery
The first aim of this thesis is to investigate interwar international feminist campaigns against early marriage which were introduced within, and often impeded by, fierce controversies concerning imperialism and national identity. This thesis will investigate the ways in which feminists worked together to overcome these patriarchal constraints within the League of Nations. The League of Nations as an international forum was one area where the controversies about sexual slavery were investigated and hotly debated. Whilst there has been significant research into the League of Nations Fifth Committee’s work on trafficking and prostitution, there has been much less investigation in the area of ‘early marriage’. This thesis intends to make visible some of this work.

I will investigate the work of individual women such as English and Indian feminists, Eleanor Rathbone and Muthulakshmi Reddi who established a cross cultural correspondence and were instrumental in developing strategies intended to eradicate the tradition of child marriage and the attendant harm done to girls as a result of premature sexualisation. The importance of investigating child marriage in the context of interwar activism is to inform current feminist activism from the work of past campaigns. I hope to identify gaps and misinformation in the work of historians who criticise feminists of the past for their involvement in activism against the male sex right. In the interwar period, state officials in Britain and in India deemed marriage to be a private affair and were reluctant to criticise men’s conjugal rights. According to historian Geraldine Forbes, because marriage was accepted as a private matter in India, British and Indian state officials argued that any change needed to come from the individual and not the state (Forbes 1979 p.413). Thus, investigations into men’s sexual practice in child marriage was

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4 For instance, as early as the late nineteenth century, American feminist Matilda Joslyn Gage wrote a comprehensive treatise on the ways in which christian men in the USA used religion to justify the sexual domination and abuse of girls and women. In particular, her critique of child marriages in the mormon church was groundbreaking in its analysis of the way marriage was used to justify men’s sexual usage of young girls.

Gage, Matilda Joslyn. 1893. Woman, Church and State: The Original Expose of Male Collaboration Against the Female Sex. Watertown, Massachusetts: Persephone Press.
sidelined. In addition to child marriage, League of Nations\textsuperscript{5} feminists campaigned against sexually exploitative traditions including *deva dasi* (the temple prostitution of young girls in India) and *mui tsai* (the customary trafficking of young girls in China into bonded labour but often resulting in prostitution) (Daly 1978; Jaschok 1988; Jaschok and Miers 1994). Eleanor Rathbone and Muthulakshmi Reddi were among increasing numbers of feminists who argued that the harm in child marriage was due to religious sanctification of non-consensual sex and the husband’s insistence on his ‘conjugal rights’ despite the age of the girl (Rathbone 1934).

**Lesbian historiography**

The second aim of this thesis is to investigate interwar feminist activism through the lens of lesbian historiography. I intend to utilise the little known discipline of lesbian historiography in order to contribute to an understanding of why problems of sexual exploitation were important to these early feminists, some of whom were themselves lesbians, and how they were able to work on such issues within a political arena in which lesbianism was stigmatised. Archival investigation has revealed that a woman-identified feminist philosophy developed behind the activism of that period in both local and international arenas, particularly within issues of social reform relating to child marriage and other forms of sexual slavery and violence such as rape, incest and prostitution. I found that feminist friendship networks often formed the basis of politically active groups in these social reform campaigns against sexual exploitation (Lapsley 1999; Laurie 1999; McFadden 1999; Wiesen Cook 1979). Investigation of historical records has also shown that lesbian existence in many political groups has been obliterated, under-reported or misrepresented in traditional historiography (Auchmuty 1975; London Feminist History Group 1983; Wiesen Cook 1979).

Part of this lesbian historiography is to introduce research that has illuminated the lesbian existence of feminists such as Eleanor Rathbone, Nina Boyle, Margaret Haig and others. I argue in this thesis that my research into lesbians in the League

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\textsuperscript{5} The League of Nations Fifth Committee, was the section dedicated to social issues. It was through the Fifth Committee that women were able to discuss and initiate change on issues of sexual exploitation.

\textsuperscript{6} The League of Nations was an international organisation created after World War I and lasting until 1946 when it was disbanded. The Covenant establishing the League was part of the Treaty of Versailles. The aim of the League was to promote international co-operation and achieve peace and security. The League of Nations was predominantly a male dominated forum. Without feminist intervention when the League was first established, women would have been excluded.
of Nations is new and different and original research. I will build on the work of
lesbian researchers such as Janice Raymond, The London Lesbian History Group,
Rosemary Auchmuty, Sheila Jeffreys, Blanche Wiesen Cooke, Alison Laurie and oth-
ers, in order to advance the concept that lesbian history, as an under-
investigated form of political inquiry will restore accuracy to feminist
historiography that has excluded lesbians and/or passionate friends of the past.
Importantly, an investigation of lesbian activism as a political category challenges
the dominant paradigm of hetero-patriarchy which forms the basis of male
dominance and female subordination (Jeffreys 1990; Raymond 1986). This thesis
will suggest that several interwar feminist activists lived their lives as lesbians
although they might not have called themselves as such at the time. I will also
argue that as unhusbanded women, these interwar activists were in a unique
position to critique the unequal power dynamic of men’s sexual subordination of
women and girls. Friendships formed between some of these interwar women
contributed towards what Janice Raymond has called a “culture of female
friendship,” important because it can only flourish “in those spheres where women
were and are free to be for each other and where women provide women with a
sense of difference, importance, autonomy, and affection” (Raymond 1986 p.38).
Women who were free to establish a women-centred approach in their political
activism thus created a legacy that enabled later feminists to establish a human
rights framework that included the right of women and girls to be free from sexual
exploitation.

**Revealing the significance of the male sex rights in the cultural defence of
child marriage**

The third aim of this thesis is to analyse the idea of girls and women as sexual
property in traditional practices of marriage. Feminists since the nineteenth
century have argued that women are sexually subordinated in marriage structures
that uphold men’s conjugal rights (Gage 1893; Hamilton 1909). In western
societies, marriage is traditionally understood in law as originating from social
contract theory promulgated by Locke and Hobbes. Feminist political scientist,
Carole Pateman, has pointed out how laws of consortium within social contract
theory have contributed to the social construction of western heterosexual marriage
values, where the legal possession of women by men, for use as their sexual

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servants, is accepted as the standard family model of human relationships (Pateman 1988).

Until very recently the law of consortium confirmed that a wife stood to her husband as a servant to a master. If his wife was negligently injured by a third party, a husband could sue for loss of consortium which in addition to housework and child care, includes her love and affection, companionship, society and sexual services (Pateman 1988 p.127).

Carole Pateman demonstrates that a husband’s conjugal rights are recognised by civil society as significantly more important than the human dignity of his wife. An example of how this unequal power dynamic is still seen as normal cultural practice by western nations in the 21st century, is the widespread acceptance by state authorities of the purchase of non western women as brides by western men through mail order systems and the internet (Hughes 1999; Hughes 2004). In this thesis a recognition of the central importance of marriage to the maintenance of male dominance as explained in the work of feminist theorists such as Pateman, will form the basis for understanding why the issue of child marriage has been so hard to challenge. While there is global recognition of the problems associated with female genital mutilation and child prostitution, the problems of early marriage are more difficult for society to address when marriage is seen as the cornerstone of universal family values.

**Developing the new concept of sexual relativism to explain how cultural relativism works in relation to child marriage**

The fourth aim of this thesis will address how cultural relativism emerged as an ideology in the twentieth century and came to protect men’s sexual rights, particularly within the sanctity of marriage traditions, including traditions in which child marriage was practiced. In order to clarify the link between the invisibility of men’s sexual privilege and cultural relativist ideology I introduce the concept of ‘sexual relativism’ as a corollary of cultural relativism. I will build on the ideas of Mary Daly, Azim Sherwani, Bronwyn Winter, Susan Moller Okin and the Southall Black Sisters, all of whom have criticised cultural relativism as an ideology harmful for women and girls (Daly 1978; Okin 1999; Sherwani 1998; Southall Black Sisters 2002; Winter 1994). An understanding of this controversy will
provide a useful background for contemporary activists who continue to face the cultural relativist defence of child marriage.

A strong critique of cultural relativism emerged within the 1970s feminist movement and theorists such as Mary Daly criticised cultural practices linked with the sexual oppression of women and girls. Daly claimed that the term “custom” was a “casual and neutral term” and “often used by scholars” to describe “barbarous rituals” (Daly 1978 p.118). She further argued that anthropologist, Joseph Campbell, in his acceptance of violence carried out against girls and women in the name of “traditional practice” was representative of those who served to romanticise the harm suffered by girls in systems of early marriage (Daly 1978 p.118). Daly attributes the lack of discerning criticism against the widespread practice in western societies of the rape of female children by “their fathers or other male relatives,” as contributing to an abstract notion of custom that in its promotion of male sexual privilege, curtails criticism of child sexual abuse. In my investigation I ask to what extent Daly’s criticisms still hold today and if indeed the practice has changed at all.

In contrast to Mary Daly’s radical feminist perspective, a postmodern perspective defending cultural relativism emerged in the 1980s. The cultural relativist position, exemplified by historian Antoinette Burton, claimed that British feminists in the late nineteenth and early twentieth centuries were ultimately imperialist. Burton cites Josephine Butler’s abolitionist campaign against prostitution as an example of imposing an imperialist and Victorian moral code on Indian women (Burton 1990 pp.295-308). The postmodern defence of cultural relativism served to separate the personal from the political⁸ and resulted in an exponential silencing of the debate around men’s involvement in sexual harm towards women and girls.⁹ This thesis examines some of these tensions and I will endeavour to reveal ways in which postmodernism, in its criticism of feminist scholarship, and its lack of

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⁸ In 1970 Carol Hanisch introduced the term the “personal is political” in order to establish a way for women’s voices and experiences of oppression to be made visible.  
understanding of rights, has contributed to advancing the contemporary global acceptance of men’s demand of sexual access to girls and women.

**Child marriage as a harmful cultural practice**

Feminists have pointed out links between harmful traditional practices and the globalisation of sexual exploitation. For instance, feminist anthropologist Maria Jaschok, in her crusade against the practices of *mui tsai* and *san po tsai* (the sale of girls into marriage) argues that since the 1970s, the resurgence of such traditions has escalated in a manner concurrent with an exponential growth in the global sex industry (Jaschok and Miers 1994 p.266). Jaschok’s argument that widespread cultural acceptance of sexual violence is fuelling the sex industry, is contra to the sexual liberalism underpinning cultural relativism.

Since the 1970s, early marriage, female genital mutilation (FGM) and child prostitution have gained some global recognition as harmful cultural practices by the United Nations (UN) (UN 1995 1995 #97). In 1995 the UN classified child marriage, FGM and prostitution, as harmful traditional practices performed for the “benefit of men” at the expense of women and girls and in need of eradication (UN 1995 1995 #97). However, in spite of these documents, harmful cultural practices continue unabated, and, I will endeavour to show, have in fact increased. Through the lens of ‘early marriage’ this thesis will examine how feminist social movements have interrogated the harm of ‘traditional practices’ and why eradication has proved difficult. The histories of FGM and child prostitution as forms of child sexual exploitation have been widely surveyed and chronicled in bodies of critical literature attesting to the harm of premature sexualisation of children by those supposed to be their protectors (Dorkeno 1994; Winter 1994; Daly 1978; Barry 1995; Jeffreys 1997, 1985; ECPAT 2000; CATW 2000; Charlesworth 2001). In contrast, the absence of political and historical literature concerning the childhood experience of sexuality within early marriage is significant (UNICEF 2001; Sen 2000; Daly 1978; Jeffreys 1985). I contend that early marriage needs to be seen as a human rights violation rather than tradition.

In the early twenty first century, child marriage remains an important issue for feminist human rights activists. It is indeed a much more controversial issue today than it was in the early twentieth century when feminist campaigners first became
active on this issue. Multiculturalism, cultural relativism and sexual libertarianism have made it increasingly difficult to approach child marriage from a clear understanding of it as a harmful cultural practice. In this thesis I will pay particular attention to the difficulties faced by international feminist activists in the campaigns to eradicate child marriage, in the period between World War I and World War II. I adopt the United Nations Convention on the Rights of the Child (UNCRC) definition that a child or adolescent is a person under the age of eighteen.10 ‘Child marriage’ or ‘early marriage’ are terms used interchangeably throughout this thesis and refer to girls who are married in adolescence or earlier and often before puberty.

At the beginning of the 21st century the feminist struggle to end the sexual subordination of girls is an increasingly complex issue within the context of globalisation and multiculturalism. International feminist legal theorist, Annie Bunting, reports in her article “Child Marriage,” that the early marriage of girls and young women is still common throughout the world (Bunting 2000 p.669). She cites, as an example of varying attitudes toward early marriage, the case of Sarah Cook, a thirteen year old “child bride from England” who married “Musa Komeagac, an eighteen year old waiter, in Turkey in 1996, after a summer romance” (Bunting 2000 p.669). According to Bunting the marriage was “nullified by the Turkish courts and Ms. Cook was forced to return to Britain, while her husband was charged with rape and sent to jail” (idem). While the British were horrified that the marriage happened in the first place, local Turks saw the case as a combination of “young love thwarted,” and a case of British hypocrisy that disallowed early marriage but condoned “under-age casual sex at home by allowing doctors to issue contraceptive pills to young girls” (idem). I am citing this controversy here as I suggest it clearly illustrates the current double standard existing around men’s demand of sexual access to girls and women.

Western countries, while not tolerating the practice of early or child marriage within their own societies, are increasingly contributing to the premature sexualisation of girls through the normalisation of prostitution and pornography. The widespread use of pornography in western countries has resulted in men’s sexualisation of girls at increasingly younger ages (Russell 1993); (MacKinnon 1993). In addition to the problem of pornography, institutionalised medicine in western culture, through the dispensing of birth control pills and, more recently,

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10 Article 1 of the UNCRC defines a child as “every human being below the age of eighteen years unless, under the law applicable, majority is attained earlier (Convention on the Rights of the
morning after pills without prescription, fosters the premature sexualisation of increasingly younger girls (Russell 1993). This thesis draws attention to the role played by men’s sexual demand across cultures arguing that the premature sexualisation of girls is now a global phenomenon, and investigates ways in which current feminist activism can address the problem of male demand.

A radical feminist inquiry into men’s demand of sexual access to women and girls is important because, historically, sexual libertarians have often presented feminist activists of the past as prudes and as ‘hostile to sex.’ Ronald Hyam is representative of historians critical of the radical feminist style of research that links male sexuality to forms of sexual slavery and exploitation. He is scathing of feminist historiography in general, claiming that “feminist studies remain of limited value to the general historian” (Hyam 1990, p.16).

How is the poverty of feminism to be explained? Its self-imposed parameters are artificial and constricting. A conceptual framework which is itself so fundamentally ‘hostile to sex’ is of course, the very last tool likely to be found useful for understanding the history of sexuality (idem).

Hyam’s criticism of feminist scholarship typifies the sexual libertarian perspective and is founded on protecting the male sex right.11 This thesis challenges the notion that feminists were ‘hostile to sex’ and suggests that feminist social reformers endeavoured to establish a more egalitarian form of sexuality for women.

Research Method – a Study of what is Missing

In order to create a study of “what is missing” and formulate a women-centred style of methodology I have adopted a transdisciplinary approach, comprising methods and insights from history, sociology, political science, women’s studies, to the research design of this thesis (Reinharz 1992). By using a transdisciplinary approach to my research I hope to be able to generate public debate around issues of sexual exploitation in a way that translates theory into practice through informing public policy. A transdisciplinary approach combines theory and practice in order to validate feminist pedagogy, and at the same time give credence
to women’s experiences. According to feminist philosopher and activist Janice Raymond, “theory and action have been falsely separated” (Raymond 1986 p.214) and by combining “integrity of thought and action, theory and practice” (idem) women are enabled to enter the world as “those who think” thereby legitimising feminist scholarship. Since the 1970s, feminists such as Renate Klein, Maria Mies, Gloria Bowles, Janice Raymond, Barbara Du Bois, Shulamit Reinharz and others, have written extensively on the importance of creating and developing feminist methodology and scholarship in order to counter women’s subordination under hegemonic patriarchy (Klein 1983; Klein and Rowland 1996; Raymond 1989a; Raymond 1986). Feminist theorist and social scientist, Maria Mies, points out that before the advent of feminist methodology, the androcentric bias inherent in methodological approaches resulted in the exclusion of considering women’s lives, work and struggles as part of legitimate research methodology (Mies 1988 p.118). The thesis will employ a radical feminist framework of analysis developed from the work of Renate Klein, Janice Raymond, Catharine MacKinnon, Dale Spender and many others.

In this thesis a radical feminist framework of inquiry using transdisciplinary content analysis forms the theoretical background within which to contextualise the primary source material on interwar activism as well as the materials I used to document the second period that my thesis covers, from the 1970s to the present. A radical feminist approach is necessary because this provides an understanding of how forms of sexual exploitation of women and girls arise from and perpetuate the exercise of the male sex rights and underpin male dominance. This approach is suitable for analysing the work of the earlier feminist activists such as Eleanor Rathbone and Nina Boyle because they used related ideas in their work on the issue of the premature sexualisation of children i.e. they addressed the male demand for sexual access to girls and women. In this thesis I make the important point that such activists need to be recognised as among a group of interwar feminists who firmly established the concept that sex slavery was a form of slavery. To this end I will bring to light some of their work in the area of the premature sexualisation of children. I argue that this work is groundbreaking, original, and has not been documented before. Although several books and articles focus on Eleanor Rathbone’s life and work, publications about Nina Boyle’s life and political work are almost non-existent. Historian Susan Pedersen authored a

11 In Chapter One I expand on the concept of sexual libertarianism as an obstacle in advancing girls and women’s human rights.
recent biography *Eleanor Rathbone and the Politics of Conscience*, published in 2004. Prior to Pedersen’s publication, Johanna Alberti wrote a short study guide as an introduction to the life and work of Eleanor Rathbone in 1996 (Alberti 1996). The earliest biography was written in 1949 by Eleanor Rathbone’s friend and political colleague, Mary Stocks, three years after Eleanor Rathbone’s death.

Nina Boyle, Eleanor Rathbone, Cicely Hamilton, Pandita Ramabai Sarasvati and other feminists discussed in this thesis, criticised women’s sexual and economic subordinated status within heterosexual marriage structures. Most historians, past as well as contemporary, maintain a heterosexist bias when examining the issues around the interwar controversy over child marriage. In contrast, this thesis seeks to create an historical perspective of interwar feminist activism of the interwar period that problematises the institution of heterosexuality. This thesis will investigate women’s friendship networks in order to explore the relationship between their political and personal lives. Carol Hanisch first coined the phrase “the personal is political” in 1970 and the concept has since been a key component in radical feminist methodology (Rowland and Klein 1996 p.22). The inclusion of women’s personal experiences within a political analysis of power formed the basis of radical feminist consciousness-raising groups (Crow 2000 p.6). Carol Hanisch believed that women’s shared discussions of their experiences, when viewed as analytical sessions, became a form of political action (Hanisch 1970; Hanisch 2000 p.113). In addition to looking at women’s relationships from the perspective of the personal being political I intend to advance lesbian scholarship by adopting an inquiry into female friendships inclusive of lesbian friendships. Much of the history around lesbian existence has been eradicated or sidelined because strong friendships among women have usually been treated as threat to heterosexuality or at least to masculinity. I will build on feminist and philosopher Janice Raymond’s idea, that “the possibilities of female friendship are founded on vision” (Raymond 1989b p.182). In order to ascertain whether the vision of present and future female friendship and political networks can work in coalition against the sexual exploitation of women and girls, I will examine past records of female friendships to find the missing links.

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12 My archival research of primary source materials was carried out in 2002, two years prior to Pedersen’s publication. Although there may be some overlap in Pedersen’s biography of Eleanor Rathbone, my approach to the material remains unique.
This thesis will trace women’s political and friendship networks according to Janice Raymond’s term “genealogy,” defined in her book *A Passion for Friends*. In Janice Raymond’s words,

[a] genealogical method, while demonstrating the differences between and among those who are related, establishes lines of likeness between and among groups of women in different periods of history and in disparate cultures who are apparently dissimilar (Raymond 1986; Reinhartz 1992 p.226).

In tracing threads of interwar female friendships using Janice Raymond’s “genealogy” method, I will endeavour to establish an understanding of why and how women developed a woman-centred approach to their political struggle against forms of sex slavery, which, I hope will further contribute to the literature around rights and to the knowledge base of feminist and lesbian history.

The transdisciplinary approach I use in this thesis is influenced by my own perspective as a lesbian feminist researcher and scholar whose aim is to create knowledge about the historical and political lives of women in order to bring about change. Moreover, my interest in writing about ending all forms of sexual exploitation has been influenced by my own involvement as an activist in the Australian branch of the Coalition Against Trafficking in Women, campaigning to end all forms of sexual exploitation. This thesis is the theoretical counterpart to my lesbian and feminist practice.

**Data collection**

In this thesis, the primary source archives comprising Eleanor Rathbone’s own writings, in particular her political letters written during the interwar period, is of most relevance in the discussion on child marriage and the ensuing international feminist activism that developed between Eleanor Rathbone and Indian feminists Muthulakshmi Reddi and Radhabai Subbarayan. In the case of Nina Boyle I have relied on primary source material including her own writing in feminist journals such as *The Vote* and in the Save the Children Fund journal *The World’s Children*. Another important primary source is an unpublished article written by Katharine Fuller in 2000, in which there is evidence of Nina Boyle’s friendships with women who were feminist activists and, some of whom were also lesbians.
Initially I carried out my content analysis via electronic retrieval of extensive cross-disciplinary material available from Australian and overseas libraries, universities and non-government organisations. The purpose of this research was
to ascertain current political positions held by organisations and state bodies on the
problem of early marriage and to establish the extent of feminist activism on the
issue. Information accessed provided the groundwork for a more detailed research
plan carried out in London archives in 2002. Electronic retrieval of related
material was useful in providing a broad overview of the problem of early
marriage as it exists today and the way in which cultural relativism, by advocating
customary law, obscures the damage to girls as a result of premature sexual
intercourse. I was able to identify gaps in research already completed and in
existing literature on the topic. Disadvantages of web-based archives were that
information provided on websites and links on the topic of early marriage was
often lacking, and, importantly, with little or no reference to men’s sexual
demands.

In London I carried out intensive research on interwar activism by accessing
primary source materials. Key archival repositories were the Women’s Library
(formerly the Fawcett Library) at the London Metropolitan University, the India
Office Records Library at the British Library, and Save the Children Fund UK and
International. The Women’s Library archivists, in particular Maxine Willetts and
Jenny Haynes, introduced me to the wealth of women’s history kept in their vaults.
The Eleanor Rathbone Papers, comprising a vast collection of letters, papers and
pamphlets written while Rathbone served as an independent MP, provided insight
into how she initiated political action against early marriage only after conducting
extensive independent research. Correspondence between Eleanor Rathbone and
various Indian feminists such as Muthulakshmi Reddi, Radhabai Subbarayan and
Lakshmi Menon, proved a rich source in understanding how British and Indian
women worked together in parallel campaigns for women’s suffrage as well as to
end child marriage. Details in these letters contribute to the knowledge of how
these feminists were in agreement that both British and Indian patriarchs were
responsible for resisting the feminist challenge of conjugal rights. By using the
words of individual women’s writings I hope to reintroduce into the ongoing
controversy of child marriage, the voices of women who have not been included
by contemporary historians in looking back at the child marriage campaigns.
Original letters have proved useful in addressing ways in which both Indian and
British feminists, as women, experienced the tension between British Imperialist rule and India as a British Colony.

Other relevant data pointing to early marriage as a global phenomenon was found in the country reports to the 1927 Advisory Commission for the Protection and Welfare of Children to the League of Nations. Various journals such as the *The Law Journal*, the *Police Women’s Review*, *The Liverpool Quarterly*, *The Vigilance Record*, and *The Vote* included strongly written articles by feminists such as Nina Boyle and Alison Neilans, in which they pointed out the problems caused by men’s sexual assault of children in Britain at the time. Reports of the British Commonwealth League Conferences in the decade 1925 to 1936 covered such topics as child marriage, imperialism, and *mui tsai* (selling girls into debt bondage). Radical feminist writings by feminists such as Susan Kingsley Kent criticised man made laws as vicious to women. Letters, historical pamphlets, monographs, parliamentary acts, parliamentary transcripts, feminist periodicals, minutes of feminist organisations, newspaper articles, documents and conference proceedings augmented my understanding of women’s ideas and friendship networks.

The Indian Office Records Library archive, housed at the British Library provided insight into ways in which Indian feminists liaised within India and internationally at the time. Manuscripts detailed the development of the women’s organisation, the All India Women’s Conference (AIWC), revealing ways in which they worked to empower girls disadvantaged in traditional systems of early marriage. In addition to the struggle against their own traditions harmful to girls and women, discussions arose on the difficulties of working within christian and western influences (IOR:MSS EUR F341/23).

The third archive repository I accessed was the Save the Children Fund UK and International in Camberwell, where archivist Susan Snedden and assistant archivist Julie Sales guided me through their records. The minutes of the Child Protection Committee of the International Union of Save the Children Fund in 1932 provided information about infant mortality connected with early marriage and issues to do with child slavery. Nina Boyle was often present at the Child Protection Committee meetings and contributed to the discussion. Unfortunately, many of the records that would have allowed me to discover much more about the work of Nina Boyle in the interwar period with the Save the Children Fund were destroyed.
in the London blitz in the 1940s. However, the Save the Children Fund records are important in tracing the drawing up of the children’s charter, which was the forerunner of the idea of children’s rights as human rights. Due to the large volume of material available at the three locations I visited I found it necessary to limit my inquiry into the sexual exploitation of children in the interwar period primarily to feminist activism in Britain and India and their international involvement with the League of Nations.13

**Sexual Relativism**

A study of both primary and secondary source material of the interwar period and the period of feminist activism since the 1970s revealed that cultural relativism gradually became the ideological defence of cultural practices that are harmful to women. As cultural relativism gained popularity during the interwar period, it became increasingly difficult for feminists to draw attention to men’s sexual demands. In order to find a new and different way to interrogate the invisibility around the male sex right, I began to question the information missing from the theory of cultural relativism. My investigation led me to understand that the theory of cultural relativism is flawed in the sense that there is no analysis of men’s sexual demand, or that the “sexual” side of “relativism” is left out. As a consequence I created the term “sexual relativism” as a corollary to “cultural relativism.” The idea of cultural relativism is usually applied in a gender neutral way to cultural practices. The concept of sexual relativism enables the identification of practices that specifically operate to subordinate women. In this thesis in particular the concept of sexual relativism will be employed to identify the ways in which sexual practices privilege men and subordinate women rather than being gender neutral expressions of tradition. It is my hope that this new concept will contribute to the knowledge base of feminist theory. In order to interrogate that part of “cultural relativism” that keeps men’s sexual demand invisible, throughout this thesis I will apply the idea of “sexual relativism” as a theoretical tool of analysis that can be used by feminist theorists and activists against all forms of sexual exploitation. An example of “sexual relativism” is the acceptance that men’s use of women in prostitution is inevitable and normal.

13 In this thesis I define “sexual exploitation” as outlined in the Draft Convention Against Sexual Exploitation (January 1994) Article 1: “Sexual exploitation is a practice by which person(s) achieve sexual gratification, or financial gain, or advancement, through the abuse of a person’s sexuality by abrogating that person’s human right to dignity, equality, autonomy, and physical and mental well-being.”
Chapter Outlines

This thesis consists of four parts. Part One comprises the Introduction including the methodology, and Chapter One of the thesis. In this part I introduce the research question. I ask why the problem of child marriage remains an ongoing issue in the global sphere, and I suggest that cultural relativism and multiculturalism create obstacles to eradicating child marriage as a harmful cultural practice. I also outline the transdisciplinary methodological approach used in this thesis as one that seeks to identify what is missing in the existing literature (Reinharz 1992). Chapter One, “Placing Child Marriage in the Frame: An Overview of Theoretical Concepts,” introduces the core concepts framing my enquiry into the ways in which feminists internationally have struggled to end forms of sexual exploitation such as child marriage and child prostitution. I argue that on the topic of child marriage there is an absence of literature critiquing the subordination of women and girls within heterosexual relationships, particularly marriage. Most literature upholds the sanctity of marriage laws, opting to minimise the harm done to young girls as a result of marital rape rather than address the causal factor of men’s demand for sexual access. Cultural relativists, postmodern theorists and sexual libertarians are among those who defend early marriage as a traditional practice. In this chapter I define key terms of reference used throughout the thesis such as child marriage, civil society, multiculturalism, cultural relativism and postmodernism. I also review existing literature on past feminist campaigns against child marriage to reveal the importance of spinster and lesbian feminist networks critical of women’s subordinated status in heterosexual marriage.

Part Two sets out the history and background of the thesis. Comprising Chapters Two and Three, it outlines how child marriage became the centre of an international controversy at the end of the nineteenth century, and investigates the beginnings of international feminist activism around this issue in Britain and India. Feminists in these two countries condemned the male sex right upheld by religion and law and campaigned to end customs that granted the restitution of conjugal rights to men. In Chapter Two, “The Restitution of Conjugal Rights,” I investigate the case, “Dadaji versus Rukhmabai,” which brought child marriage as a controversial issue into the international arena. Rukhmabai’s refusal to cohabit with Dadaji drew attention to the problems of marital rape in association with child
marriage. The case was presided over by British judges in Bombay courts and spanned the 1880s decade, during which time Rukhmabai lived in and under the constant threat of imprisonment for refusing to cohabit with the man she had been married to in her childhood. During the ensuing trials and numerous appeals, feminist activists challenged the institutions of religion and law in order to gain Rukhmabai’s ultimate freedom. This chapter is important in demonstrating how Indian feminists began grassroots organisations and worked cross-culturally with British feminists in campaigns to end child marriage in the late nineteenth century. I draw on the writings of Indian feminist Pandita Ramabai Sarasvati who, in 1888 wrote a feminist critique of Indian and British patriarchy as responsible for promoting the restitution of conjugal rights for men (Ramabai Sarasvati 1888).

In Chapter Three “Opposing the Male Sex Right: Feminism and Sexuality from the Late Nineteenth Century to World War I,” I combine current literature such as Carole Pateman’s analysis of the sexual contract with historical literature such as Cicely Hamilton’s critique of marriage as a form of prostitution, in order to analyse the feminist understanding of women’s sexually subordinated status in the period up to World War I in Britain. This chapter discusses how feminists of the interwar years formed a critical analysis of the male sex right that informed the basis of their activist work in the League of Nations. I have drawn on the work of Josephine Butler, Nina Boyle, Dr. Elizabeth Blackwell, and Cicely Hamilton who fought against the sexual slavery of incest, marital rape, child marriage and prostitution. In developing their understanding of the sexual subordination of women, these feminists critiqued the laws upholding the male sex right. In their work against child sexual assault and incest they challenged the notion of conjugal rights.

Part Three, comprising Chapters Four, Five and Six, forms the central investigation of international feminist activism in the interwar period. In the twentieth century, in the period between World War I and World War II, feminist activists campaigned internationally to end all forms of sexual slavery of women and girls. This section engages with feminist campaigns against child marriage in the interwar years. I also introduce lesbian historiography in this section. Chapter Four, “Feminism in the League of Nations: Networking Against Sexual Slavery,” expands on the work of feminists such as Nina Boyle and Eleanor Rathbone, both of whom worked to end child marriage through their involvement in the League of Nations. Both women were forerunners to the contemporary idea that child
marriage, trafficking, prostitution, female genital mutilation and incest are human rights violations. This chapter draws from archival sources such as original correspondence and feminist writings in periodicals in order to demonstrate how feminists formed local, national and international networks and organisations. I also investigate feminist historian Barbara Ramusak’s question of whether the interwar feminists were imperialists or achieved a form of cross-cultural friendship to become feminist allies (Ramusack 1990 pp.309-321).

In Chapter Five, “Cultural Relativism and Sexual Relativism: A Radical Feminist View,” I investigate the controversy over child marriage that erupted internationally when American journalist Katharine Mayo published her book *Mother India* in 1929. Mayo was and still is criticised as racist in her sensationalising approach to the issue of child marriage (Gandhi 1927; Sinha 2000). I introduce the recent scholarship of Mrinalini Sinha who provides new insight into Mayo’s book, arguing that Mayo’s motive was to subvert *swaraj* (home rule) (Sinha 2000). In this chapter I also introduce British MP Eleanor Rathbone and how she came to work on the issue of child marriage and her relationship with Indian women on this issue. I discuss the formation of the All India Women’s Conference and the ensuing correspondence between Rathbone, Reddi, Menon and other Indian women who were in agreement that child marriage was a human rights infringement although they did not use this term.

In Chapter Six, “Lesbians in League,” I investigate the work of unhitched women such as Eleanor Rathbone, Nina Boyle, Cicely Hamilton, Alison Neilans and several others through the lens of what we call today their lesbian identity. Until recent feminist scholarship, traditional historians have criticised feminist spinsters who were outside the dominant social paradigm of heterosexuality as anti-sex, celibate and frigid. I suggest that politically active feminists, Eleanor Rathbone, Nina Boyle and others, lived their lives as lesbians, even though they probably would not have called themselves as such, particularly at a time when lesbianism was constructed as a perversion by sexologists, and vilified as an affront to the ‘normalcy’ of preferred heterosexuality. Lesbianism in the 1920s and 1930s, as well as being named a perversion, was understood in association with a bohemian culture or an *avant-garde* style of existence. An important gap in historical records and addressed in this chapter is an investigation of the significance of feminists who were political activists, who preferred to live their personal lives with women, and who campaigned internationally against the sexual
subjugation of women and girls. This chapter will also engage with the difficulties of writing in the present about lesbian identity of the past.

Part Four, comprising Chapters Seven and Eight, is the final section of this thesis. I discuss the outcome of the nineteenth century and interwar campaigns against child marriage in relation to the emerging escalation of child marriage and child prostitution in the late twentieth and early twenty-first centuries. I investigate why there was a gap between interwar activism and the 1970s. In Chapter Seven, “Continuing Threads of International Feminist Activism in the Twenty-First Century,” I synthesise findings of the research in Chapters Four, Five and Six in order to analyse ways in which international feminist networks organise against forms of sexual exploitation including early marriage in the twenty-first century. I contend that the establishment of women’s rights as human rights in the post World War II period emerged as a direct result of interwar feminists sustaining their claims that the male demand of sex slavery had to be addressed in order to end forms of sexual exploitation in a universal sense. The legacy of interwar feminists has enabled today’s feminists to continue their work in international NGOs and lobbying in the CSW. The awareness of similarities between child prostitution and child marriage is becoming a dialogue among feminist organisations. I suggest that the overarching threat to human rights for women and girls stems from post-war economic imperialism in the form of escalating laissez-faire capitalism into the world arena, resulting in a burgeoning transnational sex industry that depends on the commodification of women and girls. I also discuss how the radical feminist approach to ending sex slavery is struggling to overcome the backlash by postmodernists and sexual libertarians.

In Chapter Eight, “Child Marriage in the Context of Multiculturalism: Bringing it all Back Home,” I discuss how multiculturalism and cultural relativism in the twenty-first century have made it more difficult to understand early marriage as a harmful cultural practice. Building on the claim by Iranian feminist activist, Maryam Namazie, who contends that “cultural relativism is this era’s fascism,” (Namazie, 2005, p.2), I investigate how governments deal with the increase of early marriage in multicultural societies by adopting a forced/free distinction, or in some cases adopting a two-tiered legal system that observes customary law and in certain instances allows child marriage. In this chapter I look at the similarities between trafficking for prostitution and trafficking into marriage. I look at the ways in which NGOs justify or criticise child marriage. For instance, according to
Anne Bunting, Anti-Slavery International has argued that “child marriage is an effective way of ensuring control over [a young bride’s] productive and reproductive labour” (Bunting 2000 p.693).

Introduction

In this chapter I introduce the core concepts framing my enquiry into the ways in which feminists internationally have struggled to campaign against sexual exploitation, in particular the sexual exploitation of children in child marriage and prostitution\textsuperscript{14}. In terms of arguing that sex slavery is a form of slavery and a human rights violation, I adopt the political position of the Coalition Against Trafficking in Women (CATW) which proposes that all forms of sexual exploitation, particularly against girls and women, constitute a violation of human rights. The following observation by feminists Julie Peters and Andrea Wolper, indicates that the international concern over child marriage has emerged from a feminist human rights perspective.

In India, a ten-year-old girl boards a flight for Saudi Arabia; her companion is a sixty-year old businessman who has married the girl after purchasing her from her parents. In a U.S. suburb, a woman kept under “house arrest” is beaten if she tries to contact friends or relatives; her “jailer” is her husband (Peters and Wolper 1995 p.1).

Whether trafficked across international borders or contained within a suburban home, the girl or woman’s powerlessness and human rights violation has similarities. Peters’ and Wolper’s quote heralds a rekindling of interest in the fight against child marriage that emerged in the 1990s when international feminists challenged states to recognise and act against harmful cultural practices that discriminate against and abuse women and girls (Bunting 2000; Chowdhury 2004; Sen 1997; Sen 2000). As a result of renewed activism, feminists internationally generated a body of literature arguing that child marriage is a cultural practice discriminating against girls and women often resulting in death (Jaising 1995, p.15). Purna Sen, feminist campaigner, situates child marriage on a continuum
with violence against women (Sen 1997; Sen 2000; Sen 2003). According to Sen, until the 1970s there was little discussion about violence against women. Before the growth of advocacy by women’s organisations, “What there was highlighted the extraordinariness of its forms, especially if it was viewed as primitive or backward as a result of colonial encounters (for example suttee in India)” (Sen 2003). Sen points out that the

success of the women’s movement” enabled women to seek redress for “violence suffered at the hands of men known to them,” dispelling long held myths that violence is “unusual, committed by strangers, committed by men who have psychological or personality abnormalities, prompted by some action, inaction, or appearance of women (‘she asked for it’), is accepted by women, not real violence, inevitable, culturally acceptable, and caused by poverty, alcohol, or drug use or abuse (Sen 2003 p.119).

In later chapters I investigate the relationship between the ‘myths of violence’ and the male sex right, in order to determine the extent that States Parties and significant numbers of aid agencies, adopt excuses such as drug use, alcohol and poverty in order to avoid addressing male violence in the private sphere. Human rights activist and legal theorist Julie Mertus points out the unwillingness of states to interfere in the private sphere of marriage. (See too Rebecca Cook, “The Family as a Basic Unit of Social Order,” 8th Commonwealth Law Conference, Ocho Rios, Jamaica, Sept. 7-13, 1986; Mertus, 1995 p.143, n.1). According to Mertus, States Parties maintain they are incapable of dealing with “child brides” and other “inequities in marriage” (Mertus 1995, p.135).

Internationally and collectively feminists in the 1990s increasingly raised awareness of sexual violence issues and the consequences for girls and women with particular emphasis on the lack of status of the girl child. According to Indian feminist and Senior Advocate of the Supreme Court of India, Indira Jaising, a “girl-child faces a hostile environment even in the womb” (Jaising 1995 p.51). Girls are devalued before birth with sex selection taking the form of female foeticide. Jaising argues that, “the male-dominated system of high technology, rather than offering relief, has contributed to the intensification of discrimination against women” (idem). She points out that girls married at a young age, in marriages usually arranged by brothers and fathers, must never discuss marital problems with outsiders, and that once married, “there are no viable alternatives to remaining in an abusive marriage” (ibid, p.52). Jaising identifies a “major

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14 As outlined in the Methodology section, I incorporate Janice Raymond’s idea of combining theoretical concepts with related issues.
impediment to the human rights of women in India” as “the fact that laws relating to marriage, divorce, adoption, and inheritance are based primarily on religious law and tradition, with different laws for Hindus, Muslims, and Parsis” and that “any demand made for equality on the basis of sex” is subordinated to religious law (idem). Jaising points out the dangers of marriage are not restricted to the poorer classes and that increased dowry deaths and bride burning occur among “well-educated” and “employed” women (Jaising 1995, p. 53).15 Jaising’s examples of the dangers of marriage occurring across class and caste is an important observation in countering international aid organisational groups who cite ‘poverty’ as causing ‘health problems.’ Hierarchical male dominance is made invisible when euphemisms such as ‘poverty’ are used to explain causes of violence against women.

Another feminist perspective on the occurrence of sexual violence within child marriage is that of Akram Mirhosseini, the Founder and President of the Paris-based League of Iranian Women (affiliated with the Organization for Human Rights in Iran). Mirhosseini claims that after the 1979 Islamic Revolution in Iran, the Family Protection Act was overthrown and the legal age of marriage for girls declared at nine (Mirhosseini 1995, p. 72). Under the rule of the mullahs, Mirhosseini claims that Khomeini asserted, “a girl should have her first menstrual period in her husband’s house, not her father’s” (idem). In her husband’s house a girl is more easily conditioned to submit to the will of her husband.16 Contrary to proponents of child marriage who argue that the marriage is not consummated until a girl is past puberty, Mirhosseini discloses that rape is practised as normal sex in many child marriages. According to Mirhosseini, the girl has no right of refusal and must be willing at all times “to meet her husband’s sexual needs” (Mirhosseini 1995, p. 73). Refusal can mean death. A husband, father or brother has the right to kill his wife, daughter or sister and go unpunished, if family honour is considered breached. This thesis suggests that within the context of neo-liberalism and free market laissez-faire capitalism, increased power of the male sex right makes the ‘right of refusal’ even more difficult for girls and women.17


16 See Chapter Seven for an expansion on the impact of this power imbalance on girls who are trafficked into marriage.

17 For instance, the sexual commodification of girls and the normalisation of that commodification has grown under neoliberal economies.
Historically, radical feminists have adopted the concept of human rights in their efforts towards ending sexual violence (Afkhami 2001; Charlesworth 1994; Cook 1994). In this thesis I investigate how radical feminists have identified and analysed cultural relativism, multiculturalism, sexual libertarianism and free market *laissez-faire* capitalism, as key obstacles to achieving human rights standards for women and girls that are equal to men’s rights. As an addendum to the ideology of cultural relativism and as another obstacle to establishing women’s human rights, I introduce the new concept of ‘sexual relativism’ as a theoretical method of analysing the male sex right. An appropriate example of ‘sexual relativism’ can be ascertained in the reluctance of most judicial systems to accept the possibility of rape occurring in marriage. In order to further explore why interwar feminists campaigned relentlessly against the ‘conjugal wrongs’ of ‘conjugal rights,’ I introduce a lesbian perspective of inquiry that enables a radical critique of the unequal power dynamics that uphold heterosexuality. In addition to adopting a lesbian perspective there are several key terms and themes recurring throughout this thesis which I define in the next section.

**Introducing Key Components of this Study**

**Human Rights Ideology**

Interwar feminists such as Eglantyne Jebb, founder of the Save the Children Fund International Union (SCFIU), initiated the concept of establishing children’s rights as human rights. For example, Eglantyne Jebb drew up a Charter of Children’s Rights which was accepted by the League of Nations in the interwar years (Freeman 1965). The Charter of Children’s Rights not only created the language of rights, but paved the way for the 1989 United Nations Convention on the Rights of the Child (UNCRC). In order to approach the issue of child marriage from a human rights perspective, this thesis adopts the position of current international feminist activists, Hilary Charlesworth and Christine Chinkin (Charlesworth and Chinkin 2000), Annie Bunting (Bunting 2000), Rebecca Cook (Cook 1994), Rhoda Howard (Howard 1995), Arati Rao (Rao 1995), Indira Jaising (Jaising 1995) and many others, who have pointed out the importance of advancing a human rights approach towards ending the oppression of women and girls. The concept of children’s and women’s rights emerged in the interwar period when
feminists began to use the language of human rights in order to explain women’s and girls’ sexually subordinated status. Therefore, a human rights focus is important when looking back at how interwar activism against forms of sexual exploitation developed.

A feminist analysis of human rights instruments brings attention to the shortfalls of United Nations (UN) conventions (Bunting 2000 pp.669-696). The UN Convention on the Rights of the Child (UNCRC) 1989, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography 2002\(^\text{19}\), have failed to prevent the sexual exploitation of children in early marriage. This failure is due to the protection of conjugal rights by maintaining the invisibility of the male sex right. The 2002 Optional Protocol to the CRC was introduced in order to address the international sexual exploitation of children which is now a multi-billion dollar industry (CATW Report 2004). The Optional Protocol defines child sex tourism and child prostitution as forms of sexual exploitation, but does not include child marriage as a form of sexual exploitation or a human rights violation, unless the marriage is understood to be a forced marriage.

According to human rights analyst and campaigner against child marriage, Annie Bunting, the international community has been concerned since 1960 with the “issue of early marriage of children” (Bunting 2000 p.691). She points out that despite the Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages of 1965, the provision in CEDAW that states “betrothal and marriage of a child shall have no legal effect (art.16 (2))” there is “no settled international standard defining child marriage” (idem). This thesis will suggest that the lack of a definition for child marriage within UN instruments indicates a reluctance by States Parties to become involved in the issue of marriage which is considered to be private. Most countries, other than the USA and Somalia have adopted the UNCRC, however, fewer countries have adopted the Optional Protocol. In not signing the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography of 2002, the

\(^{18}\) ‘Conjugal wrongs’ in this thesis refers to men’s sexual domination of women as a violation of women’s and girls’ human rights.

\(^{19}\) The Optional Protocol to the UNCRC was adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 and entered into force on 18 January 2002.
male sex right continues to remain unchallenged. Despite the shortcomings of various conventions, organisations such as UNICEF and the International Center for Research on Women (ICRW) are representative of aid agencies and NGOs who recognise the importance of adopting human rights language in order to bring the problem of child marriage to the international community.

Conjugal Rights

Human rights as men’s rights uphold the institutional reinforcement of ‘conjugal rights.’ I suggest that sexual relativism is the unwritten code underpinning conjugal rights. In this thesis I use Carole Pateman’s definition of ‘conjugal rights,’ that is the right of men’s sexual privilege and ownership of women granted to them under civil and religious codes of law. Pateman, in her radical analysis of the social contract, argues that the idea of ‘conjugal rights’ forms the basis of the sexual contract on which the success of marriage hinges in the eyes of the law.20 In determining the extent to which women’s and girls’ bodies are not their own property, I draw from the theory of Colette Guillaumin who argues, “The material appropriation of the bodies of women, of their physical individuality has a legalized expression: the contractual relationship of marriage” (Guillaumin 1995). Guillaumin’s analysis is important because she points out that the appropriation of women’s bodies is not just a theoretical construct but, “is concrete and material” and extends across cultures. “It is not a question of some metaphoric or symbolic ‘figure’; it is not a question either of an appropriation which only concerns ancient or exotic societies” (Guillaumin 1995, p.201). In a similar manner to Pateman she argues, “[t]he unlimited physical usage is expressed in the fact that ‘the individual material body of a woman belongs to her husband, who has the contractual right to make unlimited use of it’” (idem). The concept that men have the right to use women’s and girls’ material bodies as part of the marriage contract underpins my approach to analysing sexual exploitation, comparing the feminist campaigns of the interwar period and the present. 

Feminists throughout history (Gage 1893; Hamilton 1909) have argued that in marriage the sexual relationship is the central most powerful aspect of the contract. “It is obligatory in the marriage contract,” says Collette Guillaumin (Guillaumin 1995, p.184). Guillaumin argues that the non-existence of a sexual relationship “is

20 See Chapter Three for further discussion on the ways in which feminists have analysed the male sex right.
a peremptory reason for annulment (not ‘divorce’, but ‘annulment’)” (idem).
Annulment means that without the occurrence of sexual intercourse the marriage
does not exist. In most countries sexual relations outside the marriage are grounds
for divorce. In some countries sexual relations outside marriage are grounds for
death. Honour killings and the “crime of passion” defence in cases of wife killing
exemplify social structures designed to defend a man’s so-called honour if his
sexual claim over a woman or girl is seen by other men to be violated.

[w]hen a man has a sexual relationship his body is not
considered ‘taken in hand’; rather he keeps the ownership and
subsequent freedom of use of it. He can use it freely, sexually
or in any other way, outside of the link that he has established
with a particular person, his ‘wife.’ So it is only when he
establishes a customary relationship of appropriation of
another specified woman (and not a transitory relationship with
a woman held in common), [such as a prostituted woman]21
and when he infringes the rules of a group of men (and not at
all because he would ‘offend’ his wife!) that he can find
himself facing the sanction of divorce, and find himself
deprieved of the extended physical usage (including the task of
maintenance of his own person) of a specific woman, as was
assured to him by marriage. The same word ‘adultery’ for the
woman, on the contrary, implies, means that her body does not
belong to her personally, but to her husband and that she does
not have the free use of it (Guillaumin 1995, p.185).

Guillaumin is arguing that women’s bodies are the property of men. In addition to
her body not belonging to her an “adulterous” woman or girl is stigmatised as a
whore or loose woman and often marginalised in society.22 Guillaumin explains
that the absence of “prostitution for women” illustrates the extent to which a
woman’s body does not belong to her but to other men. The following claim by

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21 ‘Prostituted woman’ is a term used by Janice Raymond of the Coalition Against Trafficking in
Women in a 1995 Report to the Special Rapporteur on Violence Against Women, to demonstrate
that prostitution would not exist without men’s demand for it. I inserted the term ‘prostituted
woman’ here because women who are used commercially for sex are considered to be the group
property of men or as Guillaumin puts it “women held in common.”

22 In South Korea, Asia’s third largest economy, the sex-industry is officially counted as
contributing 4% to the nation’s GDP. However, adultery is a criminal offence with the
Constitutional Court repeatedly upholding convictions for adultery and handing down two-year
jail sentences. A report in The Economist cites women as suffering more under the law because
unlike the men, women are publicly humiliated (The Economist, March 19 2005, p.36).
Guillaumin is important in Chapter Eight where I discuss the similarities between the trafficking of children into marriage as into prostitution.

And this is doubtless the true reason for the absence (despite the exceptions that some people make great exertions to find) of male prostitution for the use of women – and not the ‘physiological unavailability’ of men, which is constantly evoked in this regard. This is what is suggested by the non-existence of prostitution for women, as opposed to prostitution for men. There can be no prostitution for those who do not own their own bodies” (Guillaumin 1995, p.185).

In Guillaumin’s analysis, girls’ and women’s bodies are primarily owned by fathers, then husbands, and, in their absence, other male relatives, hence the term ‘father right’ coined by Carole Pateman in order to demonstrate how the patriarchal ownership of women and girls is institutionalised (Pateman 1988). The strength of the ‘father right’ in civil society is responsible for enabling the continued practice of child marriage. The definition of ‘conjugal rights’ is inextricably linked with the definition of ‘civil society.’ This thesis argues that the concept of ‘conjugal rights’ underpins the laws that govern ‘civil society.’

**Civil Society**

Civil Society, in terms of its emergence from enlightenment social contract theory, is a western structure distinguished “by the separation of the private from the public sphere” (Pateman 1988, p.11). The patriarchal structure of ‘civil society’ depends on the subjugation of women. In this thesis I use political scientist, Carole Pateman’s definition of how this subjugation operates:

Once the original contract is entered into, the relevant dichotomy is between the private sphere and the civil, public sphere – a dichotomy that reflects the order of sexual difference. Women have no part in the original contract, but they are not left behind in the state of nature – that would defeat the purpose of the sexual contract! Women are incorporated into a sphere that both is and is not in civil society. The private sphere is part of civil society but is separated from the ‘civil’ sphere (idem).
In this thesis I explore how feminist activists, as political theorists, have struggled to dismantle the public/private divide in order to make the lives of women and girls ‘relevant’ in terms of validating their status as *bona fide* citizens in civil society. I build on Carole Pateman’s claim that “[t]he private sphere is typically presupposed as a necessary foundation for civil, i.e. public life, but treated as irrelevant to the concerns of political theorists and activists” (idem).

Carole Pateman views civil society as a patriarchal institution detrimental for women, whereas, at the beginning of the twenty-first century legal theorist, Hilary Charlesworth, suggests the necessity for feminist involvement in “international civil society” as a “counter-balance to the domination of the states” (Charlesworth and Chinkin 2000, p.90).

The category of ‘international civil society’ is broader than that of NGOs and covers a range of both organised and unorganised, alternative and complementary groupings. In different contexts international civil society can embrace officials of international organisations, voluntary organisations, grassroots organisations and transnational social organisations (idem).

While I agree with Pateman’s view, I understand that international legal theorists, such as Hilary Charlesworth, are hopeful that the idea of a civil society, if male dominance is successfully challenged, may allow “broader possibilities for a broader range of interests to be considered in the definition of social goals” (Charlesworth and Chinkin 2000 p.91). She points out that because the “public, political, religious, economic and legal spheres are dominated by men,” feminist agendas for social reform in the private sector are often excluded (ibid, p.91). The difficulty here for feminists is that civil society, whether national or international represents the public world where concerns of women and girls are of lesser consideration than men’s interests. For instance child marriage is not considered in civil society and because it belongs in the private realm, is not an issue in international politics.

Charlesworth and Chinkin, in their book, *The boundaries of international law*, discuss at length how ‘international civil society’ has replicated enduring “prejudices of racism, sexism and colonialism” (ibid, pp.90-95). I suggest in this
thesis that such prejudices make it more difficult for feminists to address child marriage as a harmful cultural practice. Notwithstanding these drawbacks, Charlesworth argues that feminist involvement in ‘international civil society’ can work towards reshaping international law “both through constituted NGOs and through informal groupings of citizens to create what have been termed ‘transnational issue networks’” (ibid, p.93). In order to end such harmful traditional practices as child marriage, female genital mutilation, prostitution and trafficking, developing ‘transnational issue networks’ allows international NGOs such as Ending Child Prostitution, Pornography And Trafficking (ECPAT) and the Coalition Against Trafficking in Women (CATW), to “exercise leverage over national elites,” and “may empower those who have been silenced by formal state structures” (idem). In the twenty-first century feminist organisations making inroads into international law include the CATW, which was responsible for arguing for the acceptance of a definition of trafficking that included ‘trafficking for prostitution’ in the new UN International Convention Against Transnational Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. CATW’s major contribution to the UN Protocol was to insist on the irrelevance of consent to trafficking.

Hilary Charlesworth and Christine Chinkin suggest that the potential for feminists operating within the realms of international law lies in investigating “ways in which international law has brushed aside the injustices of women’s situations around the world” and redrawing “the boundaries of international law to respond to these injustices” (Charlesworth and Chinkin 2000, p.21). They claim that they “will no doubt draw criticism from activists for our focus on legal principles rather than on the battle front” (idem). For the purpose of this thesis the feminist work of Charlesworth and Chinkin is important in challenging the boundaries of patriarchal laws, despite claims by academic theorist, A. D’Amato, that their work lacks “academic rigour and objectivity,” and legal theorist, Marri Kiskenniemi, who cautions them against “feminist enthusiasm for radical change”(D’Amato and Kiskenniemi quoted in Charlesworth and Chinkin 2000, p.21). The idea of extending international law beyond the limitations imposed by patriarchal agendas is important for NGOs combining grassroots activism with international legal reform and influencing policy in their endeavour to eradicate the premature sexualisation of children.
In the next section I outline the contemporary core theoretical concepts and related issues informing the approach to analysing sexual exploitation in this thesis. I begin with investigating the relationship between cultural relativism and the subordination of women. I introduce the concept that the theory of cultural relativism is instrumental in denying women and girls the basic human right to be free from sexual violence (Harris-Short 2003; Mies and Shiva 1993).

**Cultural Relativism Denying Women’s Rights**

Cultural relativism evolved as an ideology during the interwar years. Franz Boas, Ruth Benedict’s teacher and colleague developed the concept of “cultural diffusionism” as a style of anthropology to enable “the capacity to see another culture unblinded to one’s own” (Lapsley 1999 p.57), and in particular to stem the tide of anti-semitism in the pre World War II era. Hilary Lapsley, Ruth Benedict’s biographer pointed out that Boas’ work “inevitably led to cultural relativism” (ibid, p.57). Boas, as a socialist and a pacifist claimed that all races were equal (Boas 1932 p.79), and in his paper *Aryans and Non-Aryans*, claimed nations assumed “their characteristic forms under the pressure of society” (Boas 1934 p.11). However, Hilary Lapsley has also pointed out that as far as Boas was concerned, women occupied a lesser status than men in the anthropology profession and Benedict was often overlooked in favour of less experienced men when professional anthropological jobs became available. Even though Boas claimed that all races were equal (Boas 1932 p.79), cultural relativism emerged as an ideology to protect male defined traditions and culture with small consideration for women’s and girls’ subordinated status. This thesis suggests that interwar feminists Eleanor Rathbone, Muthulakshmi Reddi and Nina Boyle, who worked to end sexual exploitation, worked within constraints of a cultural relativist framework that deferred to the male sex right. Cultural relativism defended cultural practices harmful to women and girls in cases where such practices were understood to be traditional, as in child marriage and in *deva dasi* (temple) prostitution. The influence of cultural relativism on international feminist activism has spanned the interwar period to the present. Cultural relativism, as a defence for continuing the tradition of child marriage, contributes to current difficulties in recognising child marriage as a harmful cultural practice.

Advocates of cultural relativism, such as Alison Dundes Renteln, currently argue that the adoption of a universal system of human rights imposes an overarching western standard on non-western nations (Renteln 1985). In opposition to cultural
relativist ideology is the concept that human rights are universal (Cook 1994; Howard 1993). The 1993 Vienna Declaration and Programme of Action affirmed that “the universal nature” of human rights and freedoms was accepted by more than one hundred and seventy-two state leaders, thus pointing to a victory for “universalists over the proponents of cultural relativism” (Harris-Short 2003, p.131). According to legal activist Sonia Harris-Short, despite the appearance of the acceptance of universal principles, “the cultural relativism argument is currently deployed by various states and their representatives at the international level” (idem). Harris-Short, as a result of analysing dialogue between the Child Rights Committee and States Parties to the United Nations Convention on the Rights of the Child (UNCRC), argues that “cultural relativism remains a formidable argument which continues to be raised by state delegates to justify the ineffective implementation of international human rights standards” (Harris-Short 2003, p.134). According to Harris-Short, the absence of human rights culture at local level impedes the implementation of human rights.

…the reality of entrenched cultural differences within the populace means that there is often a lack of vital grassroots support for the human rights principles willingly accepted by state delegates operating at the international level, particularly when the rights in question impinge upon traditions and practices relating to children and the family (idem).

In the quest for consensus, several human rights advocates from non-western nations have pointed out the difficulty of discussing an international framework of human rights in a world of cultural difference (An-Na'im 1992; Rao 1995 p.168). Arati Rao points to the importance of politically analysing uses of culture. She suggests that “without asking whose culture this is and who its primary beneficiaries are” women are likely to remain subordinated to institutions patriarchal hegemony (Rao 1995 p.168). Abdullahi A. An-na’im shares a similar view to Arati Rao, but without emphasis on women’s rights, pointing out that although “universalized” human rights evolved from a westernised hegemonic and colonial process (An-Na'im 1999 p.152), “official claims of religious and cultural distinctiveness” do not “justify the relativistic priorities asserted by government” (idem). An-Na’im emphasises the fact that “there has already been a significant degree of non-Western contribution to the formulation and implementation of the present international regime of human rights, not only through the work of various
organs of the United Nations, but also at the nongovernmental level” (idem). Furthermore, An-Na’im argues that whether western or non-western, “the project of universality must also be pursued with an open mind and willingness to examine and renegotiate any presumed ‘prioritization of social values,’ rather than as means of endorsing and legitimising the existing scheme of political, economic, social, and/or religious power relations and hierarchies” (An-Na’im, 1999 p.154).

**Reservations to UN Conventions: Preserving Private Culture**

Reservations to UN Conventions are made by countries intent on preserving religious and traditional practices. Harris-Short’s analysis of the UNCRC is useful in terms of revealing how cultural relativism preserves harmful traditional practices such as child marriage and female genital mutilation (FGM) (Harris-Short 2003). She points out that despite the appearance of the UNCRC being “universally” accepted, many countries, particularly Islamic states, have protected their religious and traditional prerogatives by creating reservations to the Convention, thereby enforcing patriarchal rights. For instance, “The Government of Djibouti shall not consider itself bound by any provisions or articles that are incompatible with its religion and its traditional values” (Harris-Short 2003, p.135). Reservations allow the culture of the private to remain private, thus contributing to silencing women’s and children’s voices.

Reservations to Conventions such as the UNCRC protect men’s rights in various ways. Harris-Short’s examination of the CRC committee meetings points out the reluctance of countries such as Senegal to accept the definition of female genital mutilation (FGM) as a harmful cultural practice. Despite several delegations wanting the term ‘female genital mutilation’ specifically named in the UNCRC, the Senegalese delegation, representing a country where FGM is still widely practised urged restraint in the naming of FGM, opting for the more general term ‘traditional practices.’ Therefore, the proposal led by the United States, “to explicitly name FGM as a practice ‘prejudicial to the health of children’ was left undefined in the Convention’s final text, leaving it at least open to argument whether or not FGM falls foul of its provisions” (ibid, p.137). Harris-Short has noted, the absence of naming FGM as a harmful traditional practice, leaves space
for argument under Article 24(3) for attempts to defend FGM on the grounds that it is ‘beneficial’ for the health of children (idem).23

In cases of child marriage, it is even more difficult for signatories to the UNCRC to expect that countries will concede that children as well as adults are entitled to rights under the Convention. Because heterosexual marriage is globally accepted as the normal and preferred form of social organisation, opposing practices of child marriage is more difficult than challenging FGM, particularly in countries where the idea of children’s rights is an alien concept. At the one hundredth and thirty-seventh meeting of the Committee on the Rights of the Child, in 1994, Mr. Ouedraogo summarised the position of the Burkina Faso Government, alluding to the difficulties in the gap between law and practice (Harris-Short 2003, p.156).

With regard to measures to eliminate forced marriage, forced polygamy and recurrent pregnancy, the Government was compelled to steer a course between the desirable and the feasible. It was at present at the stage of evaluating and studying the deficiencies which existed in the country, deficiencies it had frankly acknowledged in its report, in order to determine how to eliminate them (Harris-Short 2003, p.156).

In cases where FGM and child marriage as cultural practices had gone on for years, Harris-Short writes “a clear chasm is depicted between, on the one hand, the purported adherence of the state to the Convention, and on the other, the prevailing values and beliefs of society at large” (ibid, p.158). In the next section I examine the ways in which cultural relativism in conjunction with postmodernism have created obstacles for current activism.

**Postmodernism as the Paralysis of Activism**
This thesis suggests that postmodernism acts as an impediment to feminist activism. A critical evaluation of feminist scholarship reveals that postmodern theory in its embracing of cultural relativism has created obstacles for feminist activists and feminist historians in their attempts to analyse sexual practices as

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exploitative or harmful (Bell and Nelson 1989; Brodribb 1992; Hoff 1994; Winter 1994). The introduction of postmodern and poststructural theories developed by anthropologists such as Lévi Strauss and taken up by French intellectual, Michel Foucault, promoted a theory of cultural relativism as a challenge to universal institutions of power (Foucault 1976; Keesing 1971; Levi-Strauss 1977).

However, I propose in this thesis that the intellectual and theoretical pursuit of cultural relativism by the postmodernist school did not allow critiques of sexual practices that were accepted by the wider community as part of cultural traditions or rituals. I further suggest that the sexual politics underpinning cultural relativist principles were founded on sexual libertarian ideologies of choice and consent. While interwar feminists worked within constraints of cultural relativism they did not have to contend with postmodernism as an impediment to their activism against sexual exploitation.

Since the 1980s radical feminists such as Karla Mantilla have argued that postmodernism, “while claiming to allow more voices to speak, actually silences all voices” (Mantilla 1999 p.8). According to Mantilla, “there are several problems with postmodernism the first of which has to do with the way it has coopted some of the key insights of radical feminism, but stripped them of their political impact” (ibid, p.7). For instance, the postmodern claim that gender, race and class are socially constructed was a radical feminist insight that preceded postmodernism. Barbara Christian points out in Radically Speaking that, “postmodernism came into vogue in academia just when the voices of women and people of color began to assert a significant presence there” (ibid, p.10).

Furthermore, Renate Klein, in her article “Dead Bodies Floating in Cyberspace” argues that postmodern language functions to reduce a woman’s physical body to a sum of dismembered parts, often sexual body parts (Klein 1996).

Francis Wheen, another critic of postmodernism has reiterated what radical feminists have claimed for decades. Wheen, in his book How Mumbo Jumbo Conquered the World (Wheen 2004), argues that the playful insistence by postmodernists that there are no certainties or realities, and their refusal to acknowledge the legitimacy of value judgements, led to a ‘free-floating relativism’ that could celebrate anything from Iranian theocracy to sadomasochistic fetishism.24 As an example of how free-floating relativism works, Wheen quotes

24 Wheen’s popular book echoes previous radical feminist literature critiquing postmodernism as paralysing activism. See Radically Speaking, (Bell and Klein, 1996) ; Nothing Matters,
Michel Foucault who visited Tehran after the fall of the Shah, and came back to Paris enraptured by the “beauty” of Ayatollah Khomeni’s regime (Wheen 2004). I suggest the ‘free-floating’ relativism of hegemonic post-modernism offers cold comfort to victims of sexual exploitation, particularly when the premature sexualisation of a girl in child marriage or in child prostitution is considered within a paradigm that proposes the body is little more than a text on which to be inscribed. How alien a concept for a young girl experiencing her body being torn apart in rape, marital or otherwise! In the next section I introduce the concept of ‘sexual relativism’ as a corollary of ‘cultural relativism’ and as an analytical tool enabling an understanding of the extent to which the male sex right of sexual access is invisible within the prevailing values and beliefs of society at large.

(un)Covering Sexual Relativism
A radical feminist investigation into the root causes of sexual slavery led me to conceptualise the hypothetical concept of ‘sexual relativism’ as a mechanism to disclose the hidden side of cultural relativism, the hidden side that is to do with men’s sense of entitlement usually expressed in history or justified in mainstream public policy language as ‘tradition’ or ‘culture.’ In later chapters I use the analysis of ‘sexual relativism’ to lay bare the seemingly unassailable and universal male sex right over women.

In this thesis I suggest that cultural relativism, as a body of ideas advancing the cause of men’s domination of women, acts as the paralysis of activism and as a shroud to hide men’s sexual business. In focusing on the importance of custom and tradition, the ideological platform of cultural relativism obscures the amount of patriarchal activity that goes into upholding the male sex right as a normal tradition. Tradition is an important concept in cultural relativist ideology and defined in the Oxford English Dictionary as,

> [t]he act of transmitting or handing down or fact of being handed down from one to another or from generation to generation; transmission of statements, beliefs, rules, customs, or the like esp. by word of mouth, a statement, belief or practice transmitted (esp. orally) from generation to


A postmodern concept popularised by postmodern theorist Elizabeth Grosz’s *Volatile Bodies*
Traditions are indicative of men’s rituals of power enacted throughout history in the “immemorial usage” of women and girls in systems of marriage and prostitution. Within patriarchal hegemony, theories of cultural, religious and moral relativism preserve the sexuality of the ‘male sex right/rite.’ The realisation that invisibility of the male sex right is supported within the ideologies of cultural relativism and postmodernism led me to develop the term ‘sexual relativism’ as a way to theorise that invisibility.

The fact that marital rape was not a consideration as rape until the 1970s is one of many examples of the ways in which sexual relativism operates to keep men’s privilege of sexual access to women upheld in law. The relatively recent trend of legalising prostitution in western countries is another example of how sexual relativism is responsible for the sexual subordination of women and girls. Sexual relativism is the unnamed ‘free floating relativism’ that identifies men’s sexual business as the hidden side of cultural relativism. In this thesis I suggest that hegemonic adherence to male sexual privilege continues as the underpinning cause of sexual relativism, and apart from a recent social movement aimed at changing men’s sexual practices, has effectively debarred advocacy beneficial to women and girls. It is from this perspective that I suggest the term ‘sexual relativism’ is a corollary of ‘cultural relativism.’ By adding the ‘sex’ into the ‘relativism’ defence of cultural practices, men’s actions in the ‘sex-is-power’ dynamic become unavoidably visible. From a radical feminist standpoint, critiquing the theory of sexual relativism and its partner cultural relativism, provides a way to address the

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For example, see Sven Axel Månssohn’s article, “International Prostitution and Traffic in Persons from a Swedish Perspective,” in Studie-en Informatiecentrum Mensenrechten, Netherlands Institute of Human Rights, SIM Special No.17, pp109-124, Utrecht, 1995. Månssohn, Sven-Axel. 1994, "combating Traffic in Persons." Pp. 109-124 in Traffic in Persons, edited by Klap, Marieke, Klerk, Yvonne, Smith, Jacqueline. Utrecht and Maastricht: SIM Nederlands Institute of Human Rights. Månssohn, in addressing ways to end the global phenomenon of trafficking, discusses men’s responsibility to change the ways in which they think and act about their own expectations in sexual practices. A men’s group in Sweden met to discuss the role of men’s demand in the sexual exploitation of women and girls in prostitution. The group concluded that prostitution would not exist if men’s demand for it was taken away. The group supported the courageous female politicians in the Swedish Parliament who fought at length to bring the law penalizing the demand into existence. The outcome of the feminist campaign was a change to the Swedish legislation on prostitution that now makes it illegal to purchase sexual services.
male demand for sexual exploitation. This thesis discloses that interwar feminists contended with both cultural relativism and sexual relativism in their activism in the international arena. As I point out in Chapter Two, sexual relativism was identified by interwar feminists as ‘the double standard.’

**Multiculturalism: Advancing Men’s Rights?**

In the introduction I signalled multiculturalism as one of the complex reasons why it is now more difficult to confront child marriage as a harmful cultural practice. Ayelet Shachar, political theorist, writes, “[f]rom Canada to India, from Israel to the United States, the problem of multicultural accommodation is high on the global agenda” (Shachar 2001 p.1). In the early twenty-first century multiculturalism, now a global institution, has become a controversial issue in most nations. Multiculturalism was celebrated as the leitmotif of cultural diversity when it was first introduced in the early 1970s. Since then increased tensions between the male dominated domains of state law and religious law have made it more difficult for women’s rights. In this section I examine feminist claims that multiculturalism creates obstacles to the progress of international feminist activist work against sex exploitation (Okin 1999; Patel 2001). In this thesis I investigate the ways in which States Parties, by endorsing multicultural policies, contribute further to the subordination of women under institutional patriarchy.

Multiculturalism was once embraced by feminists as providing a framework for understanding and appreciating cultural diversity, and in some instances perceived as a way to negotiate the difficult terrain of sex inequality within the context of racial difference and as a way to advance an international women’s movement. A tribute to feminist collaboration in the spirit of cross-cultural communication can be seen in the book edited by Robin Morgan, *Sisterhood is Global: The International Women’s Movement Anthology* (Morgan 1984). This anthology is important because it comprises feminist voices from over seventy countries speaking about traditional practices responsible for subordinating women and girls, especially in its references to child marriage. Several accounts point out the discrepancy between state laws outlawing the practice of child marriage and religious laws claiming to justify its continuity. As I suggest in later chapters, current approaches to multicultural policies reproduce multicultural rights as men’s

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27 Robin Morgan states that *Sisterhood is Global* was intended as a sequel to her earlier book, *Sisterhood is Powerful.*
rights particularly in the area of the sexual control of girls and women, often under the auspices of ‘customary law’, ‘group rights’ or traditional practices.

Feminist theorists have pointed out why multiculturalism is a problem for women. According to Pragna Patel of the Southall Black Sisters in Britain, “[m]ulti-cultural politics assume that within minority communities everyone is the same and that all have one world view” (Patel 2001 p163). This thesis suggests that the overarching world view Patel talks about is the view of a patriarchal hegemony. Pragna Patel further argues that multicultural politics “do not allow for the fact that there is dissent within communities, that people want to have their own personal interpretations of what their culture is,” including the option to reject or keep some or all aspects of their particular culture (idem). Susan Moller Okin challenges the notion that ‘group rights’ benefit “indigenous native populations, minority, ethnic or religious groups,” or “formerly colonised peoples,” arguing that women and girls continue to be subordinated within such groups (Okin 1999, p.11). Okin points to the inequities faced by indigenous nations, particularly under imperial colonisation. She remains sceptical of the benefits of multiculturalism under western liberalism pointing to the willingness of western liberals in complying with women’s subordination. In asking the question, “is multiculturalism bad for women?” Okin suggests that multiculturalism has countered feminist gains made over past decades, particularly in areas resulting in the sexual exploitation of women. In Chapter Eight I discuss the tensions arising from multicultural policies where governments opt to distinguish between forced and arranged marriages in order to sustain political power through canvassing for votes from multicultural communities.

Will Kymlicka, proponent of multiculturalism and defender of ‘group rights,’ suggests that Okin’s scepticism of multicultural policies is unfounded (Kymlicka 1999 p.32). Kymlicka adopts the liberal ‘pro choice’ position which assumes that an individual has the right of ‘choice’ at his or her disposal. The notion of choice, however, disregards the feminist view that power is a socially constructed force within ‘groups’ usually benefiting men and subordinating girls and women. As a current example of group rights benefiting men at the expense of women, Okin cites the French Government’s acceptance of the cultural practice of polygamy. Okin claims that not only is the woman or girl disadvantaged by the French government decision, but “the right to negotiate polygamous marriages is
not available to the rest of the population” and is therefore discriminatory (Okin 1999, p.11).28

In this thesis I explore the notion that western nations have adopted multicultural policies primarily to advance capitalism and so-called economic security, a notion written about at length by feminists Vandana Shiva, Asoka Banderage, Maria Mies, Susan Hawthorne (Hawthorne 2002; Mies 1986; Shiva 1989). Despite feminist criticisms that multiculturalism serves the patriarchal interests of globalisation, in many instances, women who live in multicultural societies recognise that involvement in the area of multicultural policy-making remains one of the few political platforms within which ethnic communities can negotiate their participation as citizens in white dominated nations. Chilla Bullbeck, Professor of Women’s Studies in Adelaide, Australia, defines multiculturalism, albeit flawed, as “a policy which attempts to compensate for the deprivation of language, history and homeland, by celebrating the two cultures in which migrants remake themselves” (Bulbeck 1998 p.193). According to Melba Marginson, chairwoman of the Victorian Immigrant and Refugee Women’s Coalition in Australia, multicultural experience is often the only way for women from different cultural and ethnic backgrounds to ‘celebrate diversity’ in any material sense.

In our experience with Anglo-Saxon women, it is in encounters with migrant and refugee women such as us in conferences, partnerships, joint cultural activities and projects that they, and we, truly appreciate the benefits of a multicultural society (Marginson 2004, p.10).

In Australia, however, key constitutional and multicultural policies are decided by a ‘monoculture’ of Anglo-Celtic men who are predominantly English speaking (Hyndman 1992). According to international human rights lawyer, Patricia Hyndman, in a multicultural society such as Australia, consisting of “both indigenous peoples” and a “large number of immigrant groups” the “difficulties with cultural legitimation in respect to human rights norms and domestic human rights law and policy become more varied and complex” (Hyndman 1992, p.296).29

28 In Chapter Eight I investigate the problems of child marriage within the complex relationship between customary laws, racial discrimination and sexism.
29 In Chapter Eight I expand on the issue of child marriage among indigenous populations and in immigrant communities.
In the international climate of the United Nations, multiculturalism is also promoted as enriching the lives of the whole community. The United Nations advances the idea of unity in diversity and the United Nations Millennium Declaration (UNMD), heralding the twenty-first century, promulgates “tolerance,” “freedom,” “equality,” “solidarity,” “respect for nature,” and “shared responsibility” as “values and principles” to be adopted for the new and supposedly post-colonial era. The words of the Millennium Declaration call on world leaders to fulfil their duty to the “children of the world, to whom the future belongs” (UNMD, Article 1.2. p.1).

Contra to the “new millennium” prospectus, feminist organisations have registered their criticism of governments promoting multicultural policies. Pragna Patel explains that with multiculturalism as a dominant feature in social policy and the law it is even more difficult for girls and women to escape male violence. Because the language of ‘tolerance’ is used as an overarching term, customs and culture are treated as tradition, and women’s and girls’ experiences sidelined.

In the name of tolerating diversity certain issues are accepted as being part and parcel of one’s culture and one’s community traditions. So forced marriage or domestic violence are seen as part and parcel of your cultural baggage and therefore the state won’t intervene. The community leaders say don’t interfere, you leave it to us and the tacit contract between them and the state is that the state expects them to maintain the status quo and not upset the wider power relations. In return some kind of communal autonomy is allowed but what that means is largely governance over the family. The community leaders can then use the multi-cultural terrain on which to make a series of demands about non-intervention. So Asian women who go to the police or to social services, for example, and say: “Look, I’m being forced into marriage, I don’t want to be, please help me” will be told: “Well this is your culture, this is how things are done, and we are being culturally sensitive here, and we cannot intervene. In other words, those women go unprotected; their rights go unasserted, and they have no recourse in terms of protection or redress (Patel 2001, p.166).
Patel’s analysis of the relationship between violence against women and multiculturalism indicates how politicians intent on gleaning votes from cultural minority groups collude with male leaders of the ethnic minority groups, complicit and collaborative in the harm perpetrated against girls and women (Patel 2001). In later chapters, particularly Chapter Eight, I explore the claim by Claire Beckett and Marie Lacey that multiculturalism in Britain “not only exacerbates and legitimises the oppression of already oppressed minority groups, but poses threats to liberal democracy and individual human rights” (Beckett and Macey 2001 p.309). In this investigation I hope to examine the relationship between early marriage and the social divisions of “gender, sexuality” and “ethnicity,” cited by Beckett and Lacey as needing more explanation (Beckett and Macey 2001 p.309).

Laissez-Faire Capitalism Marketing Sex

Another key concept in this thesis is that sexual exploitation in the 21st century is a significant part of the global economy. According to Yash Ghai, Professor of Law at the University of Hong Kong, the “growth of the market economy was facilitated by, and in turn supported by, the development of technology” (Ghai 1999 p.244). As I discuss elsewhere in this thesis, in terms of sexual exploitation contributing to economies of scale, the development of the pornography industry through internet technology has contributed to a transnational sex industry built on the sexual commodification of women, girls and boys. This thesis suggests that advancements in internet technology have facilitated the normalisation of sexual exploitation. According to feminists such as Donna Hughes the “child sex trade is now identified as a global multibillion dollar industry driven by the strong economic returns it generates” (Hughes 2004). Hughes claims that internet technology has made it much easier for men to access and consume children and women in pornography and prostitution (Hughes 1999). Technology has also led to the increased trafficking of women and girls in the expansion of internet-based mail-order bride and marriage brokerage businesses (Hughes 2004). UNICEF estimates that around two million children are sexually abused every year all over the world. In Cambodia, after years of war, corruption and poverty, the sexual exploitation of children is of epidemic proportion, further aggravated by the rapid growth of international tourism (BBC radio 4, Nov 4, 2004). According to some surveys, twenty percent of tourists to Cambodia are sex tourists. Naly Pilorge of Liadho, a Cambodian human rights organisation, claimed that up to seventy percent of their caseload for children was rape, claiming that in addition to sexual
exploitation carried out by sex tourists most perpetrators are family members or men in the local community.

The normalisation of sexual commodification contributes to the cultural acceptance of the premature sexualisation of children across cultures. For instance, one IRCW report on adolescent sex in sub-Saharan Africa is entitled “Cross-generational and Transactional Sexual Relations in Sub-Saharan Africa (2002)” (Luke and Kurz 2002). Cross-generational sex in this instance is defined as “sexual relations between adolescent girls and older men” (Luke and Kurz 2002p.3). I suggest in this thesis that terms such as “cross-generational sex” reflect the growing acceptance that the premature sexualisation of young girls is inevitable. I argue that the increased usage of such language in the international arena advances the case for sexual liberals who claim that such sexual relations are consent or choice based. Such practices further promote the premature sexualisation of children. For instance, international feminist, Sheila Jeffreys, in her book Beauty and Misogyny, illustrates how in western society the concept of pornochic has been constructed as an accepted fashion tactic appealing to a market of increasingly younger girls (Jeffreys 2005). However, if we overlay the theoretical concept of sexual relativism as an analysis of pornochic, the revelation becomes clear that the fashion is constructed in a way that normalises the invisibility of men’s eroticisation of younger girls, giving the impression that these girls choose to be sexually available. Sheila Jeffreys argues that fashion industries creating pornochic are responsible in creating harmful cultural practices (idem). I suggest that as long as the culture of choice is accepted as a valid explanation for the premature sexual seasoning of girls, harmful cultural practices will remain less readily identifiable.

Sexual Liberalism/Libertarianism
Liberal feminism and sexual libertarianism are two key concepts that create obstacles for international feminist activism because they do not challenge the male sex right. Seiya Morita, Japanese feminist and economist, holds sexual liberals responsible for the view that prostitution is promoted as work and not sex slavery (Morita 2004 p.78). According to Seiya Morita, “in alleging that sex work is ‘just work’ and that women voluntarily engage in it with free will, they give legitimacy and authority to male dominance and the whole sex industry” (idem). Since the 1970s international activists such as Catharine MacKinnon, Janice Raymond, Kathleen Barry, Sheila Jeffreys, Renate Klein and Dorchent Leidholdt have argued that sexual liberalism is one of the key opposing forces to the radical
feminist perspective that men’s sexual dominance is the underlying cause of sexual exploitation (Raymond, Leidholdt, Klein et al 1994). The liberal feminist platform is predominantly concerned with equal rights (see Steans 1998 pp.16-18), that are primarily based on men’s rights. According to Jill Steans, international relations theorist, “liberals support the right of individuals to seek fulfilment and pursue their own interest, providing that, in so doing, they respect the rights of others” (Steans 1998 p.16). In this way liberal feminists support the ideas of choice and consent without applying any analysis to the existence of power inequalities in the sexual relationship of heterosexuality.

According to Sheila Jeffreys, sexual liberalism is “a set of political beliefs and practices rooted in the assumption that sexual expression is inherently liberating and must be permitted to flourish unchecked, even when it entails the exploitation or brutalization of others” (Jeffreys quoted in Leidholdt and Raymond 1990 p.ix). Sexual libertarians believe women already experience sex equality with men. Sexual libertarians, as practitioners of sexual liberalism, take this idea one step further. For instance, pro-sex work activists, Jo Doezema and Kemala Kempadoo support the sexual acts of prostitution as normal work and the production and the consumption of pornography as individual choice (Doezema 1998; Doezema 2001; Kempadoo 1998). In this thesis I argue that the liberal feminist view legitimises the male sex right, thereby operating as a liability to women and girls experiencing forms of sexual exploitation because the sexual oppression they experience is not readily identified as such. Kathleen Barry argues that liberal individualism is the concept constructing choice and consent, with “prostitution constructed to invoke women’s consent, as is marriage, as is socially constructed sexuality”(Barry 1995 pp.23-4). According to Barry,

> [the] human will is the cornerstone of liberal theory and law, which makes the individual central and singular in the Western concept of rights. In this way, liberal legal theory does not consider oppression, the condition of class domination which is so pervasive that it actually invokes consent, collusion or some form of cooperation from the oppressed (idem).

Kathleen Barry indicates here that masculinist liberal legal theory assumes women’s consent and disregards women’s status as an oppressed class. Another feminist perspective is that of Susanne Kappeler who points out that “the history of liberalism, of libertarianism, of libertinism has been a history of gentlemen
advocating liberty and license for gentlemen” based on routinely sacrificing the rights of women (Kappeler 1990 p.176).

A key question I ask in this investigation is how have international feminist activists, historically and currently, challenged the sexual libertarian position by making visible the male demand for sexual access to girls and women? In the international arena NGOs such as the Coalition Against Trafficking in Women and the Movement Against Prostitution and Pornography (MAPP) of France, adopt a radical stance against sexual libertarianism and have campaigned for government recognition that most trafficking is for the purpose of prostituting women, girls and boys. In March 2005, the CSW-NGO Caucus on Violence Against and Sexual Exploitation of Women, more than thirty NGOs joined to put forward a proposal to the Delegates of the 49th Session of the Commission on the Status of Women, “to call attention to and combat the early sexualization of girls through fashion, the media including pornography and the Internet, and prostitution as an emerging issue” (CSW-NGO Caucus, 2005). More importantly, the CSW-NGO Caucus jointly claimed that the problems of trafficking in women are rooted in the male demand and that “prostituted sex is the engine which drives the worldwide crisis of trafficking in women” (CSW-NGO Caucus, 2005). The CSW-NGO Caucus position was a radical feminist viewpoint, and ground breaking in addressing for the first time, men’s demand for sexual access to women and girls. In order to further deconstruct the role of the male sex right within the institution of heteropatriarchy I explore the concept of lesbian resistance within international feminist activism among women in the interwar years and in the current era.

**Lesbian Existence in International Activism**

An important and unusual concept in this thesis is to introduce a lesbian feminist perspective as a tool of political analysis and as a form of resistance against the institutional subordination of women and girls within the dominant and monolithic paradigm of heterosexuality. According to lesbian feminist activist and philosopher, Janice Raymond, lesbian feminists have challenged *hetero-reality*, or the world view that women always exist in relation to man (Raymond 1986 p.3):

> More than any other group of women, Lesbian feminists have shrunk the power of hetero-reality and have expanded the range and reality of what has been perceived as a sexual
category – lesbian sexuality – far beyond the physical body to a social and political reality (ibid, p.14).

In the 1970s and 1980s feminists publicly declared their lesbianism as a revolt against male dominated ‘compulsory heterosexuality.’ Lesbianism became integral to political activism against sexual exploitation in the public and the private spheres. Adrienne Rich’s memorable article, “Compulsory Heterosexuality and Lesbian Existence,” challenged the emotional, psychological and physical work demanded of women in the institution of marriage (Rich 1989 p.14). Rich adopted the terms ‘lesbian existence’ and ‘lesbian continuum’ in order to move away from the more clinical term ‘lesbianism’ invented by sexologists:

*Lesbian existence* suggests both the fact of the historical presence of lesbians and our continuing creation of the meaning of that existence. I mean the term *lesbian continuum* to include a range – through each woman’s life and throughout history – of woman identified experience; not simply the fact that a woman has had or consciously desired genital experience with another woman (Rich, 1980).

The ‘woman-identified’ experience Rich refers to was created in 1970 by the New York *Radicalesbians*, who wrote the article “Woman-identified-woman” in order to demonstrate that lesbian identity was shaped by ideological and political resistance as much as sexual practice (Freedman 1998; Radicalesbians 1973). In establishing lesbianism as a radical form of feminism, lesbianism challenged male sexual dominance.

Several lesbian feminists have documented the disappearance of lesbian existence from history (Auchmuty, Jeffreys and Miller 1992; Jeffreys 1985; Raymond 1989a). For instance, Blanche Wiesen Cook, biographer of Eleanor Roosevelt, points out that “in literature as well as politics the lesbianism of distinguished women has been denied, and when not deniable, utterly trivialized” (Wiesen Cook 1979, p.61). According to The London Lesbian History Group the lack of available records is one of many difficulties preventing the rediscovering of lesbians who were well known historical figures (London Lesbian History Group, 1989, p.15). Another aspect pointed out by The London Lesbian History Group is that little progress has been made in “solving the problem of writing the history of lesbians who are not already well known in dominant white culture” (Lesbian History Group, 1989, p.15).
My investigation into the lesbian connection in campaigns against the sexual exploitation of girls and women draws from the work of lesbian feminist historians and activists, Janice Raymond, Mary Daly, Sheila Jeffreys, Rosemary Auchmuty, and others whose work has contributed to establishing a woman-centred approach to self-determination for women and girls. As indicated in the methodology section of this thesis, my research into the lives of unhusbanded women in the interwar years led me to discover the lesbian existence of several feminists who were involved in campaigns to end the sexual subjugation of girls and women. In Chapter Six I discuss the lesbian existence of these women in their political and friendship networks. In adopting a lesbian feminist perspective as an “approach to history” I hope to achieve one of the main thesis aims of restoring accuracy to existing history by suggesting that a women-loving-women existence offers women an alternative to heterosexual dominance.

Janice Raymond, using Mary Daly’s term “Gyn/Affection,” that is, women’s affection for other women, clarifies what it means to be a lesbian when she extends the definition of a “‘sexual preference’ beyond the realm and reality of a sexual category to a state of social and political existence” (Raymond 1986, p.14). “In this way,” writes Raymond, “Lesbian existence can provide certain patterns that can be used by other women to break the stranglehold of hetero-reations” (Raymond 1986, p.14). The concept of Gyn/Affection, as the antithesis of hetero-relations, is developed in Chapter Six, particularly in tracing feminist friendship networks of the interwar period and exploring the notion that the ‘political as personal’ formed the basis of relationships between many of the women. In Chapter Six I suggest that some of the interwar feminists lived a lesbian existence that managed to “break the strangleholds of hetero-relations,” and at least to a certain extent enabled them to form strong woman-identified personal and political groups. Recent lesbian scholarship has reintroduced the importance of reclaiming lesbian connections from the past (Lapsley 1999; Laurie 1999). By introducing the approach of lesbian historiography I hope to extend the scope of lesbian history to include women who have been written out of traditional history, and to investigate lesbians as political activists in a way that dispels lesbian vilification such as pathologising or denying lesbian existence. This is an important aspect in understanding how international campaigners against sexual slavery were able to develop their political ideas.
Lesbian vilification continues cross-culturally in the twenty-first century. Although partnership law reform for same sex couples incorporates some legal and economic benefits in a civil libertarian sense, most lesbian and gay partnerships do not enjoy the same status in society as heterosexual couples (Dorf and Careaga, 1995, p327). Lesbians are marginalised from civil society at best and killed or forced to suicide at worst (Dorf and Careaga, 1995, p324). In 2004 lesbians were stoned to death in Uganda (Hawthorne, 2004). And in a pre-election outburst in 2004 in Australia, one right wing christian fundamentalist party member, Family First Senate candidate John Lewis stated that Liberal candidate Ingrid Tall would not get his party’s preferences because she was a lesbian (Sydney Morning Herald 2004) Another Family First staffer was reprimanded for claiming that all lesbians should be burnt at the stake like the witches of old (idem). While the key focus in this thesis is concerned mainly with white lesbian activists of the interwar period and now, it is important to point out the dangers faced by our lesbian sisters in countries such as India where lesbian existence is not officially recognised. For instance, “In Megharai, India, Gita Darji and Kishora Shah hung themselves from a ceiling fan in 1989 after their families attempted to force them apart” (quoted in Dorf and Careaga, 1995, p324). In the context of international human rights lesbians are excluded, punished or deemed not to exist. Dorf and Careaga pointed out in their article, “Discrimination and the Tolerance of Difference: International Lesbian Human Rights,” that in the international human rights arena lesbian existence is often denied. They quote from Dr. A. S. Paintal, one of India’s top scientists, “homosexuality is alien to Indian culture – there is no homosexuality in India because there is a law against it” (Dorf, Perez, 1995, p325). Dorf and Careaga are correct in their claim that lesbian oppression further oppresses all women and indeed all members of society. Institutional oppression of lesbians further reinforces the male sex right/rite and in particular men’s conjugal rights that uphold heterosexual marriage.

An important issue for this thesis is that lesbian feminist activists and historians such as Janice Raymond and Sheila Jeffreys have spent several years of their careers researching into the “critical perspective on existing historiography” that historian Clare Midgley sets as a prerequisite for feminist activists. Their publications are important in reclaiming what we now call the lesbian identity of

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30 Interdisciplinary scholar, Giti Thadani, in her book Moebius Strip retrieved lesbian iconography from ancient sites throughout India
many of the international feminists of the past, and contributing to an understanding that it was the basis of friendships between the women that enabled them to carry out activist work that met with significant opposition from patriarchal institutions. These authors have contributed to historical accuracy in restoring the integrity of relationships between women, giving readers of the twenty-first century new insight into relationships between women in the past, and the ways in which such friendships contributed to the advancement of women’s rights through international feminist activism. Feminist works sympathetic to a woman-identified existence, such as Kathleen Barry’s biography of nineteenth century American activist Susan B. Anthony, suggests that a type of ‘passionate friendship’ existed between Susan Anthony and fellow activist Elizabeth Cady Stanton. As Kathleen Barry writes, “In Susan, Mrs. Stanton found the egalitarian love that her marriage had failed to give her” (Barry 1988 p.64). According to Barry, although Mrs Stanton didn’t fully transcend the limits that marriage placed on women until later in her life, the relationship between the two women “was a friendship of profound loyalty and egalitarian love that neither had known with anyone else and when mixed with their political visions and daring actions, ultimately made them one of the great couples of nineteenth-century America” (ibid, p.64). Likewise, Janice Raymond, in her groundbreaking book A Passion for Friends provides a manifesto of friendship among women that depends on the integration of the personal as political.32

**Conclusion**

In this chapter I have set out the key theoretical concepts framing the inquiry into child marriage in the following chapters in this thesis. I introduced cultural relativism, multiculturalism, sexual libertarianism, and free market *laissez-faire* capitalism as contemporary and controversial obstacles facing international feminist activists in the ongoing struggle against the problem of sex exploitation. My investigation into the inadequacy of cultural relativism to explain the male sex right resulted in developing the new term ‘sexual relativism’ as a theoretical corollary to cultural relativism. I have outlined the opposing positions between radical feminism and liberal feminism and argue that the idea of recognising child

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31 ‘Passionate friendships’ is the term lesbian historiographer Lillian Faderman uses to define lesbian relationships in the nineteenth century and before the term lesbian was invented in the 1920s by sexologists. See Chapter Three for further discussion on the sexological invention of the term ‘lesbian’

32 See Introduction and Methodology Chapter for definition and explanation of importance of “personal as political.”
marriage as a form of sex slavery best suits the radical feminist perspectives of investigating the root cause of sexual exploitation. I have canvassed the idea that lesbian feminist activism illuminates the understanding of women’s sexual subjugation within the world view that Janice Raymond has named hetero-reality. I have introduced the idea of child marriage as a form of sexual slavery as the case study which best illustrates how the concepts of radical and lesbian feminism challenge a heterosexual model that condones child marriage if the marriage is ‘arranged’ and not ‘forced.’ I have introduced lesbian historiography as an integral part of my study on feminist activists throughout history and as an interrogation into the hierarchical power of heterosexual hegemony. This thesis will investigate the relationship between conjugal rights and early marriage through the framework of lesbian and radical feminism versus liberal feminism as referred to in this chapter. In the next chapter, “The Restitution of Conjugal Rights,” I discuss how the late nineteenth century case Dadaji versus Rukhmabai resulted in international publicity around conjugal rights and the traditional practice of child marriage.
PART TWO: Cultural Practices or Sexual Slavery?
The Controversy of Child Marriage from the Nineteenth Century to World War I

The second section of this thesis comprises: Chapter Two: The Restitution of Conjugal Rights and Chapter Three: Opposing the Male Sex Right: Feminism and Sexuality from the Late Nineteenth Century to World War I.

This section is an historical overview of how feminists in India and Britain became involved in an international campaign against child marriage. The genesis of feminist activism against sexual exploitation began in this period and women involved in the anti ‘conjugal rights’ campaigns were beginning to form international political and friendship networks. The chapters in this section discuss how women formed a feminist analysis on the issue of the male sex right.

This section provides the foundation of what happened in campaigns against sex slavery between the wars. I introduce the idea that women of the interwar period developed their ideas because feminists before World War I developed a critique of the male sex right.
CONJUGAL WRONGS DON'T MAKE RIGHTS
Chapter Two: The Restitution of Conjugal Rights

In mediæval England the condition of women was of deep degradation. Wives were bought and daughters sold for many hundred years after the introduction of Christianity. Although England was christianized in the fourth century, it was not until the tenth that the christian wife of a christian husband acquired the right of eating at table with him, nor until the same century did a daughter gain the right of rejecting the husband her father might have selected for her. While the sale of daughters was practiced in England for seven hundred years after the introduction of Christianity, we note that by the ancient law of India, a father was forbidden to sell his daughter in marriage, or receive the smallest present therefor [sic](Gage 1893 p.131).

Introduction

The aim of this chapter is to investigate the late nineteenth century feminist campaigns against child marriage in India and Britain with a view to providing a background to understand the later campaign in the interwar years and in the international arena of the League of Nations. I discuss the genesis of international feminism through women’s individual and group protests against sexual exploitation and raise the issue that the premature sexualisation of children was a cross cultural phenomenon rather than solely a problem of child marriage. In 1888 child marriage was understood in association with traditional and religious customs, and as mostly occurring in countries such as India, Egypt and various African countries. However, the above quotation by nineteenth century American feminist and suffragist, Matilda Joslyn Gage, suggests that the practice of child marriage was widespread and central to the sexual exploitation of girls and women in western nations long before it was taken up as an international issue. In her criticism of patriarchal religious practices, she demonstrates that child marriage had existed for centuries in England under christian law (Gage 1893). She argues that male control of conjugal rights underpinned the idea of girls and women as
property of men in a generic sense. In the nineteenth and early twentieth centuries, Indian, British and American feminists fought against various forms of childhood sexual assault including child marriage. Central to the feminist struggle was getting child marriage recognised as a problem in connection with conjugal culture and male sexuality. For example, in 1888, Indian feminist Pandita Ramabai Sarasvati argued that marital laws favoured men whether under the ancient hindu codes of Manusmitri, or under christian British rule in India (Ramabai Sarasvati 1888 p.62). Ramabai's critique of patriarchal law and religion as protecting conjugal rights, coincided with the emergence of international feminist involvement in the campaign to end child marriage. The feminist challenge to conjugal rights centred on the problem that the age of consent at the time was age 10 for girls.

According to feminist historian, Padma Anagol-McGinn, the ‘Age of Consent’ debates in the 1880s impacted on and contributed to the beginnings of international feminist social reform movements already in force against the practices of sexual violence in child marriage in India and child sexual abuse in Britain (Anagol-McGinn 1992; Jeffreys 1985). I suggest in this thesis that the recognition of male sexual privilege as systemic, existing at the expense of women’s rights and autonomy in the control of their bodies, was made apparent through persistent and strategic feminist intervention in legal and parliamentary debates on ‘consent.’ The central argument of this chapter is that the patriarchal institutions of religion and the law, in Britain and in India, contributed to a tradition of masculine power that relied upon men’s conjugal dominance of girls and women and undermined feminist challenges to eliminate child marriage.

A feminist analysis of the 1888 case Dadaji versus Rukhmabai, a trial of ‘restitution of conjugal rights,’ illustrates the genesis of international feminist campaigns against the premature sexualisation of children. In India and in Britain, feminist intervention in the Dadaji Bhikaji versus Rukhmabai case contributed to changes in social attitudes challenging the cultural defence of child marriage (Anagol-McGinn 1992). The ensuing controversy over ‘conjugal rights’ brought ‘child marriage’ into international focus. Central to my analysis is the feminist approach of Padma Anagol-McGinn in her article “The Age of Consent Act (1891)
Reconsidered: Women’s Perspectives and Participation in the Child-Marriage Controversy of India” (idem). Anagol-McGinn has identified second wave feminist scholarship of the 1970s as responsible for addressing the ‘absence of gender’ in the question of child marriage. Prior to the 1970s Anagol-McGinn claims that a ‘gender analysis’ was excluded from literature on the ‘Rukhmabai case’ (idem). In her research, Anagol-McGinn is representative of a current resurgence of feminist scholarship intent on reintroducing women’s political voices into the literature of the ‘Age of Consent’ debate in India.

Pandita Ramabai Sarasvati (1858-1922) was one political voice active at the time of the Rukhmabai case, and important for her critique of Hindu religion as a root cause of child marriage (Bannerji 1998 p.87). In addition to Anagol-McGinn’s study on Pandita Ramabai, I will be drawing on the work of historian, Uma Chakravati. Her insightful article, “The Myth of ‘Patriots’ and ‘Traitors’: Pandita Ramabai, Brahmanical patriarchy, and militant Hindu Nationalism,” demonstrates the impact of class, caste, gender and religion in obstructing “proto-feminist” work in India in the last quarter of the nineteenth century (Chakravati 1996 p.191). Chakravati’s use of “proto-feminist” as a description for Pandita Ramabai’s work against child marriage suggests that Ramabai was a pioneer among Indian feminists. Ramabai publicly criticised patriarchal religion and culture as causal factors of child marriage, at a time when it was dangerous to do so, and in a manner that brought attention to what became an international controversy about the issues of ‘conjugal rights’ and ‘child marriage’. Chakravati places Ramabai’s life and work “at the intersection of religion, nation and gender” (idem). More recently, feminist historian Meera Kosambi, has newly translated Ramabai’s manuscripts and letters, thus bringing greater accuracy and detail to the political controversy. Kosambi argues that Ramabai’s contestation of the Hindu religion and patriarchal power, “extracted a heavy price in her being socially marginalised and erased from the official histories of Western India” (Kosambi in Ramabai 2003, p.193). Until recent feminist scholarship and a resurgence of interest in nineteenth century women’s rights activism, Ramabai’s feminist achievements lay marginalised in archival crypts. Later in this chapter and in order to demonstrate Indian women's critique of child marriage at the time of the Rukhmabai case, I will introduce Pandita Ramabai’s book, The High Caste Hindu Lady, in which she explains the gender inequality underlying child marriage. Ramabai’s critique of

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34 In using the term 'proto-feminist', Chakravati means first feminist. I am adopting the western terminology of feminist on the basis of Chakravarti's definition.
religion was an important political tool for raising the consciousness of women, in India and abroad, on the issues contributing to their subordination. Political scientist Kumari Jayawardena has referred other nineteenth century feminists and their manuscripts disappearing from history due to the controversies caused by their agitation against patriarchal dominance (Jayawardena 1986 p.90). She cites as an example of such a disappearance, the work of nineteenth century feminist Tarabi Shinde, who wrote a book called *The Comparisons of Men and Women* (idem).

In addition to the absence of gender analysis, Canadian political scientist Deborah Stienstra, in her book *International Women’s Movements and Organisations*, claims that largely, conventional historiography has omitted the importance of the contribution of international feminists to social change in the late nineteenth and early twentieth centuries (Stienstra 1994 p.43).

Despite the silence of histories of the period 1840-1920, women were actively organising at the international level. Individual women kept contact with women in other countries about suffrage for women and peace activity, but women also organised international groups to bring about changes in national and international structures. These groups responded to changes in the world around them and challenged the assumptions around gender embedded in that world (idem).

According to Stienstra, the overarching debates of peace and suffrage dominated the focus of international feminist activism. Stienstra's analysis of women's movements primarily concentrates on ‘first world’ women from ‘monied classes.’ She claims that due to the powers of colonisation the genesis of international feminism was mainly modelled on western ideology. She argues that in the late nineteenth century, women’s groups failed to make significant attempts to enable 'third world' women to participate in, for example, campaigns against ‘white slavery’ (Stienstra 1994 p.43). The International Congress of Women (ICW) was the first formal women’s organisation, established in 1888 in Washington, drawing together middle and upper-class women (ibid, p.48). Indian women were representatives at the first meeting in 1888 together with women from Europe and North America (Stienstra 1994 p.48). By 1913 the ICW had six million members from 23 countries, including India. According to Stienstra, the ICW’s platform included equal access to education and work for women (idem). Suffrage issues were deliberately omitted from the ICW’s agenda, which meant that women’s
unequal civil status underpinned any quest for social reform. The ICW did not engage with the politics of women’s and girls’ sexual subordination. Stienstra’s history of women’s international feminist activism is a valuable record. However, in excluding the politics of sexuality in her analysis of women’s movements, Stienstra overlooks the history that within and outside India, Indian and English feminist activists in the nineteenth century followed a more radical and difficult path in their campaigns against the traditional practice of ‘early marriage.’ In Britain, the parallel campaign to ending child marriage was the campaign to end childhood sexual abuse and incest. Both campaigns involved feminist action that publicly challenged men’s sexual practices. In the following discussion of the Dadaji Bhikaji versus Rukhmabai case I argue that the concept of prioritising men’s conjugal rights was uppermost in the minds of the judiciary.

**Dadaji Bhikaji versus Rukhmabai: Testing Conjugality**

The ‘Rukhmabai Case,’ or the ‘case for restitution of conjugal rights’ as it came to be known in the late nineteenth century, brought into high relief the problems associated with enforced sexual ‘consummation’ and its results on prepubertal girls in situations of early marriage (Anagol-McGinn 1992). Rukhmabai was married at the age of eleven to Dadaji Bhikaji who was then nineteen. They never lived together during their eleven-year marriage. Rukhmabai’s childhood was spent at home with her mother, several siblings, and her stepfather, prominent Bombay physician Dr. Sakharam Arjun (Burton 1999 p.31). Rukhmabai wrote that she did not want to live with Dadaji because of his immoral pursuits, his refusal to educate himself and, due to his ill-health, his inability to provide for her material needs (Anagol-McGinn 1992, p.102; Burton 1999). When, as an educated woman of twenty-two she refused to comply with Dadaji’s demand of cohabiting with him, he sued through the Bombay court, attempting to reclaim Rukhmabai as his wife on the grounds of restitution of conjugal rights (Anagol-McGinn 1992; Burton 1999; Chandra 1996; Saravati 1888). Meera Kosambi argues that "the controversy which raged around the case was a confrontation between the largely traditional society and the reformers who sought to introduce the Western values of choice and compatibility in marriage which presupposed adult marriage” (Kosambi 1993 p.112).
The verdict, handed down by Justice Pinhey in the Bombay High Court on September 21, 1885, rescinded Dadaji Bhikaji’s claim to restitution of conjugal rights over his wife Rukhmabai. As the marriage had never been consummated in the first place he argued there could be no ‘restitution’ as such. In 1884 in Britain, the Matrimonial Causes Act had been repealed which meant that legally, the ‘restitution of conjugal rights’ no longer existed under British law. In India there was no equivalent legislation, but India as a British colony was under British judicial influence and in any case the concept of the importance of conjugal rights took precedence even though the law had been repealed. Anagol-McGinn has argued that the question of the consummation of the marriage was of material importance to the restitution of conjugal rights (Anagol-McGinn 1992 p.102).

Restitution of conjugal rights was not part of Hindu law but an importation from English ecclesiastical law. By the working of this law Indian women lost their traditional right (operative under customary law) whereby, in case of disagreement with the marital arrangement, they could choose to remain with their parents or guardians (idem).

The underlying assumption of Justice Pinhey’s decision was based on the idea of marriage as a form of social contract where consent to ‘conjugality’ was founded on the prerequisite that marriage partners had to have attained ‘adulthood’ in order for consent to be possible. In the event that the marriage occurred when Rukhmabai was a child, Pinhey argued that consent was out of the question and that ‘restitution of conjugal rights’ was a “misnomer” (Chandra 1996 p.2937). Sudhir Chandra, commenting on the judgement recorded in the Indian Law Reports, indicates Pinhey’s closing address was more of a moral plea against ‘child marriage.’

[1]In the view of the law which I take, I am not obliged to grant the plaintiff the relief which he seeks, and to compel this young lady of twenty-two to go to the house of the plaintiff in order that he may consummate the marriage arranged for her during her helpless infancy (Chandra 1996 p.2938).

Although the decision was against Dadaji, Pinhey’s phrase ‘the relief which he seeks,’ demonstrates the common understanding between men, that within marriage laws a woman’s role was to be sexually available for her husband.
Dadaji Bhikaji, exhibiting the same notion, was confident that his claim upon Rukhmabai’s body remained his entitlement within the Hindu marriage tradition and the associated codicil that bequeathed girls and women as property to men through systems of child marriage, dowry and sati. Consequently, he applied for costs and mounted a court appeal against Justice Pinhey’s decision (Anagol-McGinn 1992; Burton 1999; Chandra 1996).

The result of the appeal, tried by yet another British national, Justice Farran, was that Pinhey’s decision was overturned. Farran’s pronouncement demanded that Rukhmabai return to her husband within one month or undergo six months imprisonment (Chandra 1996 p.2946). At this point, the outcome of a trial that intended to send a woman to prison on a moot point of law risked becoming an international incident, and was already an embarrassment for the imperial judiciary. Nevertheless, Rukhmabai’s continued public refusal to cohabit with her husband was a direct threat to her freedom. She understood that the concept of ‘conjugal rights’ was strongly embedded in patriarchal law, and feared being sent to prison if she were to be seen as flouting the law. While awaiting the outcome of yet another appeal against her prison sentence, she wrote a letter to her friend and supporter, Pandita Ramabai, expressing the fear of her impending incarceration.

My dear friend, I shall have been cast into the State prison when this letter reaches you: this is because I do not, and cannot obey the order of Mr. Justice Farran. There is no hope for women in India, whether they be under Hindu rule or British rule; some are of the opinion that my case so cruelly decided, may bring about a better condition for women by turning public opinion in her favor, but I fear it will be otherwise. The hard-hearted mother-in-law will now be greatly strengthened, and will induce their sons, who have for some reason or other, been slow to enforce the conjugal rights to sue their wives in the British Courts, since they are now fully assured that under no circumstances can the British government act adversely to the Hindu law (Rukhmabai’s letter to Ramabai, March 18, 1987) (Sarasvati 1888 p.66).

Justice Pinhey, according to Chandra, was outraged at Farran’s overturning of his judgement. Pinhey’s comments to The Times of India left no doubt of his moral affront at Dadaji’s seemingly successful petition in claiming Rukhmabai’s body as his personal possession, as though she were livestock. Pinhey argued that “[w]hen the plaintiff found that the young lady was unwilling to share his home, he should
not have tried to recover her person, as if she had been a horse or a bullock (Chandra 1996 p.2938). Pinhey’s comment to the press showed less restraint than his legal summation, revealing a more adamant stance on the decision of consent as necessarily mutual, and that an outcome denying Rukhmabai’s consent would result in revoking any possibility of rights of personhood and autonomy. Historian Antoinette Burton, in her account of the trial, has expressed the situation between Pinhey and Dadaji as, "the colonial native and the English judge who faced each other off over the body of the Indian woman" (Burton 1999 p.38). After numerous appeals, Rukhmabai mounted a final challenge to the Privy Council of England. Dadaji offered to settle out of court if Rukhmabai paid him out. Upon receiving 2000 rupees as a settlement from Rukhmabai, Dadaji withdrew his claim (Lutzker 1973; Sarasvati 1888).

Sudhir Chandra’s article, “Rukhmabai: Debate Over Woman’s Right to Her Person”, claims that Pinhey’s comments at the time fuelled a massive media debate in England and British India, with the ‘Anglo-Indian press exultant at the proven moral superiority of the British legal system, and the native press alarmed at the threat of socio-cultural subversion of Hindu family and society’ (Chandra 1996 p.2938). The Anglo-Indian position, backing Pinhey’s commentary, was represented in the Times of India. The Native Opinion, representing Indian nationalists strongly opposed to British rule stated that Pinhey’s decision was tantamount to a “war in discussion” (ibid, p.2939). Chandra writes:

> It was for some a bold declaration of the Indian woman’s right to personal freedom and dignity. For others it was an assault on the sanctity and integrity of Hindu marriage and family that threatened to turn the whole society upside down (ibid, p.2938).

Chandra’s article reveals that detailed debates conducted in the press of the day were largely argued and controlled by male publishers. Reports, usually in opposition to each other, adopted either the Indian reformist position, or the traditionalist position. Traditionalists wanted to uphold Indian marriage cultures, untainted by imperialist legal intervention. Behramji Malabari is most quoted by conventional historians for his role as the leading reformer against child marriage and enforced widowhood. According to Meera Kosambi, Malabari’s pamphlet entitled An Appeal From The Daughters of India, targeted the British public, in particular British women (Kosambi 1993 p.111). Kosambi explains that the pamphlet was responsible for the formation of a committee of “British elite
concerned enough to take active steps in the matter” (idem). Following on from Kosambi, Burton’s article casts Malabari as the most vociferous advocate for advancing the Age of Consent Act (Burton 1999 p.34). She claims that in 1884, Malabari, a Parsee reformer and Bombay journalist, published his reform manuscripts, Notes on Infant Marriage and Enforced Widowhood. He also “championed Rukhmabai’s case not only in Bombay but in Britain as well” (Burton 1999 p.34). Chakravati has pointed out that Malabari’s tactics for social reform proved too radical for most reformers and defenders of custom and tradition (Chakravati 1996 p.210). Apparently his descriptions of the personal tragedies resulting from enforced widowhood, his suggested punitive measures for young men who forbad their wives’ access to university entrance, and his recommendation to introduce school text books in order to illustrate the evils of early marriage received lukewarm attention from reformers and Governor-General Ripon’s government (idem). Kosambi has also argued that Malabari, as an outsider to the Bombay Presidency, and as a non-hindu, received mixed support (Kosambi 1993 p.111).

Unlike Burton and Chakravati, Padma Anagol-McGinn argues that Malabari’s Notes on Infant Marriage and Enforced Widowhood were representative of the modernising discourse of liberal men. She claims that Malabari’s ‘Notes’ primarily protected men’s social benefits rather than targeting girls’ and women’s interests. According to Anagol-McGinn, Malabari’s ‘Notes’ suggested that child marriage should be addressed purely on economic grounds of over-population, poverty and public health (Anagol-McGinn 1992 p.105). He publicised the idea that the consequences of child marriage contributed to

[a] too early consummation of the nuptial troth, the breaking down of constitutions and the ushering in of disease. The giving up of studies on the part of the boy husband, the birth of sickly children, the necessity of feeding too many mouths, poverty and dependence; a disorganised household leading perhaps to sin (Malabari 1887).

However, if we look at the original transcript of his notes, in his appeal to the government, he upholds the laws favouring the continuation of conjugal rights for men. He writes, “I would not propose a legal ban to be placed upon it” (Malabari 1887 p.3). Anagol-McGinn claims that as early as the 1890s, Malabari contextualised the child marriage controversy within liberal and imperial discourse which focused on management of the nation’s health and overarching population
ideas. Inasmuch as he claimed to want an end to child marriage Malabari prioritised the importance of upholding conjugal rights and in so doing marginalised the work of ‘proto-feminists’ intent on ending child marriage.

Pandita Ramabai’s correspondence with Dorothea Beale on 22 May 1887 sums up the ‘proto-feminist’ position, as a political position, that was on trial with Rukhmabai: “They [the government] have promised to please the males of our country at the cost of women’s rights” (quoted in Anagol-McGinn 1992 p.103). Throughout the trials, Rukhmabai, using her pseudonym A Hindu Lady, wrote letters to The Times of India protesting the harms of child marriage. There are various interpretations of whether the impact of Rukhmabai’s writings on child marriage contributed to social reform. Although the government refused to legislate against child marriage in 1886, the Age of Consent Act was passed shortly after the Dadaji versus Rukhmabai case. Interestingly, Antoinette Burton has argued that the British response to Rukhmabai’s articles in the British press did little to advance her cause, but resulted in turning the story of her trial into a controversy over female virtue (Burton 1999 p.35).

As she did in Bombay, Rukhmabai used the press in Britain to author her own explanations of what her case signified, what was flawed about the Hindu marriage system, and what should be done to secure socioeconomic emancipation for Indian women. The gendered critique of both imperial rule and indigenous patriarchy that she produced for the English reading public meant that in this debate about the fate of empires and civilisations at least, the speech of an Indian woman had to be reckoned with (idem).

Burton does not engage with specific issues raised by Rukhmabai concerning the subordinated status of girls and women in marriage. In contrast to Burton, Anagol-McGinn demonstrates that Rukhmabai made a clear contrast between the status of a ‘girl-wife’ and that of a ‘boy-husband’ (Anagol-McGinn 1992 p.105). “Men, she argued, protected the interests of the male child, whether it was over the right to education or re-marriage, and actively connived in prohibiting the mental development of women” (idem). Tanir Sarkar has pinpointed Rukhmabai’s protest as the catalyst that brought the idea of sexual abuse within hindu child marriage into international accountability. “[Rukma Bai]’s action violently foregrounded the sexual double standards and made a mockery of the notion of the loving heart of the Hindu conjugality” (Sarkar 1993 p.1873). Sarkar describes the case as instrumental in “rewriting the narrative of pleasure in the language of
force” (idem). The ‘narrative of pleasure’ described by Sarkar, is the pleasure associated with the construction of male sexual practice of penile penetration at any cost to girls or women, disguised within a utopic vision of religious tradition as cultural practice and further protected by the law. The next section explains the legal protection of men’s conjugal rights in the instance of marital rape.

**Till Death us do Part?**

Patriarchal control of women’s sexuality was central to the controversy over national identity and the Age of Consent debates in India. Tanikar Sarkar’s article, “Rhetoric against Age of Consent: Resisting Colonial Reason and Death of a Child-Wife”, points out that constructions of hindu conjugality were central to militant nationalism (Sarkar 1993, p.1869).35 Dagmar Engels argues that protecting the idea of christian conjugal rights was central to the intervention of British imperialists (Engels, 1983). Sarkar, like Uma Chakravarti, has claimed that the publicity revealing the sexual torture of girls as a national phenomenon highlighted brahmanical patriarchy as “one of forced and absolute domination of upper caste, male standards, [and] not one of universal reason leading towards freedom and self-determination for the dispossessed” (Sarkar 1993 p.1873).

In addition to naming brahmanical patriarchy as an overarching influence, Anagol McGinn has pointed out that “liberals and conservatives alike argued that women themselves were active proponents of the institution of child-marriage and opposed all reform” (Anagol-McGinn 1992 p.106). Traditionalists and conservatives adopted ‘woman-blaming’ as a political device in defence of criticisms of child marriage. ‘Woman-blaming’ as a political device that also protects male sexual practices from accountability is commonly used today in defence of men’s participation in prostitution (Howard 1995 p.301).36 In a similar manner to the privileging of men’s access to women in prostitution, ‘woman-blaming’ was used as a smoke screen for men’s sexual involvement in cases of child marriage. Anagol-McGinn gives as an example, the writings of Tirmal Rao Venkatesh, a traditionalist who claimed child marriage was a recent phenomenon, owing

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35 In Chapters Five and Eight I expand on the concept of nationalism as a component of cultural relativism.
36 See Chapter Seven for further details on similarities between child marriage and child prostitution in the twenty-first century. Liberal discourse claims that women either choose prostitution or are driven to it through poverty (Barry, 1995). Either way, the myth that ‘prostitution is the world’s oldest profession’ is perpetuated and men’s sexual usage of women and girls guaranteed.
“entirely to the whims of females, belonging to rich families, who not only put up, but compel their male members to bring about infant marriages” (Venkatesh quoted in Anagol-McGinn 1992 p.106). Moreover, Venkatesh claimed that “infant marriage ceremonies” were carried out, not for sexual consummation, but “for the sake of enjoying the fun and pleasure of going through the ceremonies attendant upon such marriages” (idem). Anagol-McGinn claims that so-called ‘reformers from within’ India were the “chief culprits” in blaming women for continuing the practice of child marriage. According to Anagol-McGinn they argued that,

women in India were conservative by nature, that they imbibed the claptrap of Hindu religion more effectively than men, first in their parents’, and subsequently in their in-laws’ home, and that by the time they reached middle age they personified orthodoxy itself. Therefore legislation would make no difference and child-marriage would only disappear with modernization (idem).

In the late nineteenth century feminists had their own agenda in opposition to ‘woman-blamers.’ In arguing that child marriage was a form of sexual slavery, feminists such as Krupabai explained that women had been subjugated by patriarchal religion and the law for centuries and that “man-made conditioning could not be wiped out overnight” (Anagol-McGinn 1992 p.106). Krupabai claimed that hindu men jealously guarded their rights through the connivance of brahmanical priests, with men treating women as “mere appendices to their own great selves” (idem). Religious laws protected men’s sexuality and as Krupabai has suggested, men were keen to protect conjugal rights whatever the religion. In addition to constructing women’s sexual subservience, patriarchal power depended on women being intellectually subordinated. An educated woman was not welcome because “The fact that of [sic] his wife being in any way above him will be gall-wormwood to his inflated self-satisfied nature” (Anagol-McGinn 1992 p.107).

Unlike Rukhmabai’s escape from marital rape, other young girls were not so fortunate. In 1890, “Phulmonee, a girl of about ten or eleven was raped to death by her husband Hati Mari, a man of thirty-five” (Sarkar 1993 p.1873). Wilson, an English judge, exonerated Hati Mari on the basis that despite medical evidence to the contrary, he denied having intercourse, and that in any case, Phulmonee was ‘above the age of consent’ (Sarkar 1993). Tanika Sarkar has argued that the mounting medical evidence of physical atrocities suffered by young girls as a
result of rape before the onset of puberty did not directly deter the judiciary in handing down light sentences. Importantly, Sarkar has disclosed the judge’s genuflection to male conjugal rights as taking precedence over homicide.

The law itself was shaped so as to preserve custom as well as the male right to the enjoyment of an infantile female body. What needs to be particularly noted here is that throughout the trial, the judge was saying nothing about a husband who was sleeping with a child, or about the custom which allowed him to do so with impunity (ibid, p.1874).

Unanimous evidence in support of Phulmonee’s death by rape was given by her mother, grandmother, aunt and medical doctor. As Sarkar has stated in quoting from the medical report, “the dry medical terminology somehow accentuates the horror more than words of censure:”

A clot, measuring 3 inches by one-and-a-half inches in the vagina… a longitudinal tear one and three quarters long by one inch broad at the upper end of the vagina… a haematoma three inches in diameter in the cellular tissue of the pelvis. Vagina, uterus and ovaries small and undeveloped. No sign of ovulation (Sarkar 1993 p.1874).

The Age of Consent legislation did not include clauses dealing with marital rape. The omission of such clauses led to the protection of male perpetrators of child rape. Whether the ‘age of consent’ was levelled at ten or twelve, or thirteen as in sexual assault cases in Britain, girls could be raped to death with impunity. The Phulmonee case unearthed many similar instances, each accompanied by medical data delineating results of sexual torture. Tanika Sarkar has suggested that with medical evidence decrying the practice of “premenstrual cohabitation,” the idea of consent itself attracted a biological mantle, centred around, and prioritising, the age at which a girl’s body might be sufficiently mature enough to admit a penis. “Consent was made into a biological category, a stage when the female body was ready to accept sexual penetration without serious harm. The only difference was in assessing when this stage was reached” (ibid p.1875). With emerging institutional debates focused on defining the onset of menstruation as the official category of puberty, and as timely for the first experience of sexual intercourse, it is not surprising that the law offered protection to marital rapists. In the next chapter, in a more detailed account of western laws upholding conjugal rights, I
will discuss the ways in which marital rape was not challenged in law in Britain, America and Australia until the last quarter of the twentieth century.

It could be argued that English judges such as Wilson and Farran handed down biased decisions exonerating perpetrators of sexual violence in Hindu marriages because they had not recognised the offences as rape. Considering the legal precedence of exonerating perpetrators of the sexual abuse of young girls in Britain (see Jeffreys 1985) a similar bias was exhibited in not recognising male sexual violation of girls as problematic. It is not surprising that Farran concluded in Dadaji Bhikaji’s favour, given that under hegemonic British law, women and children suffered a similar lack of civil status as their Indian sisters. Feminists such Pandita Ramabai Sarasvati and Matilda Joslyn Gage, who were actively critiquing hegemonic power at the time, demonstrated through their writings that women and children were long considered property of men and subjected to the sexual control of their bodies through the law, religion and the state (Gage 1893). While English girls may not have undergone child marriage in the same way as Indian girls or boys, forms of child sexual abuse and child prostitution were rife in the late nineteenth and early twentieth centuries (Jeffreys 1985). The Criminal Law Amendment Act of 1885 was only introduced after much feminist advocacy, in order to curtail the sexual abuse and prostituting of young girls by male perpetrators and procurers (ibid p.16). Furthermore, it was not until 1908 in Britain that the Children’s Act, an anti-incest Bill, was passed as legislation. Prior to the passing of the Bill, there had been no provision in British law to prosecute male perpetrators of incest. Men’s reluctance to deal with incest clauses in the British parliament motivated the feminist activism necessary to expose incest as a problem of men’s sexual practices (idem).

Inasmuch as Rukhmabai’s case was embarrassing for the British colonial government, according to Dagmar Engels, the case of Phulmonee’s death by rape and Hati Mari’s exoneration proved doubly so (Engels 1983). Lord Lansdowne, in disagreement with the judicial leniency given to Hati Mari, used the case as an opportunity to address the embarrassment of the law that “allowed girls to have sexual intercourse at ten” (ibid p.102). The ‘embarrassment’ that Engels alludes to is the embarrassment arising out of the sudden public and international exposure of men’s participation in the sexual violation of young girls. Unmistakably, the question on the international table was “who was consenting and to what?” As political scientist Carole Pateman has pointed out, the problem was in “attempting
to show how and when citizens perform this act” (Pateman 1989 p.72). Pateman argues that while ‘consent’ is central to liberal democracy,

consent as an ideology cannot be distinguished from habitual acquiescence, assent, silent dissent, submission or even enforced submission. Unless refusal of consent or withdrawal of consent are real possibilities, we can no longer speak of ‘consent’ in any genuine sense (idem).

With the male sex right as the basis of conjugal rights in law, the “habitual acquiescence, assent, silent dissent, submission and enforced submission,” described by Pateman as representative of girls’ and women’s inability to refuse unwanted sexual intercourse, consent was not a real consideration of the Age of Consent legislation in either Britain or India. Feminist advocates for women’s rights in India and in Britain took up the task of challenging the concept of conjugal rights in order to instigate social change.

### Laws, Acts and Sexual Colonisers

Sheila Jeffreys, in her book *The Spinster and Her Enemies*, suggests that, in the late nineteenth century, British law failed to address the abuse of power by adult men in their sexual abuse of young girls (Jeffreys 1985 p.55). Jeffreys has shown that feminist concern for the sexual abuse of children emerged during the “campaign for the abolition of the Contagious Diseases Acts of 1860” (ibid, p.56). As I explain more fully in the next chapter, the Contagious Diseases Acts of the 1860s were intended to curtail juvenile prostitution, and through compulsory medical examinations of prostituted women and girls, reduce the spread of venereal disease. Feminists adopting the ‘abolitionist’ position argued that the Contagious Diseases Acts should be repealed and that men should end their sexual usage of women and girls in prostitution. Reference to the Contagious Diseases Acts is relevant here in a cross-cultural sense, as it explains that men’s expectation of uninterrupted sexual access to girls’ and women’s bodies was considered a birthright transcending race and class. In India, by 1888, ‘regimental’ prostitution bases had been firmly institutionalised by the British military with large numbers of official brothels established throughout the subcontinent (Hyam 1990 p.124). Historian Ronald Hyam cites the example of one brothel that supplied thirty or forty Indian girls aged twelve to thirty for a garrison of 1500 white soldiers (ibid, p.125). However, Hyam is not critical of prostitution, nor does he make any analysis of inequality on the basis of race, sex or age.
In Britain, the Criminal Law Amendment Act of 1885 raised the ‘age of consent’ to 16 for girls and to 13 in cases of indecent assault. Jeffreys argues that “the raising of the age of consent for sexual intercourse to 16 years in 1885 resulted directly from revelations about juvenile prostitution and the sexual exploitation of young girls” (Jeffreys 1985 p.56). Jeffreys’ radical feminist analysis of the ‘age of consent’ controversy targets the male dominance and female subordination of sexuality as the power inequality causing child sexual assault. Jeffreys argues that conventional historiography has largely ignored feminist campaigns of the sexual abuse of young girls (ibid. p.55). The British campaign of 1885 to 1908 against the juridical protection of men as perpetrators of incest abuse and users of children in prostitution highlighted the difficulties for international feminists in challenging conjugal culture. Magistrates' decisions in sexual assault cases reflected a bias that favoured boys and property, but devalued women and girls. Sexual abusers of boys, or crimes of burglary attracted much higher sentences than the sexual assault of girls (idem).

In India, the Age of Consent Act of 1891, raised the ‘age of consent’ from ten to twelve, and defined ‘consummation’ under the age of ten a crime of marital rape (Anagol-McGinn 1992; Burton 1999; Engels 1983). The Indian Penal Code and the Code of Criminal Procedure were amended so that ‘sexual intercourse’ with unmarried and married girls below the age of twelve was punishable by ten years’ imprisonment or transportation for life (Anagol-McGinn 1992 p.100). Anagol-McGinn claims that the Act was an historical landmark in the social legislation of British India, ending the “long drawn-out debates on child marriage in the 1880s” (Anagol-McGinn 1992 p.100). The ‘Rukhmabai Case’ occurred during the decade of the 1880s. The ‘Rukhmabai Case’ was debated within complex political tensions between Indian traditionalists keen to preserve practices of child marriage and Indian reformists who campaigned against sati and child marriage, with both positions overlaid by imperialist intervention in the judiciary. However, as Anagol-McGinn has pointed out, little has been written about the controversy from the perspective of the nineteenth- century feminist activists in their courageous campaign against child marriage (Anagol-McGinn 1992). In both India and Britain at the time, feminist investigation into patriarchal traditions challenged the cultural defences that enabled and perpetuated the premature sexualisation of children.
International feminists: Indian and British

Rukhmabai, Pandita Ramabai Sarasvati and Dr Anandibai Joshi were key Indian feminists in the 1880s, whose grassroots campaigns against child marriage developed into international efforts for social reform. Each of these determined women grappled with, and overcame with varying degrees of success, their subordinated status as women, within the hierarchical imposition of both national and colonial rule. As a result of having been educated as young girls, each was able to negotiate the complexities of customary caste restrictions, and in adulthood pursue their work by travelling abroad at a time when such travel was usually reserved for privileged males. At the time, Indian feminists worked in conjunction with British feminists including Dr Edith Pechey-Phipson, Lady Reay, and Millicent Fawcett (Lutzker 1973; Sarasvati 1888). Anagol-McGinn has suggested, as a result of her extensive analysis of feminist writings on child marriage, that feminists networked internationally in defence of Rukhmabai. Women’s activism surrounding the Rukhmabai case was pivotal in unifying feminist opinion across caste, race and religion. According to Anagol-McGinn, “A solidarity between Hindu, Christian and Jewish Indian is discernible over the Rakhmabai [sic] case and the age of consent controversy” (Anagol-McGinn 1992 p.109). Women publicised their own controversial opinions on conjugal rights at a time when women were not invited to discuss legalities concerning women’s welfare. In the district of Maharastra, “women voiced their opinions through their own press, through literary writings and letters in the Anglo-Indian press, and by enlisting the support of British feminists” (ibid, p.103). Rukhmabai, using the nom-de-plume, “A Hindu Lady,” wrote her own “gendered critique” of conjugal rights, and in her first letter to the Times of India in 1885, stated that child marriage had ruined her life:

I am one of those unfortunate Hindu women, whose hard lot it is to suffer the unbearable miseries entailed by the custom of early marriage. This wicked practice has destroyed the happiness of my life (Rukhmabai quoted in Anagol-McGinn 1992 p.103).

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37 On March 11 1886, Anandibai Joshi (1865-1887) graduated, with high honours, as the first Indian doctor of western medicine from the Women’s Medical College in Philadelphia, USA.
Rukhmabai gained much support from feminists in India and Britain throughout her trials and through this network challenged the institutions of marriage and religion.

**International Feminism Beyond 1888**

The writings, lectures and grassroots activism initiated by Pandita Ramabai, Anandibai Joshi, and Rukhmabai, contributed to a growing concern among women, within India and abroad, that child marriage resulted from patriarchal oppression and could not be excused under the rubric of religion or custom. As such, a feminist movement, in a national and international sense, had its genesis in the political activism of these and other like-minded women. Vir Bharat Talwar, a Hindi scholar and socialist, in his essay *Feminist Consciousness in Women’s Journals in Hindi, 1910-20*, argues that women’s groups began in the late nineteenth century, despite the fact that feminist consciousness was often subsumed within the overarching anti-colonial and nationalist movement.

Talwar’s chronicle of nineteenth and early twentieth century women’s social reform organisations was researched from women’s journals and periodicals of the time, especially in the Hindi regions. Talwar, like Anagol-McGinn, claims that the consolidation of women-led groups of the World War I period resulted from women-led movements of the late nineteenth century rather than the earlier male-led reform movement (Talwar 1989 p.206). Reform was approached from a woman’s standpoint rather than men’s (ibid p.206). According to Talwar, women wrote “sharp criticisms of the ego-centric behaviour of men, their privileged position in society, their disparaging attitude towards women and their predilection to exploit and rule over women” (ibid p.206). Talwar attributes the beginnings of “feminist consciousness” to women such as Pandita Ramabai, Rukhmabai, Anandibai Joshi, Forana Sorabji, Annie Jagganathan, and others who travelled abroad to study and on their return to India, organised themselves to promote women’s rights. Their contributions to social change were brought about as a result of “crossing the bounds of familial and cultural restrictions in a patriarchal society” (ibid p.206).

For the first time women formed independent organisations. In 1886 Swarna Kumari Devi started the Ladies Association. Pandita Ramabai started Sharda Sadan in Pune in 1892 to provide employment and education for women. Ramabai Ranade started the Hindu Ladies Social and Literary Club in 1902 and Seva Sadan in 1909 in Pune (idem).
Female agitators faced resistance to social change, especially if their reform measures were interpreted as upsetting existing hierarchical family structures, which was usually the case. Raising such issues as education for women and child marriage in connection with the Age of Consent controversy were met with resistance.

One form of criticism, as Meera Kosambi has pointed out, was that feminists were seen to be imposing western values on traditional customs at a time when western customs were touted by nationalists as symbols of colonial oppression (Kosambi 1993). In a similar manner to Kosambi, Anagol-McGinn argues that immediate familial retribution, as well as broader social resistance often impeded individual and group feminist initiatives. Anagol-McGinn has explained how Ramabai Ranade suffered domestic abuse by family members each time she attended ‘Age of Consent’ lectures or meetings.

Ramabai Ranade recalls in an autobiography, which became a classic of Marathi literature, how about fourteen widowed aunts, cousins, and a sister-in-law, along with her step-mother-in-law in the vanguard, formed an orthodox camp within the household to torment her when she persisted in educating herself (Anagol-McGinn 1992 p.108).

Anagol-McGinn reports that Ramabai was forced by her step-mother-in-law to undergo ritual cold water baths each time she went out to promote women’s education. Ramabai often fell ill as a result and in such situations of retribution often felt betrayed by her husband who, although present, did not intervene (idem). “It was the unanimous view of women writing on this subject that, in the face of such formidable circumstances, only a very few courageous young women would continue to educate themselves” (idem).

Feminists were critical of men who had embraced modern ideas but who remained supportive of child marriage and restricted education for girls. Anagol-McGinn has cited Marathi journals in which women registered their shock and disgust at the cowardice of men and their “studied indifference” at girls’ suffering in situations of child marriage (ibid p.109). Feminists criticised so-called learned young men as hypocrites and worse than conservatives, as they “aped modern ideas only as far as dress and diet” (idem). Widespread lack of support for feminists and the unwillingness demonstrated by men in relinquishing conjugal
rights was one of the issues that united feminists in a cross-cultural sense. Indian women enlisted the help of British feminists “both for guidance as well as to mobilise strength for propaganda purposes” (idem). In borrowing Chakravarti’s term ‘proto-feminist’, one could argue that British women such as Edith Pechey-Phipson, engaged in the struggle to end child marriage, were also among ‘proto’ or first feminists active on these issues.

Dr. Edith Pechey-Phipson was born in Essex, Britain in 1845, (Lutzker 1967 p.41) but, for most of her professional career as a medical doctor, was based in India and was active in the campaign to eradicate the practice of child marriage. As a feminist pioneer in her own right, Pechey-Phipson stormed the gates of the all male domain of Edinburgh University in October 1869 with Sophia Jex-Blake and three other women in order to gain admittance to university and the right to obtain a degree in order to practice medicine (Lutzker 1967 p.41). At the end of their third year of study, the women students were told by Edinburgh University that their studies had been discontinued. Pechey-Phipson completed her medical degree in Berne, Switzerland (Lutzker 1973), and travelled to India in 1883 to begin practicing medicine. From 1884 to 1894, she befriended and supported Rukhmabai in her defence against Dadaji and the imperial legal system. Throughout their friendship, Pechey-Phipson encouraged Rukhmabai in her ambition to become a medical doctor at a time when Rukhmabai encountered familial opposition in continuing her education. According to Edith Pechey-Phipson’s biographer Edythe Lutzker, Rukhmabai attended the London School of Medicine for Women and in 1894 returned to India with a medical degree (Lutzker 1967 p.44). Both women continued to fight against child marriage (Lutzker 1973 p.207).

In the course of her medical work in Bombay, Pechey-Phipson discovered the extent of physical damage experienced by young brides as a result of premature sexual intercourse. One argument frequently used to defend the practice of sexual intercourse in child marriage was that, due to the hot climate, girls in India reached puberty earlier than their English counterparts. Pechey-Phipson’s research dispelled the ‘early maturity’ myth (Lutzker 1973 p.194). Edythe Lutzker quotes Pechey-Phipson reporting to be surprised “to find that far from being precocious in

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38 Justification for child marriage based on the belief that Indian girls matured earlier than western girls, was a cross-cultural belief and tied in with racist stereotypical images eroticising people of colour. Inasmuch as early maturity in girls justified child marriage, Ronald Hyam has used similar justifications for the sexual use of young girls and boys in prostitution (Hyam, 1990).
physical development, they are much behind – so that an Indian girl of fifteen is
about the equal of an English girl of eleven” (ibid p.194). Pechey-Phipson
publicised her findings through writing articles for periodicals such as The Indian
Magazine, and by delivering public lectures within India. The topics of her
lectures and articles included the results of her research into the morbidity and
mortality experienced by child wives as a result of premature sexual intercourse.
She suggested that physiologically, women’s bodies were not sufficiently mature
for child-bearing until the age of twenty, when their skeletons were fully
developed. She defined the two stages of maturity as ‘nubility’ and ‘puberty’
(Lutzker 1973 p.195). Edith Pechey-Phipson is an example of a feminist who
networked with both individual women and organisations bringing international
attention to the need to end sexual slavery. In addition to her friendship with
Rukhmabai, she worked with Pandita Ramabai Sarasvati and Dr. Anandibai Joshi
in the promotion of women’s education and against child marriage.

Pandita Ramabai and Anandibai Joshi both received independent educations and
were pioneers in travelling abroad to further their studies (Bodley, 1888). Joshi
came from a high caste Brahman family in Poona. Ramabai had already travelled
extensively within India, before going first to London, then to America. In
America, Ramabai gathered enough support to establish the ‘Pandita Ramabai
Fund’ to collect money to be used in the campaign to eradicate child marriage and
to promote education for girls. In 1886, Anandibai Joshi graduated from the
Women’s Medical College of Philadelphia, as the first hindu woman to receive the
Degree of Doctor of Medicine (Bodley, 1888). Joshi lived in the house of Rachel
Bodley during her studies but experienced ill health for the duration of her stay in
America. She returned to Kolhapur to practice medicine in 1886, but died of a
‘phthisic illness’ (tuberculosis) in early 1887 in Poona (Bodley, 1888). Pandita
Ramabai and Anandibai Joshi had corresponded for several years before finally
meeting at Joshi’s graduation. Ramabai continued her feminist activism into her
nineties. In the next section I suggest that Ramabai’s critique of the hindu religion
was instrumental in raising awareness within India and internationally of women’s
subordinated status at the time of the Age of Consent controversy.
The High Caste Hindu Woman (1888)

Pandita Ramabai’s book, *The High-Caste Hindu Woman*, first published in America in 1888, is a scholarly and feminist critique of sacred Hindu writings, *The Code of Manu*. Ramabai, motivated by the Age of Consent controversy, recognised the need to actively campaign against organised patriarchy which she saw as comprising collusion between Indian and British men at the expense of women. She wrote her feminist manifesto during the Rukhmabai trials, critiquing the combined power of religion, Indian law, and British law as responsible for women’s oppression. In praise of Rukhmabai’s courage, she wrote:

> Taught by the experience of the past, we are not at all surprised at this decision of the Bombay court. Our only wonder is that a defenseless woman like Rukhmabai dared to raise her voice in the face of the powerful Hindu law, the mighty British government, the one hundred and twenty-nine million men and the three hundred and thirty million gods of the Hindus, all these having conspired together to crush her into nothingness. We cannot blame the English government for not defending a helpless woman; it is only fulfilling its agreement made with the male population of India (Ramabai Sarasvati 1888 p.67).

Ramabai’s incisive critique of religious scripts, a privilege usually reserved exclusively for male scholars, was revolutionary in its call to end traditional practices that diminished the status of girls and women on the basis of divine directive. Such was her erudition, and expertise in Sanskrit jurisprudence, that she earned the title ‘Pandita’ (holy woman), the female form of ‘Pandit’ (holy man). The introduction to her book, written by American doctor Rachel L. Bodley, indicates that the book was initially published in Philadelphia, and not in India due to its controversial critique of religious texts. It was not reprinted in India until 1984. As Bodley writes,

> these are sentences too sacred for feminine lips to utter, and that few women in India had ever heard them, much less have beheld them with their own eyes (Bodley, 1888, pxiii).

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39 The Smritis are the ancient Hindu codes of religious law compiled by great sages, such as Manu, on the basis of tradition. The Manusmitri, or Code of Manu, is considered to be the most authoritative of these codes. Meera Kosambi, *p.262.n10*. 2003.
and,

My father and mother did not do with me as others were in the habit of
doing with their daughters, *i.e.*, throw me into the well of ignorance by
giving me in marriage in my infancy. In this my parents were both of one
mind (Bodley quoting Ramabai, 1888, p.xiii).

Ramabai’s parents recognised her intelligence and encouraged her pursuit of
education. As an educated adult and without the burden of undergoing marriage in
childhood, she became an educator and campaigner against child marriage, gaining
international support, particularly from women’s organisations in Britain and
America. Rachel Bodley writes:

> With the view to improve the degraded condition of her countrywomen,
> [Ramabai] formed in Poona, a society of ladies, known as the *Arya Mahila
> Somaj*, whose object was the promotion of education among native
> women, and the discouragement of child-marriage (Bodley, p.xvi).

Bodley gives an account of how Ramabai, from 1882, embarked on a lecture
campaign in the district of the Bombay presidency, advocating an end to child
marriage and promoting education for women. Ramabai based her platform for
social reform on the premise that women were subordinated by men in the home
and within civil society. Her platform for reform called for separate education for
girls by women teachers, and promoted the idea that women should be educated to
become doctors. Ramabai claimed that girls and women were too embarrassed to
talk to male doctors about their physical problems, particularly if they were to do
with sexual relations. She suggested, as a solution to women being subjected to
intimidation by male authority figures, that more women become educated as
doctors. In her dissertation to Dr. Hunter, President of the Education Commission,
she explained:

> Though in Hindustan there are numbers of gentleman doctors, there are no
> ladies of that profession. The women of this country are much more
> reserved than women in other countries, and most of them would rather die
> than speak of their ailments to a man. The want of lady doctors is,
> therefore, the cause of hundreds of thousands of women dying premature
> deaths. I would, therefore, earnestly entreat of our Government to make
> provision for the study of medicine by women, and thus save the lives of
> those multitudes. The want of lady doctors is one very much felt and is a
great defect in the Education of the women of this country (Ramabai, 1882, p.xvii).

In the case of child marriage in particular, it is unlikely that young brides would have had the language to be able to explain their ailments, let alone be able to speak about the sexual practices that caused them.

Ramabai argued that Vedic (religious) scriptures devalued girlhood and promoted son preference. From childhood, Ramabai claims that “the ancient code established the superiority of male children” (Ramabai Sarasvati 1888 p.12). As Ramabai explains, son preference benefits the father in several ways. Firstly, “Through a son he conquers the worlds, through a son’s son he obtains immortality, but through his son’s grandson he gains the world of the sun” (Manu, ix.137, quoted in Ramabai, p.13). And secondly, Ramabai suggests that the main value of daughters was as property to be sold off. Ramabai’s statement that “Fathers very seldom wish to have daughters, for they are thought to be the property of somebody else,” illustrates how male ownership of women passes from father to husband, and if the husband dies, to brothers in law (Ramabai Sarasvati 1888 p.23).

It is a universal custom among the Rajputs for neighbors and friends to assemble to congratulate the father upon the birth of a child. If a boy is born, his birth is announced with music, glad songs and by distributing sweetmeats. If a daughter, the father cooly announces that “nothing” has been born into his family, by which expression it is understood that the child is a girl, and that she is very likely to be nothing in this world, and the friends go home grave and quiet (Ramabai Sarasvati 1888 p.25).

Ramabai pointed out that girl children were killed by various methods, suggesting that female infant lives were insignificant and easily dispatched by fathers, even though such customary practices were never sanctioned by religion.

After considering how many girls could safely be allowed to live, the father took good care to defend himself from caste and clan tyranny by killing the extra girls at birth, which was as easily accomplished as destroying a mosquito or other annoying insect. Who can save a babe if the parents are determined to slay her, and eagerly watch for a suitable opportunity? Opium is generally used to keep the crying child quiet, and a small pill of this drug is sufficient to accomplish the cruel task; a skillful
pressure upon the neck, which is known as “putting the nail to the throat,”
also answers the purpose (Ramabai Sarasvati 1888 p.26).

Ramabai was concerned that the practice of female infanticide had become
ingrained as a cultural practice, in tacit defiance of laws governing its prohibition.
In 1880, the census revealed that there were five million fewer females than males
in existence. A later census in 1870 explained the disappearance of three hundred
young children, all girls, from the town of Umritzar as being stolen by wolves. If a
young girl survived slaughter in her infancy, Ramabai ascertains she is likely to be
married before adolescence. The earlier the girl is given in marriage, the more
‘heavenly rewards’ for the parents, and a greater economic advantage for the father
to be rid of his liability.

It is not easy to determine when the childhood of a Hindu girl ends and the
married life begins. The early marriage system, although not the oldest
custom in my country, is at least five hundred years older than the
Christian era. According to Manu, eight years is the minimum and twelve
years of age the maximum marriageable age for a high caste girl. [A man
aged thirty years shall marry a maiden of twelve who pleases him, or a
man of twenty-four a girl of eight years of age Manu ix, 94] (Ramabai
Sarasvati 1888).

In a similar way to western marriage laws at the time, girls became their husbands’
property. Upon marriage, the young Indian girl, initially the property of her father,
was given in marriage to her husband and his family. She thus lost all personal
identity, including her name, becoming a persona non grata of sorts, in the
fraternity of manhood. Not only is the young girl physically isolated, but
according to Ramabai, even in cases where the “conjugal relation is brightened by
mutual love, the happy wife has nothing to complain of except the absence of
freedom of thought and action; but since wives have never known from the
beginning what freedom is, they are generally well content to remain in bondage”
(Ramabai Sarasvati 1888 p.48). She further elaborates:

The women’s court is situated at the back of the house, where darkness
reigns perpetually. There the child-bride is brought to be forever confined.
She does not enter her husband’s house to be the head of a new home, but
rather enters the house of the father-in-law to become the lowest of its
members, and to occupy the humblest position in the family. Breaking the
young bride’s spirit is an essential part of the discipline of the new abode.
She must never talk or laugh loudly, must never speak before or to the father and elder brother-in-law, or any other distant male relatives of her husband, unless commanded to do so (Ramabai Sarasvati 1888 p.43).

The bondage that Ramabai speaks of leaves no room for escape. For example, while there is provision for a husband to separate from a wife, there is no reciprocal provision for women. Rather, a wife is punished, according to Ramabai, if she treats her husband with aversion or ‘fails’ to provide the required offspring (ibid p.60).

A barren wife may be superseded in the eighth year, she whose children all die in the tenth, she who bears only daughters in the eleventh, but she who is quarrelsome without delay (Manu ix., 72 quoted in Ramabai, p.61).

Ramabai’s unpopular 1888 critique of patriarchy remained largely uncirculated in India. After the Rukhmabai case, the ‘Age of Consent’ controversy and child marriage disappeared from international discussion, until they re-emerged in the twentieth century in the period between the two world wars. In Britain, Alison Neilans in the Association for Moral and Social Hygiene, continued her work against child sexual assault. Ramabai, in India and abroad, continued her political activism and was one of the few delegates to the Indian National Congress sessions in 1889 (Jayawardena 1986 p.91). Political scientist, Partha Chatterjee, in his chapter “The Nationalist Resolution of the Women’s Question” claimed contentious issues such as child marriage, widow immolation, and the move to abolish polygamy, disappeared from the Indian political agenda at the end of the nineteenth century, in Bengal, at least (Chatterjee 1989 p.233). According to Chatterjee, the passionate debates over issues of ‘Age of Consent,’ while vociferous in the last decades of the nineteenth century, later became submerged within the politics of nationalism. As part of anti-colonial activism, theatrical productions acted out cautionary tales to address the problems of westernising Bengali women. In protecting Indian identity from westernising culture, traditions harmful to women, such as child marriage and deva dasi (temple prostitution) were defended. The women’s movement was undermined by ridicule from male nationalists who accused them of imitating ways and customs of the west (Chatterjee 1989 p.240). Kumari Jayawardena points out that the political response to imperialism was initiated late in the nineteenth century with the growth of Indian nationalism, centered on the Indian National Congress, formed in 1885 (Jayawardena 1986 p.77).
Conclusion

Current feminist historians and political scientists, Padma Anagol-McGinn, Kumari Jayawardena, Meera Kosambi, Deborah Stienstra and Sheila Jeffreys argue that conventional historiography has omitted the radical voices of nineteenth century feminist activists, in particular those voices drawing attention to male sexual practices protected by religion, culture and the law. In this chapter, I have reintroduced some of the voices of nineteenth century feminists in India as the first women to campaign nationally and internationally against child marriage during the Age of Consent controversy. The work of Indian feminists, Pandita Ramabai Sarasvati and Rukhmabai have, until recent feminist scholarship, received little recognition for their lifelong dedication in advancing the cause for women's rights. Although western feminist historians have addressed controversial issues of child marriage and age of consent debates, such discussions, as Anagol-McGinn has pointed out, have mostly concerned the twentieth century period between the two world wars, when Age of Consent laws again surfaced in India and in Britain (Anagol-McGinn 1992 p.101). The importance of Rukhmabai's and Ramabai's involvement in controversies to do with child marriage, consent, and ‘conjugal rights,’ brought women’s subordinated status into international focus. Their resistance against ‘conjugal rights’ meant resistance to an overarching combination of institutional powers, comprising christian, hindu and muslim religions, British Imperialism and Indian nationalist groups.

In the case of Dadaji versus Rukhmabai, judicial power upholding Indian men’s conjugal rights brought men’s sexual ownership of women into international focus. In the case of Phulmonee’s death, evidence of male sexual violence in the form of marital rape that often meant child rape, was brought to international attention. Rukhmabai and Ramabai, through their initial grassroots activism that challenged the ideology and practice of ‘conjugal rights,’ gained international support in the campaign to end child marriage. They also contributed to a growing awareness that women’s subordinated status was founded on traditions of masculinity that depended on upholding conjugal rights. The reluctance by government officials to address male sexual practices in the debate on consent suggests, as Rukhmabai concluded, that women’s disempowerment was the result of a pact between Indian

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40 Geraldine Forbes and Barbara Ramusak are the two historians referred to by Anagol-McGinn, and who wrote about child marriage during the interwar period. The work of both historians will be further discussed in later chapters covering the interwar period.
and British men. In order to understand the campaigns against child marriage in the interwar period it is necessary to further investigate the relationship between the idea of a ‘male sex right’ and feminist critiques of sexual slavery. In the next chapter, I analyse the ‘male sex right’ as a socially constructed phenomenon, and as an important factor in establishing male sexual prerogatives that maintain dominance over women.
Chapter Three: Opposing the ‘Male Sex Right’: Feminism and Sexuality before World War I

It is not of course, actual sexual intercourse, legalised or the reverse, which renders a woman incapable of great creative art; it is the servile attitude of mind and soul induced in her by the influences brought to bear on her in order to fit her for the compulsory trade of marriage or its unsanctified equivalent (Hamilton 1909 p.108).

Introduction

In the previous chapter the Rukhmabai case was an example of how some of the earlier nineteenth century feminists began campaigns around the issue of child marriage. In this chapter, through a feminist lens, I intend to show the emergence of strong radical feminist networks rebelling against a subordinated status of womanhood that demanded women’s unquestioning obedience to sexual servitude within and outside marriage. Cicely Hamilton who wrote a book in 1909 criticising women’s subordination in marriage is one example of the feminist ideology that was beginning to be publicised at the time. The above quote from her book Marriages as a Trade, argues that compulsory heterosexuality is responsible for women’s subservience to men. The main focus of this chapter is to introduce the ideological framework that emerged to underpin the work of twenties and thirties feminists in the campaign against child marriage between the two world wars.\(^{41}\) I will explore the question of whether the male right of sexual access to women, ratified in western law as ‘conjugal rights’ for men, left women who were in any case without civil status, prey to sexual enslavement. I will ask whether feminists who were hostile to sexual violence and its effect on women, were, as historian Ronald Hyam suggests, “hostile to sex,”\(^{42}\) or whether such claims were part of anti-feminist rhetoric in vogue at the time (Hyam 1990 p.17).

The anti-slavery movement beginning in the nineteenth century was the forerunner of the idea that women could not be held in sexual slavery as the property of men.

\(^{41}\) The following three chapters deal with campaigns against child marriage by British and Indian feminists.

\(^{42}\) As previously mentioned in Chapter One, historian Ronald Hyam in his book, Empire and Sexuality (1990), argues that a feminist framework of historiography is "hostile to sex" and stands in the way of understanding history. Hyam is representative of a genre of patriarchal historiography antagonistic to feminist critique.
For example, British feminist Elizabeth Wolstenholme Elmy, representing the Women’s Emancipation Union, claimed that “the slavery of sex, is the root of all slavery, and that injustice to womanhood, especially injustices within the family, is the perennial source of all other injustice” (Elmy, 1895, quoted in Jeffreys 1985). However, the liberal ideology that led to the abolition of slavery in the public domain did not extend to abolishing the sexual slavery of women in the private sphere of marriage, incest, prostitution and rape. Building on this idea, nineteenth and early twentieth century feminists developed a radical framework of analysis that recognised the sexual oppression of women as a form of slavery and servitude. Radical activists targeted male sexuality as central to the subjugation of women and girls. Some women were motivated to network individually, in organisations, locally and internationally to take a radical stance in fighting the problem of male-defined sexual practices upheld by the patriarchal institutions of state, law, religion and science. Feminist activism in the radical sense of getting to the root of the problem was not for the faint-hearted. Institutional protection of sacrosanct marriage laws entrenched in the cultural milieu of civil society, enabled a largely uncritical acceptance of heterosexual marriage as the cornerstone of family values. The unequal power dynamics underpinning the male domination and female subordination of heterosexual marriage, created obstacles to feminist activists who challenged practices of sexual slavery (Barry 1979; Jeffreys 1985; MacKinnon 1989; Raymond 1995). Throughout this chapter I introduce the activist work of British feminists Constance Antonina (Nina) Boyle, Josephine Butler, Cicely Hamilton, Elizabeth Wolstenholme Elmy, Elizabeth Blackwell, and American feminist, Matilda Joslyn Gage, as feminists who recognised firstly, the male sex right within institutionalised marriage and secondly, prostitution as central to women’s subordination.

‘The Male Sex Right’

In the previous chapter, I established that Rukhmabai’s challenge to the restitution of conjugal rights case was won by a narrow margin. Had Didaji not settled for a sum of money out of court, Rukhmabai’s worst fear of being incarcerated could possibly have eventuated. In this chapter, I will begin by defining the term ‘male sex right’. Prior to the Matrimonial Causes Act of 1884, the ‘masculine sex right’ meant that men could imprison their wives who refused to perform conjugal rights (Jeffreys 1985 p.30). Elizabeth Wolstenholme Elmy, one of the feminists who fought for repealing the Restitution of Conjugal Rights act, promoted the idea that women should have control over their own bodies rather than be subjected to
unwanted sexual intercourse. Wolstenholme Elmy believed that sexual intercourse, in most cases, should be reserved for reproduction (ibid p.30). In challenging the male right of sexual intercourse ‘on demand’, Wolstenholme Elmy was attempting to define a more egalitarian form of sexual practice that would give women autonomy before the law. As Jeffreys has argued, Wolstenholme Elmy was “concerned about ‘conjugal rights’ which gave husbands the backing of the law requiring the sexual use of their bodies whether they wanted it or not” (Jeffreys 1985 p.30). The law as it stood, prior to its repeal, condoned the idea of marital rape, because there was no redress for wives “against husbands who forced them into sexual intercourse” (ibid p.30). Interestingly, it was not until the late twentieth century in Britain, Australia, and the United States of America, that ‘rape in marriage’ was eventually recognised in law as rape, such was the strength of conjugal power and the ‘male sex right’ in determining men's sexual usage of women's bodies. In the next section I expand on Carole Pateman’s analysis of the ‘male sex right’ as a framework to understand how nineteenth and early twentieth century feminists developed their critique of patriarchal power.

Carole Pateman defines the ‘male sex right’ as a patriarchal right through which men exercise sexual and economic power over women, within and beyond the institution of marriage (Pateman 1988 p.1). Pateman, in her book *The Sexual Contract*, argues that the social contract of civil law, as a contract between man and the state, underpins the basis of modern patriarchy. The social contract theory of Locke and Hobbes, governing relationships between men and the state in public life, extends to the marriage contract as a form of agreement between men and the state in their joint governance over women (Pateman 1988). According to Pateman, the ‘male sex right’ originated in the sexual contract, which operates in civil law, as the silent partner of the social contract. The sexual contract, as a pact between men, established the ‘male sex right’ as a political right governing the orderly control of and access to women's bodies (ibid p.2). The sexual contract is upheld by traditions of ‘father right’ in which ownership of the woman is transferred in marriage by the father to another man as her husband. Pateman argues that the idea of the person as property, and therefore prey to sexual ownership by others, is exemplified in the legal term ‘couverte’ which alludes both to ownership of the woman, and the state-sanctioned requirement that she submit to sexual intercourse as part of her civil duty. Legal theorist Margaret Thornton, in support of Pateman’s hypothesis, claims that a residual lack of status of women and children within traditional western marriage is a legacy of the oft-
quoted eighteenth-century lawyer William Blackstone, who renders a woman persona non grata upon marriage.

By marriage, the husband and wife are one person in law: that is the very being of legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection and cover, she performs everything (Blackstone quoted in Thornton 1995 p.10).

In the late nineteenth and early twentieth centuries, large numbers of feminists adopted a radical analysis of sexual relationships. They exposed legal terms such as ‘protection’ and ‘cover’ as euphemisms disguising acts of sexual cruelty such as incest and marital rape. In challenging male sexual practices previously hidden in the private domain, feminists challenged the public/private divide.

In the public domain, male supremacy was determined by civil law. In the private sphere, marriage laws incorporating the conjugal rights of men, without considering women’s needs or wants, formed the basis of the sexual contract and the ‘male sex right’ (ibid p.3). The double standard of the sexual-social pact formed the basis of women’s inequality and sexual subordination. In civil law, women, as the female sex, occupied a subordinate status to men. In the private sphere, women were further subjugated in domestic and sexual servitude. Sex inequality in marriage was carried out through the expectation that women would be subjected to men’s conjugal rights. According to male philosophers such as Kant, conjugal rights were deemed equal rights between men and women (Pateman, p.170). However, should a woman refuse to comply with conjugal rights, the marriage could be nullified by the church or state, often leaving women destitute (Hamilton 1909; Pateman 1988 p.170).

The Contract of Marriage is completed only by conjugal cohabitation. A Contract of two persons of different sex with the secret understanding either to abstain from conjugal cohabitation or with the consciousness on either side of incapacity for it, is a simulated contract; it does not constitute a marriage (Kant, 1887, p.113, quoted in Pateman, p.164).

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43 For exposure of euphemisms of this type, see Cicely Hamilton's *Marriage as a Trade.*
44 For a discussion on the definitions of ‘sex’ and the sexological promotion of heterosexual intercourse as sex, see Sheila Jeffreys' *Anticlimax* 1990, p.19. “Sex was the act of coitus, in which a man penetrated a woman's vagina with his penis…Coitus started with the man looking at a woman and getting the idea that he wanted to penetrate her and ended with his ejaculating into her vagina.”
The Contract of Marriage ratified heterosexuality as the dominant social paradigm. Men’s sexual and economic power was reinforced under the contract. Unless sexual intercourse was performed, no contract of marriage existed. Women did not have the right to withhold their body from men’s conjugal rights. Thus a double standard was introduced in which women were expected to be equal participants in conjugal cohabitation in the private sphere, but present in civil society as the property of their husbands.

Sheila Jeffreys in *The Spinster and Her Enemies*, has argued that male sexual practices under the guise of ‘conjugal rights,’ made it more difficult for feminists to challenge sexual exploitation in marriage (Jeffreys 1985). By publicly exposing sexual violence in the private sphere, such as rape and incest, feminists challenged the public/private divide, and in so doing challenged what Jeffreys has called “men’s sexual prerogatives” (ibid p.193). Feminist criticism of ‘men’s sexual prerogatives’ in the private sphere highlighted as a double standard the sexual violence hidden behind widely accepted notions of conjugal rights. Prior to World War I, feminist criticism of sex practices in the private sphere was a new phenomenon requiring much courage from women, as there was often hostile resistance from men who wanted to protect their sexual prerogatives from the scrutiny of women. Traditional historians have portrayed such feminists as prudes and anti-sex (Jeffreys 1985).

British feminist Cicely Hamilton and American feminist Matilda Joslyn Gage are representative of feminists who adopted the radical view that men’s sexual power oppressed women. They argued that male sexuality was socially constructed through patriarchal institutions of law and religion, and responsible for the sexual subordination of women. In 1903 Cicely Hamilton compared the subordinated status of women in marriage with the subordinated status of women in prostitution. A decade earlier in 1893 Matilda Joslyn Gage critiqued patriarchal religions as responsible for upholding women's sexual slavery within and beyond marriage. Marriage, in the eyes of Hamilton and Gage, manifested as a form of sexual slavery for women (Gage 1893; Hamilton 1909). In the period before World War I, women’s activism was informed by their analyses of sexuality. Feminists such as Elizabeth Blackwell, Constance Antonina (Nina) Boyle, Elizabeth Wolstenholme Elmy, and Alison Neilans, are examples of women who adopted a radical approach to understanding male sexuality as a social construct and responsible for prostitution, rape, incest, and child sexual assault (Jackson 1994;
Jeffreys 1985). In contrast to the radical position, anti-feminists and sexual reformers promoted the idea that male sexuality was a biological imperative and, as a natural phenomenon, outside men’s control (idem). Feminist activists, as a result of their work in identifying and campaigning against sexual violence within marriage, provided a framework enabling problems such as the sexual slavery of child marriage to be addressed in the international arena of the League of Nations in the period between the two world wars.

**Radical Exposure: Challenging the ‘Double Standard of Sexual Morality’**

A radical approach to the “double standard of sexual morality” began as a reform movement as early as the 1700s. The industrial growth of capitalism and the geographic expansion of colonial powers such as Britain, France and America, led to increased international travel and communication among women (Stienstra 1994). In the eighteenth and nineteenth centuries, the exchange of personal letters discussing the politics of women’s subordinated status promoted the cross-pollination of ideas, enabling the development of feminist philosophies (idem). Women’s personal networking gradually extended beyond the local to international affiliation. Deborah Stienstra points out that the feminist ideas of women such as Wollstonecraft in Britain and the Grimké sisters in the U.S.A., provided the analytical framework for later activism (Stienstra 1994 p.47).

In 1840 British and American feminists liaised at the World Anti-Slavery Conference in London. This was the first conference of its type that demonstrated the impact of feminist networking (Hole and Levine 1973 p.3; Stienstra 1994 p.47). Lucretia Mott and Elizabeth Cady Stanton, travelling from the United States of America as delegates to the London conference, were barred from participating in the all-male setting, and were confined to the galleries. Despite the silencing of these women delegates by male officials, they met with British feminists and were able to discuss political issues to do with slavery and the subordination of women (Stienstra, p.47). Out of these meetings, organisations for international suffrage emerged (Hole and Levine 1973 p.4; Stienstra 1994 p.47).

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45 Feminist historian Margaret Jackson uses the phrase “double standard of sexual morality” to describe what feminists saw as the hypocrisy of unequal sexual relationships that keep women subordinated sexually and economically through systems of marriage, in conjunction with, “the sexual economics of male power” (1994, p.8).
46 In her discussion of the social purity movement, Margaret Jackson has argued that Wollstonecraft and other nineteenth century feminists were not sexual puritans, but rationalists who believed in the power of reason and the ability of human beings to exercise rational control over their sexual passions (ibid. p.27).
Social reform for women included demands for citizenship status and more egalitarian forms of sexuality. In Britain and America, feminist initiatives challenged the dominant hegemonic institutional structures, religion, law and the state (Stienstra 1994 p.40). The widespread sexual subordination of women was recognised by feminists as upheld by patriarchal institutions and occurring in heterosexual marriage, prostitution, child marriage, incest and rape. Throughout the latter half of the nineteenth century, feminists from several nations met at international conferences for the purpose of campaigning against forms of sexual subordination of women and girls. While suffrage for women was the primary goal of women’s groups, more militant feminists recognised that, unless the sexual servitude of women and girls was addressed in tandem with women's suffrage, efforts at raising women's status would be futile (Jackson 1994; Jeffreys 1985).

Feminist theorist Margaret Jackson, in her book The Real Facts of Life, argues that suffrage groups addressed as problematic men’s sexual practices that benefited men and disadvantaged women (Jackson 1994). “The real facts of life” was a phrase adopted by feminists to address "the realities of male sexual abuse and the sexual exploitation of women” (Jackson 1994 p.38). Jackson claims that feminist campaigns challenging the “double standard of sexual morality” were pivotal to the politicisation of sexuality (Jackson 1994 p.24). In the period before World War I, militant suffragette organisations, The Women’s Social and Political Union (WSPU), and the Women's Freedom League (WFL), as part of their struggle for the vote, demanded an equal moral standard for men and women (ibid, p.35). The demand for an equal moral standard meant feminists challenged male sexual violence in child sexual assault, incest, rape in marriage, and prostitution. As Jeffreys and Jackson have pointed out, Nina Boyle, head of the political department of the WFL, and her close friend Edith Watson, were typical of many feminists who developed a sophisticated analysis of the relationship between sexuality and male power (Jackson 1994 p.35-6; Jeffreys 1985 p.62). Frequent accounts in feminist newspapers, Votes for Women, The Suffragette, and The Vote, reported difficulties in getting judicial systems to recognise that wife battering or child sexual assault amounted to sexual violence. Feminists critiqued judges and magistrates for their bias in protecting sexual criminals. Cases were either dismissed outright or sentences handed down disproportionate to the crime. In 1914, at the Assaults on Children Conference, feminists argued that the punishment for father/daughter incest was often less than for stealing a loaf.
Feminists of the National Society for the Protection of Children argued that “the danger of light sentences was that they set the standard of behaviour” (Jeffreys 1985 p.57). 47

In exposing perpetrators of child sexual assault and marital rape through regular columns in *The Vote*, Boyle and Watson brought to public notice, cases of sexual abuse that were previously hidden in the private sphere. They unmasked the secret sexual pact that existed between men. In so doing, Boyle and Watson were taking a radical stance against patriarchal rule in the public domain, and against sexual reformers who, by default, contributed to covering up sexual violence in the private domain. Male Judges were renowned for their leniency in sexual abuse cases, and as a result of their bias, male perpetrators of incest were not shamed in the same way as their victims. In many cases, perpetrators were touted as heroic citizens rather than as criminals, particularly if they were soldiers or working men. Jeffreys, in quoting from one bulletin in *The Vote* in 1910, explains how Boyle, Watson, and other radical feminists understood the ‘double standard of sexual morality’ to cut across race, class and culture. The feminist recognition that men’s collusion in sexual violence was a cross-cultural phenomenon became an important factor in the campaign against child marriage in the interwar period.

A man recently tried to excuse the conduct of certain white men when dealing with coloured races. He said that an unconquerable and inexplicable aversion, arising from the fact that these were subject races - and dark at that - caused the white man to lose control over his passions and be guilty of abominable and unspeakable cruelties. Perhaps it is the same feeling that they are dealing with a subject race that makes instances of brutality to women on the part of so-called working men so common that they cause laughter in court and serve as amusement for the magistrate and his officers. There must be something rotten in a judicial system which thinks ill-treating a woman is funny (*The Vote* quoted in Jeffreys, 1985 p.59).

Boyle’s and Watson’s activism was directed at overturning the acceptance by the judiciary, that male sexual cruelty was inevitable. Feminists argued that male sexual cruelty, as a learned part of masculine culture, played a key role in male bonding. Boyle and Watson recognised that male bonding, in the form of directing scorn and derision towards the victims of sexual abuse, functioned as an agent of patriarchal power, keeping intact ‘the double standard of morality.’ The ‘white

47 For further details on sentences that demonstrated the devalued status of girls in society refer to *Assaults on Children*, Report of the Conference on Criminal Assaults on Children, NSPCC, London, 1914, p.25; quoted in Jeffreys, 1985, p.57
man losing control of his passions’, and other men laughing at his ‘loss of control’ was a core premise upon which male sexual cruelty operated.

Women’s groups organised to protect women and girls from men. In 1913, the National Council of Women (NCW) undertook a campaign to introduce women police into the British system (Jeffreys 1985 p.62). As part of the initiative to increase women magistrates, women doctors and women police, Nina Boyle in 1915, formed the Women's Police Volunteers (idem). The object was to ensure that girls and women as victims of child sexual assault, and marital rape could be guaranteed some form of refuge and protection from further harm suffered at the hands of male police and other officials (Jackson 1994; Jeffreys 1985). Boyle is typical of spinster feminists who campaigned relentlessly against forms of child sexual assault throughout their lives, but whose work has been virtually ignored by modern historians who have focused more on suffrage rather than issues of sexual violence (Jackson 1994 p.35).

As I shall suggest in Chapter Six, Boyle as a spinster and lesbian was in an advantageous position to critique male power as the basis for women's subordination in heterosexual relationships. Generally, historians of the Victorian and Edwardian era have ignored the work of radical campaigners against sexual abuse such as Nina Boyle. As a result, much of Boyle’s work has disappeared from history. It is less threatening to the heterosexual social order to focus on sensational stories of militant suffragettes like Pankhurst and Davidson being imprisoned for their protests, than break traditional silences of child sexual abuse and marital rape. As June Hannam and Brian Harrison have explained, historians and journalists of the era were attracted to “the dramatic, the flamboyant, and the outrageous” (Harrison 1987 p.1). The militant suffragettes as subjects made “good copy” (Hannam 1995).

Through her early radical analysis of sexuality that identified the power of male sexual violence, Boyle developed a feminist philosophy in which the personal life of the private sphere could not be separated from public life in the civil sector. Her activism was formulated from the premise that the politics of sexuality operated to subordinate women in the private, as well as the public domain. Through the direct action of speaking out, Boyle cut across the silences of male collaboration that had previously kept the public/private divide from scrutiny. Boyle understood
that to separate what happens in the private sphere from the political public domain ensured women’s continued subordination. Boyle’s feminist ideology, formulated in the period before World War I, was to sustain her international activism against forms of sexual slavery such as child marriage and female genital mutilation. She was representative of many spinsters whose radical standpoint was directly opposite to sexual libertarians whose opinions on sexuality were shaped by the new science of sexology. In the next section I will examine the role of sexologists, in the period before World War I, in instigating a ‘sexual reform movement’ that was to advance sexual libertarian ideals antithetical to feminist campaigns. I will ask whether sexological teachings contributed to an anti-feminist sentiment that led to difficulties for activists in the interwar period in the campaign against child marriage.

**Sexology, ‘Social Purity’ and the Construction of Desire. Whose Desire?**

Prior to World War I, sexological prescriptions for understanding sexual practices became the centre of an ongoing controversy between feminists and sexual libertarians. The ‘sexual reform movement’ introduced the idea of what feminist theorist Adrienne Rich has called, ‘compulsory heterosexual intercourse’ for men and women (Rich 1989). Jeffreys defines the ‘sexual reform movement’ as the era when “‘Modern’ sexuality was born and enforced through the new science of sex” (Jeffreys, 1995, p.204). Sexual libertarian ideals, based on unsubstantiated theories of sexuality, were promoted through the newly established discipline of sexology as a ‘sex reform movement.’ The period before World War I was an era of scientific and medical expansion. The recognition of sexology as a branch of science legitimised the medical labelling of sexual categories, instituting heterosexuality as the norm. Heterosexuality was invented and named as the dominant social category, with homosexuality and lesbianism categorised as deviant (Ellis and Symonds 1897). Jeffreys and Jackson argue that the promotion of sexology as sexual reform was a patriarchal device used to “shore up men’s power and privilege” in response to feminist efforts to “transform male sexuality and end men’s sexual abuse of women and children” (Jeffreys 1985 p.194). In portraying the views of feminists of the time, Jeffreys and Jackson

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48 See Chapter Six for further discussion on the women in policing movement.
claim that sexologists as the new ‘scientists of sex,’ were instrumental in constructing male and female sexuality⁴⁹ (Jackson 1994; Jeffreys 1985; Jeffreys 1995 p.193). By promoting the idea that sexuality was biologically determined, the sex reform movement “set out to eroticise women in the service of men’s sexuality” (Jeffreys 1985 p.10). As I suggest in the next chapter, the sexological advancement of the idea that women were intended to sexually serve men, created obstacles for feminists of the interwar period who addressed as problematic, the pre-mature sexual intercourse that occurred in cases of child marriage.

The rise of sexology coincided with the movement for ‘social purity.’ The social purity movement was a complex part of the Victorian and Edwardian period, one in which sexual values were hotly debated. In opposition to social purity feminism, sexologists promoted as sexual reform the idea that women’s sexual freedom rested in men’s definitions of sexual enjoyment (Jackson 1994 p.184). For instance, Marie Stopes promoted the sexological perspective that heterosexual intercourse functioned as the vanguard of women’s sexual freedom (Jackson 1994 p.184). Sexologists were, as Jeffreys argues, a key factor in constructing masculinity as a dominant force in the inequality of heterosexuality. “With all the authority of science, sexology promoted precisely the form of male sexual behaviour the feminists were challenging: male dominance and aggression and female submission” (Jeffreys 1997 pp.ix-x). The central aim of the social purity movement was to end men’s sexual usage of women and girls in prostitution and incest. Feminists such as Jane Ellice Hopkins, Josephine Butler, and Dr. Elizabeth Blackwell, in opposition to the ‘sexual reform movement,’ involved themselves in campaigns promoting the ideology that men adopt sexual practices less harmful to women and girls (Jeffreys 1995 p.193). Sex reformers interpreted the efforts of Josephine Butler and Dr. Elizabeth Blackwell, in the campaigns to end prostitution and raise the ‘age of consent’ for girls, as a threat to male sexual freedom. Jeffreys argues that ‘traditional male historians’ have portrayed the period as one of positive sexual reform which counteracted ‘religious fundamentalism’ and ‘anti-sex prejudice’ (idem).

‘Social purity,’ beginning as a response to the ‘white slave trade’ in the late nineteenth century, was a broad endeavour aimed at curtailing male sexual

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⁴⁹ Radical feminists since the 1970s have argued that heterosexuality is the cornerstone of women's oppression. (Jeffreys, 1990; Rich; Raymond; Klein: et al)

practices that led to the degradation of women and girls through prostitution and incest. Feminist organisations such as the Ladies National Association for the Abolition of Contagious Diseases (LNA) led by Josephine Butler, and the Moral Reform Union (MRU) led by Dr. Elizabeth Blackwell (1821-1910), targeted male sexual violence as the cause of women’s degradation (Jeffreys, p.6). Through their work in the Moral Reform Union which was active from 1881 to 1887, they promoted the idea that sexuality was socially constructed and therefore controllable (Jeffreys 1995 pp.19-25). Josephine Butler also set up the Men’s National Association (MNA) in 1870 for men in support of launching the campaign against the Contagious Diseases Acts. Under the Contagious Diseases Acts, prostituted women and girls were forced to submit to medical examinations in order to prevent the spread of venereal disease. In opposition to sexual reformers, the LNA and MRU campaigned vigorously against the Contagious Diseases Acts of the 1860s claiming that the Acts upheld, through regulation of prostitution, the ‘double standard of sexual morality’ (Jeffreys 1995 p.195).

In a similar manner to the global spread of the AIDS virus today, sexually transmitted venereal disease was rife in the late nineteenth century. Venereal disease was closely linked to men’s sexual usage of women in prostitution in garrison towns in England, and in colonised countries such as India. The Contagious Diseases Acts relied on and demanded compulsory medical examinations of prostituted women as the method of preventing venereal disease spread by men of all classes and professions, but in particular, by the armed forces (Jackson, 1994, p.25). Feminists campaigning against the Contagious Diseases Acts argued that male sexual practice was the cause of spreading venereal disease, and the medical examination of women was a violation of civil liberties (Jackson 1994 p.24; Jeffreys 1995 p.194).

The passage of the Contagious Diseases Acts was brought about through sex reformers advancing beliefs that the ‘male sex right’ of prostitution was natural and inevitable. William Acton, a physician and an agitator for the Acts, was considered a medical authority on venereal diseases and on prostitution. He specialised in diseases of the urinary and generative organs, and had worked as a medical practitioner at a “female venereal disease” hospital in France (Marcus 1966 p.2). Despite his acknowledgment of the devastation caused by venereal

51 For a detailed discussion and analysis of the ‘social purity’ movement, see chapter 1, Feminism and Social Purity in The Spinster and Her Enemies. Jeffreys pp.1-26; and chapter 1, Feminism
disease, his writings on sexology promoted the normalisation of prostitution for women of all classes (Marcus 1966 p.3). His book, written eight years before the Act, and reprinted several times, *Prostitution, considered in its Moral, Social, and Sanitary Aspects, in London and other Large Cities and Garrison Towns, with Proposals for the Control and Prevention of its Attendant Evils*, provided a source of authority for the Act. The Act, in promoting the ‘regulation’ of prostitution, protected the ‘male sex right’ of uninterrupted sexual access to girls’ and women’s bodies, regardless of age and despite the continued spread of venereal disease. In response to complaints by religious extremists who advocated sexual abstinence for men on the basis that prostitution was sinful for men and women, Acton argued that because sexual practices were biologically determined, the harm minimisation approach of regulating prostitution was the answer. Acton’s medical opinion was that women, except for prostitutes or ‘fallen women’, were congenitally sexually anaesthetic (Jackson 1994 p.116). In a manner similar to today’s sex therapists and sexual libertarians, he advised that the sexual practice of prostitution was beneficial for women, equipping them with sexual and managerial skills that could prove useful in a later marriage or in starting up a small business.52 “The better inclined prostitutes become the wedded wives of men in every grade of society, from the peerage to the stable” (Acton quoted in Marcus 1966 p.6). He promoted the idea that prostitutes who learned the skills of sexually servicing men would make ideal marriage partners. In the endeavour to shore up ‘male sexual privilege’, Acton argued that the path of prostitution was often better for women than the path of chastity or marriage. “As they are frequently barren, or have but a few children, there is reason to believe they often live in ease unknown to many women who have never strayed, and on whose unvitiated organization matrimony has entailed the burden of families” (Acton quoted in Marcus 1966 p.6).

Unlike the ‘barren prostitute’ and the ‘weary married woman’ destined to sexual servitude by Acton, the chaste spinster remained outside the heterosexual norm, and outside the ‘double standard of sexual morality.’ The unavailability of her sexual services for men constituted a threat to the ‘male sex right,’ and as a result of her resistance to heterosexuality her condition was pathologised by sexologists as deviant. Pioneer sex theorist and feminist, Dr Elizabeth Blackwell, deliberately

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52 Compare with, *Sex and the Substitute*, by Angie Fox and Julie Szego in “The Age”, A3 pp.4-5, Thursday June 5, 2003, in which sex therapist Brian Hickman, after Masters and Johnson, promotes “surrogate therapy” in which women and men are trained in the supposedly correct procedure for sexual intercourse through training with a surrogate partner who has undergone training to simulate a sexual relationship.
chose spinsterhood as a lifestyle to offset unwanted sexual intercourse: “whenever I became sufficiently intimate with any individual to be able to realise what a life association might mean I shrank from the prospect disappointed or repelled” (Jackson 1994 p.62). Jackson argues that Blackwell deliberately embarked upon a medical career that would provide her with the economic independence necessary to avoid the sexual servitude she recognised in marriage. “I felt more determined than ever to become a physician, and thus place a strong barrier between myself and all ordinary marriage” (idem). The motivation for her activist work began during her travels abroad. Blackwell became aware of the problems of men purchasing women and girls for sexual usage. Through her work with the Moral Reform Union and as a council member of the National Vigilance Association, she began a forty-year long career in campaigning against the ‘double standard of sexual morality.’ Acton promoted the belief that sexual actions for men were biologically determined and women's non-participation in sexual intercourse, a pathological condition to be cured. Blackwell's interpretation of the physiological condition, in opposition to Acton, claimed that the inability to control one's sexual urges was an unnatural condition, and the ability to control one's sexual urges the natural condition for both women and men. Contrary to Blackwell’s viewpoint, sexological propaganda contributed to societal understandings that male sexual violence stemmed from biological origins rather than socially constructed practices. Sexologists such as Henry Havelock Ellis and Edward Carpenter, in upholding the ‘male sex right’, “sought to revalidate and justify, in the name of science, traditional male-dominant, female-submissive sexuality” (Jeffreys 1985 p.193).

Havelock Ellis, extrapolated on Darwinian explanations of sexual behaviour in animal courtship to explain force and capitulation as a normal part of human sexuality. In his article “Love and Pain”, Ellis suggests that sexual encounters between heterosexual people depended on the man overpowering the woman, and inflicting pain if necessary in order to gain her complicity in the act of sexual intercourse (Ellis 1913):

The association between love and pain still persists, even among the most normal civilized men and women possessing well-developed sexual impulses. The masculine tendency to delight in domination, the feminine tendency to delight in submission, still maintain the ancient traditions when the male animal pursued the female (Ellis 1913 p.520).
He goes on to romanticise notions of ‘marriage by capture’ existing since ancient times in so-called ‘primitive’ societies, as similarly relevant to modern man. Drawing from a curious mixture of anthropology and psychology, his explanation for inflicting pain as part of a sexual relationship is not dissimilar to some currently held beliefs in which male fantasies are founded on the misconception that women secretly desire to be raped.\(^{53}\)

When the normal man inflicts, or feels the impulse to inflict, some degree of physical pain on the woman he loves he can scarcely be said to be moved by cruelty. He feels, more or less obscurely, that the pain he inflicts, or desires to inflict, is really a part of his love, and that, moreover, it is not really resented by the woman on whom it is exercised … The physical force, the teasing and bullying, which he may be moved to exert under the stress of sexual excitement, are, he usually more or less unconsciously persuades himself, not really unwelcome to the object of his love (ibid, p.512).

Ellis presents the idea of male sexual dominance as natural and either ignores or excuses sexual violence. The acceptance by sexual reformers of sexology as a part of science, formed part of the new challenge to religious ideologies.\(^{54}\) However, neither science nor religion dispelled beliefs that male sexuality was anything other than a biological imperative in need of expression, with women the designated recipients. The impact of sexology in promoting sex inequality was far reaching. The sexological writings of Ellis, formed the basis of British sex advice literature throughout much of the twentieth century (Jeffreys 1985 p.128). Margaret Jackson argues that “By endowing the patriarchal model with scientific legitimacy, the feminist challenge was undermined, and further development of the feminist model of sexuality challenge was effectively blocked” (Jackson 1994 p.103).

Sheila Jeffreys and Margaret Jackson, as contemporary historians looking back at the conflict between social purity feminism and sexology, offer a political analysis of sexuality that criticises male dominance and women’s subordination. They both argue that the further expansion of the sexological construction of sexuality in the interwar period created difficulties for feminists. Lucy Bland and Ronald Hyam

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\(^{53}\) Research of American feminist legal theorist Catharine MacKinnon has shown how “men who are in prison for rape think it is the dumbest thing that ever happened,” because rape for them is understood as an extension of what they do anyway in sexual intercourse. Feminism Unmodified: Discourses on Life and Law, 1987, p.88.

are two historians who look back at the same period, but through the lens of contemporary sexual libertarian ideology. The writings of Bland and Hyam, in adopting the sexual reform position of sexual freedom, are devoid of any political analysis of sexuality that is critical of male dominance. I suggest that historians of today in looking back uncritically, after the sexual revolution of the 1960s, look back with a similarly jaundiced eye, unable to understand the feminist perspective of the time. I include examples of Bland’s and Hyam’s work in order to demonstrate the difficulties still current in gaining feminist recognition of male sexual violence as a problem.

Historian Lucy Bland, in her book Banishing the Beast, argues against Jeffreys and Jackson, claiming that sexologists of the pre-war period were not directly antithetical to feminist views of sexual inequality (Bland 1995 p.257). In particular Bland critiques Jeffreys’ claim that sexologists attacked feminism via an assault upon the spinster (Bland 1995 p.257). Instead, Bland proposes that sexologists Krafft-Ebing, Henry Havelock Ellis and Edward Carpenter, other than promoting ‘homosexual rights’, had little power in determining sexual practices (idem). She claims that Ellis was “heralded as a progressive sexual radical because of his stress on the importance of sexual pleasure for both sexes, and his call for toleration of sexual deviancy, homosexuality in particular” (ibid, p.258). In sympathy with the sex reformers of the time, Bland overlooks that ‘pleasure for both sexes’ was founded on the men’s sexual dominance, and that those who heralded sexual radicalism were men already in positions of sexual power and privilege. Rather, she suggests that the crucial factor in sexual reform for married women, was the “legitimisation” of their “heterosexual desire,” despite the fact that “legitimisation” did little to alleviate women’s continued subordination in the public domain, and demanded compliant participation in sexual intercourse (idem).

The Beast, as in the title of Bland’s book, is adapted from an illustration in The Suffragette, which depicts in cartoon form, male sexual indecency as the ‘beast’ to be eradicated by the ‘social purity’ movement (The Suffragette quoted in Bland 1995 p.256). In The Suffragette, the official organ of the WSPU, edited by Christabel Pankhurst, it is evident that militant feminists were determined to drive back the beast. WSPU feminists sought women’s empowerment in campaigns for the vote and in promoting women’s positions of authority as magistrates, police, and jurors (Bland 1995 p.254). ‘Legitimising heterosexual desire’ was not a priority of radical women like Pankhurst and Boyle who fought the disparities of
court sentences that freed child molesters on the grounds of inebriation, whilst imprisoning a woman for fourteen days for breaking a car window. Catering for ‘men’s desire’ was not a concept on the agenda of feminists who wanted recognition that sexual violence was a violation of women’s rights rather than a form of promiscuity to be condoned, tacitly in the private sphere, and overtly as seen in the judiciary.

Ronald Hyam is more overt in his defence of the ‘male sex right’ than Bland. Hyam’s 1990 book, *Empire and Sexuality: the British Experience*, exemplifies a sexual libertarian style of historiography that defines the Victorian era as one of sexual prudery, rather than one of double standards. As I have mentioned in the introduction to this chapter, Hyam claims that feminists were and are ‘hostile to sex’, and antithetical to men’s sexual freedom or what he describes as ‘western sexual values’ (Hyam 1990). Hence, the ‘social purity’ era marked for Hyam the beginning of an era of sexual repression for men. In legislative terms, men’s ‘sexual freedom’ was curtailed with the passing of the Criminal Law Amendment Act of 1885 which raised the age of consent for sexual intercourse for girls to sixteen, and the repeal of the Contagious Diseases Act in 1886 which brought men's sexual usage of women, girls and boys in prostitution under public scrutiny. Hyam holds feminist involvement in legislative reform as responsible for contributing to the repression of men’s sexual opportunities and experiences, on the home front, and abroad.

Throughout a fanatical [sic] Purity Campaign, sexual opportunity was from the mid-1880s gradually reduced, first at home, and then in Edwardian times, overseas. The result was that in the British empire after 1914, outside the fighting services, almost no sexual interaction between rulers and ruled occurred (Hyam 1990 p.1).

Hyam then goes on to chronicle the ‘sexual opportunities’ experienced by Britons in the nineteenth century at home and abroad in colonised countries such as India. His writings reveal a sexual libertarian bias that further contributes to the idea of women’s sexual subordination as a natural phenomenon. Hyam’s record of men’s sexual dominance over youths, boys, and women, is devoid of any political analysis of gender or race. He continues the sexual libertarian tradition of eroticising people of colour, including the reporting of children as supposedly promiscuously sexual by nature. He does not introduce the idea that western colonial dominance disempowered the colonised. Typical examples of such eroticisation, which Hyam calls “army promiscuity” are found in the sexual dossier
compiled by Kenneth Searight, who was described by E. M. Forster as a “young Byronic officer” of the Queens Own Royal West Kent Regiment (Hyam 1990 p.130). Stationed in a series of British colonies, including India, Searight kept explicit records of his sexual encounters in a book called Paidikion. Searight, according to Hyam, was “excited by oriental skin colour,” engaging in anal intercourse with boys as young as nine. The fact that Searight memorialised, in bad rhyming couplets, his sexual abuse of boys suggests that, in a similar manner to paedophiles sharing their ‘sexploits’ on the internet today, he may have had a sympathetic audience at the time.

…my rod of ivory between the mons,
Of buttocks fashioned out of gleaming bronze (Searight quoted in Hyam 1990 p.130);
and
An Asiatic stronghold where each flower
Of boyhood planted in its restless soil
Is - ipso facto - ready to despoil
(Or be despoiled by) someone else; the yarn
Indeed so has it that the young Pathan
Thinks it peculiar if you would pass
Him by without some reference to his arse (Searight quoted in Hyam 1990 p.131).

Hyam suggests that consent from the youth is justification enough for the practice of paedophilia. Hyam, in recounting Searight’s sexual exploitation of youths and boys, suggests that sexual interaction between older men and adolescents is dependent upon “intention, attitude and consent” (Hyam 1990 p.9). He portrays a romanticised view of sexuality, devoid of any analysis of power differentials. “A loving relationship between a man and a consenting boy, usually at, or past the age of puberty - and such alone was the classical Greek version - might become for later generations incomprehensible, misguided or illegal, but it is not from a theoretical point of view a perversion” (idem). Hyam’s acceptance of hierarchical sexual values are further apparent in his uncritical evaluation of the inequality existing in heterosexual relationships.

According to Hyam, wives of the higher echelon of the imperial elite were often considered an encumbrance by their husbands. Kept by their husbands as little more than breeding machines, wearisome wives hindered men’s sexual freedom. Less demanding mistresses and prostituted women were often preferred, thus
enabling men to avoid the responsibilities of financial and emotional upkeep (Hyam 1990 p.45). The following is an example of one form of sexual cruelty carried out by Charles Johnson Brook (1829-1917), the second white rajah of Sarawak, against his wife who was evidently exhausted from serial child bearing, and unenthusiastic about submitting to sexual intercourse on demand.

Brook...was potent enough with women, but remarkably cold and indifferent towards his wife Margaret, whom he married when he was forty. Their first three children died of cholera, but there were three surviving sons. The marriage ended when he destroyed his wife’s pet doves and served them in a pie for supper. He reckoned that marriage lost an officer ninety-nine percent of his efficiency; compliant local mistresses (such as he himself had taken as a young man), not burdensome European wives, was his prescription (idem).

Hyam addresses the issue of men’s misogynist behaviour, arguing that “misogyny must not be misunderstood” (Hyam 1990 p.46). He claims that misogyny was a result of arrested emotional development experienced in boys’ schools that encouraged the ongoing display of “boyishness” in grown men as a quality to be admired (ibid, p.47). The idea that misogyny, and its attendant acts of destruction upon women can be explained by Hyam as a social construction, while sexual exploitation is explained as biologically determined, seems a contradiction that excuses sexually exploitative behaviour in both the public and the private domains.

Hyam’s position in relation to the Contagious Diseases controversy is distinctly anti-feminist. He claimed that retaining the Act was a positive step in protecting men from venereal disease passed on by prostitutes in garrison towns. He assigned none of the responsibility of transmitting venereal disease to the men who were sexually using the women (ibid, p.63). In defence of men’s continued sexual usage of women in prostitution, Hyam adopts the explanation of Havelock Ellis who claimed that ‘prostitution was an essential part of the whole system’ of sexuality. Ellis based his ‘system of sexuality’ on a series of surveys and case studies in which men related their sexual experiences to him. The justification that men’s sexual practices were biologically driven was based on the spurious evidence of anecdotal accounts (Hyam 1990 p.62). One example of compulsive sexual behaviour interpreted by Ellis as a biological imperative, is the following excerpt from the case study of G. R., a British soldier infected with venereal disease and stationed in India:
I naturally prefer to satisfy myself with a woman, a friend and a lady of my own class; but in the absence of the best I gladly take the next best available, down the scale from a lady for who [sic] I do not care, to prostitutes of all classes and colours, men, boys and animals, melons and masturbation (Ellis quoted in Hyam 1990 p.133).55

In defending prostitution as a ‘male sex right’, Hyam attempts to make the specious argument that a significant number of young girls chose to enter prostitution of their own accord in order to avoid the boredom of working as domestic servants. “For perhaps a third of prostitutes this deliberate rejection of drabness and drudgery in favour of a supposed life of colour and pleasure could have been a major inducement” (Hyam 1990 p.62). His empathy towards young boys abused in prostitution is in stark contrast to his criticism of prostituted women and girls whom he saw, not as victims of sexual exploitation in the same way as boys, but as unsavoury members of society, and inept in sexually servicing men.

Finally we may remark the damaging evidence that British prostitutes were unexportable due to their ‘independent mindedness’ and ignorance of the refinements of their trade (that is oral and anal gratification) (idem).

Hyam criticises the social purity reform feminists as ‘neurotic’ moral puritans whose so-called anti-sex stance ended sexual practices he defined as “essentially harmless pleasures” (Hyam 1990 p.152). Josephine Butler, the feminist leader of the social purity movement, is cited by Hyam as responsible for curtailing “men’s sexual pleasures” throughout the western world. “Prostitution is widely frowned upon, and in Britain and America, even family photographs are being monitored” (idem). There is no recognition by Hyam that a woman’s morality was imposed upon her, dictated in terms of male sexual needs, a sexuality that was not of her making, and often not of her want (Hamilton 1909 p.56). Dr. Elizabeth Blackwell as a social purity feminist, contributed to the idea that women were not anti-sex in the way that Hyam has portrayed. Margaret Jackson has demonstrated that Blackwell challenged “the assumption that the sexual instinct in men was much stronger than in women and much more difficult to control” (Jackson 1994 p.27).

The radical physiological error, which underlies ordinary thought and action in relation to the evils of sex, is the very grave error that men are much more powerfully swayed by this instinct of sex, than are women. From this radical error are drawn the false deductions that men are less able to resist that instinct; that they are more injured by abstinence from its

55 For further case studies, see Henry Havelock Ellis's *Studies in the Psychology of Sex III*, p.314.
satisfaction; and that they require a license in action which forbids the laying down of the same moral law for men and women (Blackwell quoted in Jackson 1994 p.28).

Hyam disagrees with the idea that forms of sexual violation create a crisis in women’s existence. He virtually dismisses feminists as nagging.\(^5\) He is critical of Blackwell’s and Butler’s radical stance, and dismissive of the feminist claim that compulsory examinations were tantamount to medical rape. “Compulsory and painful examination by vaginal speculum was held to constitute ‘instrumental rape by a steel penis’, and the campaign harped upon ‘medical lust in handling and dominating and degrading women’” (Hyam 1990 p.64).

The campaign against regulated and licensed prostitution spearheaded the way for a multiple assault on sexual life in the 1880s: an attack on the easy-going attitudes of the working class, and a concerted effort to eliminate adolescent sexuality. This important Purity Campaign represented an outburst of neurotic puritanism. It resulted in a repressive new sex code, and the reduction of sexual opportunity (ibid, p.63).

Despite opposition at the time, the success of this feminist campaign was measured in the eventual repeal of the Contagious Diseases Acts in 1886 (Jackson 1994 p.27). Not all traditional historians are as overtly critical of feminists as Hyam, in their defence of the ‘male sex right.’ Others historians have sanitised the work of feminists in suffrage campaigns by omitting reference to their concurrent and important social reform work against forms of sexual slavery. Brian Harrison’s book Prudent Revolutionaries, details the revolutionary suffrage work of feminists from the late nineteenth century to World War II (Harrison 1987). He argues that this period of feminist history is under-researched and has published much information to redress this oversight. Curiously, on issues of feminist involvement in campaigns against incest and rape, he remains conspicuously silent. For example, in his chapter on Dame Millicent Fawcett, leader of the National Union of Women's Suffrage Societies (NUWSS), Harrison has depicted, at length, Fawcett’s unwavering and exclusive focus on non-militant suffragist reform, her criticism of vapid femininity, and her commitment to the intellectual advancement of girls’ education. However, in covering the breadth of her feminist career, Harrison omits mentioning her radical and parallel involvement with the National Vigilance Association (NVA), in its lengthy campaign against the male sexual

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\(^5\) See Chapter 4 ‘Henpecking’: Women’s campaigns to gain legislation against the sexual abuse of girls, in Sheila Jeffreys’ The Spinster and her Enemies, for a further explanation of how feminists fighting sexual slavery were labelled ‘henpeckers’.
violence of incest. One comment in relation to her outspokenness against the sexual abuse of young girls, an almost tongue in cheek response, reduces the importance of her participation in legislative reform to, “She later braved unpopularity by publicly branding a candidate for parliament as a seducer” (Harrison 1987 p.22). In contrast to Harrison, Margaret Jackson explains how Fawcett was one of many feminists who fought against a “‘conspiracy’ of silence which prevented the discussion about the sexual abuse of girls, protected the perpetrators, and obscured both the realities and the understanding of the relationship between sexuality and male power” (Jackson 1994 p.30). Harrison contributes to the same ‘conspiracy of silence’ by paying tribute to feminist work in the public domain, while maintaining a discreet silence on sexuality in the private sphere. In his description of Lady Astor, M.P., campaigner against incest, Harrison uses the pathologising language created by sexologists to describe her as “sexually frigid” (Harrison 1987 p.76). In another chapter, he gives the impression that Eleanor Rathbone, M.P., and campaigner against child marriage was “reticent on sexual matters”(Harrison 1987 p.100). By creating negative stereotypes of feminists who dared to criticise sexual practices upheld under the auspices of ‘conjugal rights,’ Harrison could be seen as further protecting the ‘male sex right.’

In the next section and in contrast to traditional historians who have recorded pre-World War I feminists as “hostile to sex,” I will introduce the radical views of feminist writer Cicely Hamilton. In her book Marriage as a Trade, she compares the male dominance of marriage with the male dominance of prostitution. Hamilton’s book has been rescued from historical oblivion by feminist publishers, ‘The Women's Press,’ who have recognised the importance of contributions of earlier radical feminists in informing current understanding of campaigns against sexual slavery.

**Marriage as Sweated Trade**

At the beginning of the twentieth century, feminist activists who were also lesbians criticised the institution of traditional marriage as responsible for maintaining women’s subordination. In 1909 Cicely Hamilton (1872-1952), active suffragist,

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57 Harrison's footnote citing a variety of sources for the brevity of his comment [Fawcett Library Autograph Collection, XI: Fawcett to Stead, 9 Nov. 1885. See also Strachey, Fawcett, pp.111, 118, 129.] who suggests a more complex explanation would be warranted given Fawcett’s
lesbian, playwright, and political networker, argued that many similarities existed between prostitution and marriage (Hamilton 1909; Whitelaw 1990). According to Hamilton, whether women were in prostitution or marriage, their livelihoods depended on their sexual subservience to men, and in no other job was this the case. Like prostitution, the ‘sweated labour of marriage’ involved the acceptance by women of uninvited sexual intercourse from men. The ‘sweated labour of marriage’ is a clever turn of phrase, suggesting that the subsistence labour of marriage meant exchanging sexual favours in return for food and shelter (Hamilton 1909 p.60). Hamilton argued that the need for women to sustain their livelihood meant that marriage was often compulsory, while for men, it was more of a voluntary occupation. If a man remained unmarried, as a bachelor he retained power and honour in society, despite the fact he was often considered a libertine. But if a woman chose to remain unmarried, as Sheila Jeffreys has pointed out, not only men, but women who proclaimed themselves feminists, often saw her as a failure (Jeffreys 1985 p.93). Furthermore, should a woman deliberately choose to remain a spinster, pursue a professional career, or choose celibacy over unwanted sexual intercourse, her independence was often ridiculed by men who saw such women as both anti-sex and a threat to their masculine power that relied on women’s subservience.

Hamilton claimed that training for marriage and prostitution began in childhood when girls were educated to accept their status as subordinate to that of men and boys. Instead of being imbued with self-determination, confidence, and a brief to pursue happiness, in the way that boys were taught by education authorities and at home, girls were trained to put aside their independent spirit and serve others, growing up, as Hamilton put it, with their “future husbands in their heads” (Hamilton 1909 p.32). For if girls were not trained in the knowledge of how to provide for their future husbands’ happiness then they risked not only being overlooked as a potential wife, but being without a means of livelihood. Class determined whether women were trained to be useful or useless (ibid, p.42). A working class woman might be trained to work in the fields, while an upper class woman could be trained to act as an ornament to her husband, activating what Hamilton calls the eleventh commandment, “thou shalt not think” (ibid, p.46). Once married, a woman was expected to work without wages in the running of the household. The ‘sweatshop’ style of labour meant she was in permanent domestic involvement with the National Vigilance Association, any mention of which, Harrison omits altogether.
servitude to her husband. Suffragette Christabel Pankhurst had the same political analysis of marriage and prostitution as Hamilton. In her book of 1913, *The Great Scourge and How to End It*, Christabel Pankhurst echoes Hamilton’s political view of institutional marriage:

The system under which a woman must derive her livelihood from her husband - must eat out of his hand as it were - is a great bulwark of sex-subjection, and is a great reinforcement to prostitution. People are led to reason thus: a woman who is a wife is one who has made a permanent sex-bargain for her maintenance; the woman who is not married must therefore make a temporary bargain of the same kind (Pankhurst quoted in Jackson 1994 p.21).

In marriage and in prostitution, men’s sexual and economic dominance prevented women from refusing unwanted sexual advances. The power of the ‘male sex right’ meant, according to Hamilton, that “man’s relation to women has been to make refusal impossible and to cut off every avenue of escape from the gratification of his desire” (Jackson 1994 p.35). Hamilton claimed that marriage fashioned women as sexualised objects and as breeding machines, trained to compete with each other for the attention of men (ibid, p.129). She saw women as diminished by femininity training, leaving them in the ‘silly angel’ class, ill-fitted for the responsibilities of rearing children (idem). In opposition to sexologists Ellis and Carpenter, who were promoting femininity and motherhood as part of the sexual reform movement, Hamilton argued that the construction of motherhood was a romanticised ideal contributing to women's subordinated status.

We hear a very great deal about the beauty and sanctity of motherhood; we might for a change hear about the degradation thereof - which has been very real. To stunt one’s brain in order that one may bear a son does not seem to me a process essentially sacred or noble in itself; yet millions of mothers have instructed their daughters in foolishness so that they, in their turn, might please, marry and beget children (Hamilton 1909 p.47).

In the previous chapter, an analysis of Pandita Ramabai’s writings demonstrated the prominence of son preference within Indian familial structures. Hamilton’s analysis of the devalued status of women in marriage suggests that the custom of son preference was as important to the institution of marriage in western cultures as in the Indian marriage traditions Pandita Ramabai wrote about. Women’s status in western cultures came about through women learning how to adopt feminine attitudes of subservience. According to Hamilton, women were conditioned by femininity to conform to a “code of manners formulated in the interests of her
master” (Hamilton 1909 p.56). Femininity training consisted of women altering their personalities to create the appearance of desiring to please others. In her criticism of artifice, Hamilton explains how in response to a code of masculine ethics superimposed from without, women had to develop enormous powers of observation in order to decide what pleased men and what did not please men, and modify their behaviour accordingly (ibid, p.57). This artifice manifested in femininity. For women, honour depended on how cleverly they interpreted the minds of others, whereas for men, honour was straightforward, because masculinity itself was an honourable profession. Men disguised their sexual and economic control over women by calling it ‘protection’ and ‘chivalry.’ However, Hamilton unmasked chivalry as a form of social debt paid by men in return for what they understood as value received. Value for men invariably meant that some form of subservient behaviour from women was the expected medium of exchange.

The object of Hamilton’s *Marriage as a Trade* was two-fold. On one level her intention was to overturn traditional beliefs about marriage. On another level, she challenged the heterosexual structure of society. As a spinster, Hamilton is representative of an increasing number of feminists who reserved their primary energies for other women and who were not subjected to the sexual demands of male partners. As Margaret Jackson argues, more women became economically independent towards the end of the nineteenth century and more feminists made political decisions to remain single (Jackson 1994 p.15). Through the support of her personal friendship networks, Hamilton gained political strength in her campaigns to overturn traditional beliefs about marriage, arguing that spinsters were in a more autonomous position in civil society than their married sisters. As much as it served as a critique of the sexual inequality existing in marriage, *Marriage As a Trade* is a tribute to spinsterhood as an enlightened state for women, offering women an alternative form of sexuality free from what Wolstenholme Elmy called the ‘unwanted touch of man’ (Jeffreys 1985). The importance of political friendship networks as integral to spinsters and lesbians who campaigned against sexual slavery will be further developed in Chapters Five and Six, particularly in the discussion of British MP Eleanor Rathbone’s contribution to activism on the issue of child marriage. In 1909 when Hamilton was writing *Marriage As a Trade*, Rathbone, as secretary to the Liverpool Women’s Suffrage Society, became the first woman member of the Liverpool City Council, later becoming the first woman independent MP for the combined
universities (Stocks 1949). Rathbone and Hamilton are representative of spinsters who came to political activism as suffragists and whose personal philosophies were formulated through women’s friendship networks. In the following chapters I suggest that many of the activists in the interwar campaign against child marriage who were spinsters offered a more independent analysis of sex and marriage.

**Conclusion**

In the period prior to World War I, feminist activists developed a sophisticated understanding of the double standard of sexual morality (Jackson 1994; Jeffreys 1985). Social Purity feminists Josephine Butler, Dr. Elizabeth Blackwell, Nina Boyle, Cicely Hamilton and others, understood the necessity of challenging male sexual dominance. They recognised that the ‘male sex right’ underpinned a continuum of sexual slavery that included incest, prostitution and marital rape. In order to end women’s inequality and sexual subordination they formed organisations that openly challenged male sexual practices that had previously remained hidden in the private sphere of domesticity, the underside of civil society. Feminists who understood that women’s sexual subordination transcended gender, race, class and culture, were in a position to develop a critical analysis of the inequality of child marriage.

In the next chapter I will introduce the work of feminists in the League of Nations such as Nina Boyle and Eleanor Rathbone, both of whom campaigned against the sexual slavery of child marriage in the interwar period. I will suggest in the following chapters that the impact of sexologists and the strengthening of heterosexuality as the dominant social paradigm created difficulties for feminist activists who were spinsters or lesbians. The institutionalisation of sexology as a scientific discipline was to promote and normalise women’s inequality and sexual subordination in the interwar years. The sexological promotion of sexual reform ideology has been portrayed by conventional historians as a period of sexual freedom, and feminists who campaigned against sexual slavery in the interwar period depicted as anti-sex. The following chapters will reveal how sexual relativism protected the ‘male sex right,’ thus creating obstacles for feminists in the interwar period in their campaigns against forms of sex slavery including child marriage.
PART THREE: International Feminism and the Attack on Conjugal Culture Between World War I and World War II: A Woman-Centred Approach

The third section of this thesis comprises three chapters: Chapter Four: Feminism in the League of Nations: Networking Against Sexual Slavery; Chapter Five: Cultural Relativism and Sexual Relativism: A Radical Feminist View; Chapter Six: Lesbians in League.

This section shows the importance of international feminist activism against sex slavery in the interwar period. I use original correspondence between interwar activists in order to disclose how they came to participate in political structures that had previously been denied them. In this period, women’s organisations found their voice in the international forum of the League of Nations. These women developed their ideas from work carried out in the period before World War I. Through their involvement in international dialogue, women, for the first time, were able to contribute to the formation of public policy ideas that prioritised ending women’s and girl’s sexual subordination. Women of this era were exposed to and took a radical stance against the newly formed ideology of cultural relativism. They experienced the use of cultural relativism as a political tool that continued to protect the male sex right, especially around such traditions as child marriage.

Lesbian historiography is introduced in this section in recognition that unhoused women experiencing greater economic, physical, sexual and emotional freedom than married women, were able to and did form strong friendship networks based around their political ideas and campaigns.
CONJUGAL WRONGS DON'T MAKE RIGHTS
Chapter Four: Feminists in the League of Nations Networking Against Sexual Slavery

A death in child-birth—in England or in India—is death on the rack, due to the rending and straining of bones and sinews, nerves and tissues in the body’s effort to perform a function for which it is too weak, immature or malformed. Such a death is never ‘natural,’ save perhaps in the sense that it is Nature’s vicarious punishment for disobedience, not the victim’s, to its laws. And of the circumstances of a torture chamber, what feature is lacking, in the descriptions I have quoted from an Indian man doctor and an Indian woman doctor of the normal conditions of confinement in an Indian home?... (excerpted from Muthulakshmi Reddi’s address to the Indian Legislative Assembly, 1928)

Introduction
In this chapter I will discuss how international feminist campaigns against sex slavery built on the analysis developed by feminists prior to World War I. In their involvement in the international arena of the League of Nations, Indian and British feminists began to analyse forms of sex slavery, including child marriage, within the discourse that was the forerunner of human rights language that included the idea of rights for women and girls. Muthulakshmi Reddi’s impassioned address to the Indian Legislative Council in 1928 is one example of widespread feminist concern that child marriage, whether an eastern or western phenomenon, should be considered a harmful cultural practice. The aim of this chapter is to demonstrate that feminist involvement in the League of Nations laid the foundation of a human rights approach towards understanding forms of sex slavery as harmful cultural practices. The interwar period saw the expansion of international feminist activism against the sexual exploitation of women and girls. The feminists who represented their countries in the League of Nations were usually experts in building political networks among women’s groups in their own countries and had already developed strong liaisons with feminist organisations at home and abroad. British feminists such as Eleanor Rathbone, Rachel Crowdy, Nina Boyle, Alison
Neilans, Katherine Furse and Eglantyne Jebb were key figures who campaigned against sexual slavery in the League of Nations. They identified practices of trafficking for prostitution, female genital mutilation, incest, *devadasi* (temple prostitution), *mui tsai* (selling girls into bonded labour)\(^{58}\), and child marriage on a continuum of sexual slavery. Their approach to activism may have differed in terms of whether or not they publicly identified as feminists, but their commitment to gaining citizenship status for women, which extended beyond the franchise to include ending sexual oppression, underpinned their commitment to social change and dominated their public political lives.

In the 1920s child marriage emerged as an international and controversial issue. The controversy centred around the new concept of the violation of the rights of the child and in debates focussing on the legal age of marriage and the legal age of consent. Indian feminist Dr. Muthulakshmi Reddi, in a speech to the Indian Legislative Council, had strongly condemned child marriage and argued for the legal age of marriage to be raised to 14 for girls (Reddi 1928). The above excerpt from her speech indicates the difficulty Muthulakshmi Reddi faced in gaining recognition from the Indian Government that child marriage, as a normal practice, often ended in torture and death for young girls. An international survey on the legal age of marriage and the legal age of consent, carried out by the Child Welfare Committee of the League of Nations, further revealed that the premature sexualisation of children in cases of early marriage was a cross-cultural phenomenon and not just an Indian problem. Results of the survey, discussed later in this chapter, demonstrated that the civil law governing marriage protected men’s conjugal rights despite the young age of girl wives. Conversely, sexual assault that violated the legal age of consent outside the constraints of marriage was administered by the penal code.\(^{59}\) As the work of the League progressed, and in their efforts to gain equal citizenship for women, feminists such as Boyle and Rathbone challenged the exclusion of sex slavery from the male-defined definition of slavery. Through their work they determined that the traffic in women and girls for prostitution was not dissimilar to the traffic of girls into marriage – both cases of trafficking resulted in *de facto* rape whether girls were at the legal age of consent or not. Feminists realised that the male-dominated League of Nations would not readily accept women’s critique of male sexual privilege. In order to demonstrate how feminists developed a radical analysis of sex slavery as slavery,

\(^{58}\) See Introduction for further explanation of *devadasi* and *mui tsai* as forms of sexual exploitation.

\(^{59}\) As I discussed in Chapter Three the judiciary often exonerated perpetrators of rape.
this chapter investigates primary source materials such as the League of Nations
Child Welfare Committee’s ‘age of consent’ survey and the minute books of the
Child Protection Committee of the Save the Children Fund International Union. I
also examine other primary source materials such as the conference proceedings of
the British Commonwealth League in the interwar period and feminist writings of
anti-slavery activist Nina Boyle. In the next section I examine how the formation
of an international feminist network resulted in women’s representation in the
League of Nations and enabled an approach to the idea of women’s and children’s
rights as human rights.

Organising Against Sexual Slavery in the League of
Nations
In the first draft of the Covenant of the League of Nations, which was drawn up in
Paris in 1919, women were not included (Ashby 1928 p.1). Without the ensuing
protest from feminist organisations women would have remained excluded from
the League’s charter. Allied women from the International Council of Women
(ICW) and the International Woman Suffrage Alliance (IWSA) met in Paris at the
invitation of the French women’s group, Union Française pour le Suffrage des
Femmes, in order to lobby for women’s inclusion in the charter on the basis of
equality. Among post-war peace-related economic and security issues, women’s
non-government organisations succeeded in drawing up and gaining acceptance of
Article 7 in the charter. Article 7 declared, “All positions under or in connection
with the League, including the Secretariat, shall be open equally to men and
women.” Margery Corbett Ashby, president of the International Alliance of
Women for Suffrage and Equal Citizenship and of the British Commonwealth
League attributed Article 7 as the “women’s great charter in the League,” and saw
it as a mechanism through which women would be empowered to institute and
shape social justice for women in an international arena. Her prediction proved
correct as Article 7 prepared the way for women’s groups to begin to use the
language of women’s rights as human rights in an international forum.

Corbett Ashby, Dorothy Northcroft and other feminists likened the Assembly of
the League of Nations to “a great international parliament” with Delegates as
States Members from fifty-five countries representing three quarters of the
population of the world (Northcroft 1923 p.3). The excitement that women felt at
the newly presented opportunity to engage internationally in social reform was
palpable. In one pamphlet on women’s work in the League of Nations, Margery Corbett Ashby stated that the few women who were appointed to responsible positions in the Secretariat, the International Labour Organisation, and the International Institute of Intellectual Co-Operation, “were of such quality that the way was paved for further recognition of other women’s abilities” (Ashby 1928 p.1). However, the inclusion of women officials occupying equal status with men was slow to follow the specification of equality laid out in Article 7. By 1928 women were still not represented on the Council, the Court of International Justice, the Institute for the Codification of Private Law, nor the Cinematographic Institute. Lobbying for women’s inclusion as representatives on slavery issues came from several quarters. In the report of the first British Commonwealth League conference of 1925 one recommendation stated,

This Conference regrets very much the omission of women from the Commission appointed under the League of Nations to enquire into the whole question of slavery, and in view of the suffering entailed upon womanhood by conditions of slavery, calls upon the Sixth Assembly of the League to request the Council of the League to appoint at least one woman to the Commission (British Commonwealth League 1925, p.12).

Male resistance to women’s participation was strong. At the same conference, Viscount Cecil of Chelwood, who gave the opening address, made clear the reluctance of male officials to include women on an equal footing with men as representatives in the League. Cecil stated that while he had always been an advocate for “political equality between the sexes” he was “not in favour of giving women special position of advantage” (Cecil quoted in British Commonwealth League 1925 p.22). Despite feminist challenges to his anti-woman position, he went on to argue against equal representation of women, stating that he “did not think it fair to give them a disproportionately greater representation on the League than they had in their respective Governments” (idem). His views, echoed by most State Members, demonstrated that women were welcome to participate in the hierarchy of the League of Nations as long as they remained under the supervision of men. Although women were included in country delegations, they participated in the lesser role of Substitute Delegates, Technical Advisors, or were appointed to Committees to do with social questions. Ten countries—Norway, Sweden, Denmark, Great Britain, Australia, Germany, Roumania, Hungary, Holland and
Finland included women in their delegations, but in 1928 no member State had yet sent a woman as a full delegate to the League.\(^6\)

The Scandinavians included women representatives in the First Assembly in 1920. In 1922 Great Britain and Australia followed, including women in their respective delegations.\(^6\) In 1920, Fröken (Miss) Henni Forchhammer of the Danish Delegation was the first woman to speak to the Assembly on the issue of the Traffic in Women and Children. Forchhammer, ‘Technical Advisor on Women’s Questions’ of the Danish Delegation, came to the League of Nations through her involvement with the International Council of Women having been the President of the Danish Council of Women since 1913 and Vice-President of the International Council of Women since 1914 (ibid p.7). Subsequently she served the League as a Substitute Delegate and was appointed as Vice-President of the 1921 Conference on Traffic where the third International Convention against Trafficking was drawn up.\(^6\) Forchhammer was also interested in the question of “deported women and girls in Asia Minor and other parts of the previous Ottoman Empire,” and was twice rapporteur on the matter to the Assembly (idem).\(^6\)

The Advisory Committee on Traffic in Women and Children was approved by the Council of the League of Nations in September 1921 and held its first session from June 28 to July 1 1922 at Geneva. Rachel Crowdy was appointed Secretary of the Advisory Committee. Crowdy had come from a background of international activism and brought her expertise to the League. At the outbreak of World War I Crowdy, with her close friend Katherine Furse, crossed to Boulogne with the first batch of Voluntary Aid Detachments (Northcroft 1923 p.17) (Jeffreys, 1997, p.12). After Furse’s return to England, Crowdy remained in France, for the period 1914 until 1919, as Principal Commandant of thousands of VADs in France and

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\(^6\) For an extended report detailing the work of women representatives in the League of Nations between 1919 and 1928, refer to Dorothy Northcroft’s ‘1928 pamphlet “Women at Work in the League of Nations.”

\(^6\) A complete list of women as States Members representatives in the Assembly is listed in Dorothy Northcroft’s pamphlet, pp.5-6.

\(^6\) For further detailed accounts of feminist involvement and attitudes towards trafficking and prostitution in the League of Nations refer to Chapter 1 in Sheila Jeffreys’ *Idea of Prostitution*, pp.7-34.

\(^6\) The Commission in Deported Women and Children in Asia Minor, constituted in February 1921 was ended before 1928. Emma Cushman of America worked in Constantinople and Greece and rescued hundreds of refugee children. Karen Jeppe of Denmark, stationed at Aleppo, assisted numbers of Armenian women and children to escape from Turkish harems (Northcroft, 1928, p.20).
Belgium (idem). In the League of Nations Crowdy was the only woman ‘Chief’ in an otherwise all male Secretariat, presiding over the Social Section and the Section concerned with the control of opium and other dangerous drugs. As the work of the League of Nations developed, the suppression of the traffic in women and children and the assistance of the deported children from Asia Minor were added to the Social Section. Crowdy, already an expert administrator of international acclaim, was in a position to liaise with women’s groups in order to recruit valuable feminists into the League of Nations. In 1925 Crowdy wrote to Ishbel of Temair and Aberdeen, the president of the International Council of Women, suggesting that Eleanor Rathbone be included as an additional assessor to the Advisory Committee (Crowdy 1925).

The feminist inquiry into the issue of sex slavery was carried out through the International Association for the Protection of Children which was divided into two parts: the League of Nations Committee dealing with the Prevention of Traffic in Women and Children and the Committee for Child Welfare. Amongst British feminists on the Committee for Child Welfare were Dame Katherine Furse, Assistant Chief Commissioner of the Girl Guides, Miss Eleanor Rathbone, president of the National Union of Societies for Equal Citizenship, and Miss Eglantyne Jebb, founder of the Save the Children Fund and Vice-President of the Save the Children Fund International Union. The Committee for Child Welfare was given a mandate to conduct an international survey in order to ascertain the legal age of marriage and the legal age of consent. The results of the report demonstrated that girls were written into civil law as conjugal property of men at a uniformly young age across a significant number of countries. Feminists such as Crowdy, Rathbone, Furse, Boyle, Neilans and many others identified links between the young age of trafficked girls and women into prostitution and the young age of girls in cases of early marriage. They were able to ascertain that conjugal rights were men’s rights upheld in governing laws on institutional marriage. Whether the case was sexual assault, incest, child marriage or trafficking, civil and penal codes were found to be the gatekeepers of men’s sexual access to girls, governing the age at which men had the right to perform sexual intercourse with the implication that girls complied willingly and with informed consent. In the next section I demonstrate how the League of Nations ‘Legal Age

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64 In Chapter Six I further expand on the lifelong passionate friendship between Katherine Furse and Rachel Crowdy.
of Marriage and Legal Age of Consent’ survey revealed that penal and civil codes ratified girls and women as property of men in a cross-cultural sense.

The Legal Age of Marriage and the Legal Age of Consent
At the fourth session of the Committee for Traffic in Women and the Protection of Children, held at Geneva, in May 1925, a report containing a programme of work was drawn up, which was subsequently adopted by the Council. The Advisory Commission for the Protection and Welfare of Children and Young People, a sub-committee of the Child Welfare Committee, undertook an international survey to compile existing legislation relating to the age of consent and to the age of marriage. The intention of the inquiry was “to ascertain to what extent the age fixed for consent and for marriage may affect the question of the moral protection of children and young persons” (League of Nations 1927 p.4). Initially fifty-five Member States were asked to reply to the survey, and by 1929 forty-one countries had provided complete responses (League of Nations 1927 p.1). Because Canada and Argentina only supplied data on the age of marriage and not the age of consent, they were not considered in the comparative study.

The ‘legal age of marriage’ was governed by civil legislation and the ‘legal age of consent’ was governed by penal legislation. Most countries structured their laws for the age of marriage in one or a combination of three ways: by fixing a minimum age not subject to exception; by fixing a minimum age under which marriage could take place by special dispensation; or by laying down an age, generally the age of majority, under which the consent of a third party was required. Half of the countries surveyed, including Great Britain, New Zealand, South Africa, Australian states except New South Wales and the Northern Territory, and the United States of America, laid down a minimum age of marriage not subject to exception. For example in Great Britain and in Australia the minimum age not subject to exception was 12 for girls and 14 for boys. In the United States of America the minimum age for girls was 15 in five states, 14 in ten states and 12 in nine states. In Australia consent of a third party was required for marriage under 21 years of age. In Great Britain consent of the parent or guardian was ordinarily required for marriage of a person under the age of 21, but such a marriage without consent was not invalid. In many states within America the age of marriage was not contingent upon prior parental consent. In Egypt royal decrees determined that intra-familial marriages could take place in order to keep a girl within the family of her husband in the event of his death. Article 1 “Dispensations allowing marriage within the prohibited degrees between brother-
in-law and sister-in-law when marriage has been dissolved by the natural death of one of the parties, or between uncle and niece or aunt and nephew, shall be granted by Us [sic] for urgent reasons” (ibid. p.20). Civil legislation governing the legal age of marriage ratified men’s sexual privileges in the private sphere. Marital rape was not a consideration within civil law.

The ‘legal age of consent’ was governed by penal or criminal codes. In several cases the age of consent was set at a higher age than the age of marriage. The language of penal codes was structured in such a way that it protected the sexual rights of men in the public sphere. Marital rape was not included in the penal code wording. In many cases rape did not count as rape unless violence accompanied the sexual assault. The onerous burden of proof mostly fell on the shoulders of the woman or girl who had to prove she was of sound moral character. In the Greek penal code Article 279a states “Anyone over 18 who abuses the confidence of a girl under age or profits by her inexperience to indulge in sexual intercourse with her shall, provided she is a girl of good character, be punished by imprisonment … Nevertheless, the act shall not be punishable if it is followed by marriage with the victim” (ibid p.22). If virginal purity was not proved or the victim was a prostitute the case of rape would not proceed. The minimum age of marriage was lower than the age of consent in Great Britain and India. In Britain indecent assault on a child under 16 was a felony even if the child was said to have ‘consented.’ Unlawful carnal knowledge of a girl under 16 was a misdemeanor. Only if the girl was under 13 was the offence a felony. British feminists Alison Neilans, Secretary of the Association for Moral and Social Hygiene, and Margery Numbnholme of the National Vigilance Association worked together individually and through their respective organisations on the problem of inadequate legislation in protecting young children from sexual assault in England. In her address to the 1925 British Commonwealth League (BCL) conference in the session on ‘An Equal Moral Standard,’ Neilans claimed that the age of consent laws were “hedged about … with all sorts of provisos” offering little justice to the victim (BCL conference proceedings 1925, p.41). Neilans, in determining that an equal moral standard meant equal laws for males and females, critiqued the double standard of existing laws evident in such provisos as the “reasonable cause to believe” clause which guaranteed women’s and girls’ sexual subordination under the law (idem).65

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65 The “reasonable cause to believe” proviso meant that a rapist was acquitted if he could convince the court that he believed the victim has consented to sexual intercourse.
The Committee decided that in regard to the protection of young persons, the essential point was not whether the age of marriage was set higher or lower than the age of consent but “rather that both ages should confirm respectively to the standards required by enlightened public opinion” (League of Nations 1927, p.5). The age of consent ‘subject to no exception’ was considered by the report as an age that should insure absolute protection, under which there would be no provision in the legislation for a defence on the grounds of consent, limitation of time or previous immoral conduct on the part of the complainant (ibid. p.4). This age of absolute protection was at its highest at 16 for both sexes in Great Britain, Norway, Netherlands, and at its lowest for boys at 11 in the Dominican Republic and 10 for girls in Estonia. Many countries adopted a comparatively high age of consent but ‘subject to special provisos and defences.’ Restrictions often took the form of limiting the time in which action could be brought against the perpetrator, or permitting action to be taken only on the initiative of parents or guardians. Special defences were open to the offender, the most common defence being that he had reasonable cause to believe that the victim was over the age of consent. For instance, the New South Wales Crimes Act of 1924 stated in Section 71,—

“Whosoever unlawfully and carnally knows any girl of or above the age of 10 years, and under the age of 16 years, shall be liable to penal servitude…” (ibid p.16). In this survey there was no apparent provision for violation of girls under 10, yet in Section 81 of the Crimes Act of 1900, still in effect at 1926, stated —

“Whoever commits an indecent assault upon a male person of whatever age, with or without the consent of such person, shall be liable to penal servitude…” (ibid. p16). In the state of Victoria the purity of the girl had to be pre-determined before any charge of sexual assault could be upheld. In Section 46(3) “the expression ‘female’ does not include a female who with her consent has previously had intercourse with a male person” (ibid p.17). Of course such a definition made it impossible for marital rape to be considered an offence. In Belgium, Article 182 of the penal code stated, “Any person who seduces a virgin girl of less than 16 years of age shall be liable to imprisonment…” (ibid p.19).

In India, due to the very young age at which girls could be given in marriage, the laws stated it was necessary to distinguish between the age at which marriage could be lawfully contracted and, “the age at which it could be lawfully consummated” (ibid p.23). In the case of child marriage the girl was supposed to gain the age of 13, or puberty, before her husband of whatever age could perform his conjugal rights. The Indian Christian Law, a legacy of christian induction
through missionary and British colonisation, imposed further complexities on the already diverse Indian marriage system. The Indian Christian Marriage Act of 1872 stated that the age of a “native Christian” seeking to be married must exceed 16 for men and 13 for girls (ibid. p.23). For Indians who were not of the christian faith, nor of hindu, buddhist, sikh, or jania religions, Section 2 of the Special Marriage Act of 1872 stated that the age of marriage for men was 18 and 14 for girls (idem). The universal application of the law throughout British India stated, “marriage cannot legally be consummated until the wife has attained the age of 13 years” (idem). This position resulted from the inclusion in the definition of rape, as amended by the Indian Penal Code of 1925, “of sexual intercourse by a man with his own wife whether with or without her consent, if the wife is under 13 years of age” (idem). If the girl was under 12 years, the husband incurred the punishment for “ordinary rape” which was transportation for life or imprisonment for ten years, to which a fine could be added (ibid p.24). If she were over 12 and under the age of 13, imprisonment was two years (idem).

**Linking the Public and the Private in Trafficking and Marriage**

At the 1921 League of Nations trafficking conference, for the first time since the late nineteenth century when the Rukhmabai trials brought the restitution of conjugal rights to international attention, ‘early marriage’ was once again embroiled within an ‘age of consent’ controversy. As a response to the large numbers of girls experiencing premature sexualisation as a result of being trafficked into prostitution, a recommendation from participating countries was that consent for girls be raised to 21 (Forbes 1979 p.411). Consent within marriage was not so readily considered, as marriage was still deemed to be a private concern and not for public discussion in the international arena in the same way as trafficking. Historian, Geraldine Forbes, has noted that in response to the impossibility of achieving the jump from 12 to 21, Indian representatives in the League lobbied for the age of consent for girls to be raised to 16. Their intention was that consent in this case would also raise the age of marriage (idem).

The cross-cultural approach to the ‘legal age of marriage and consent survey’ generated an increasing awareness that the early age of marriage was a widespread phenomenon and not just an Indian problem. Newly publicised reports of relatively high numbers of child marriages in western nations appeared as surprising news in countries with predominantly white populations such as Great
Britain and America. Periodicals such as *The World’s Children*, the official organ of the Save the Children Fund International Union, newspaper articles and other printed pamphlets printed available statistics of child marriage in western nations. Edward Fuller, the editor of *The World’s Children*, wrote in January 1928,

> The reception by the English Home Secretary of a women’s deputation urging the raising of the statutory minimum ages for marriage has focussed public attention on the fact that in this matter the United Kingdom is still among the backward nations. It is not generally realised that, as the law stands, a girl can marry at the age of 12 and a boy at 14 … In the United States, where a vast and complex population intensifies most social problems, the number of married children is of substantial proportions (Fuller 1928 p.44).

A growing body of literature on the subject included a fifty-four page study of “Schoolgirl Brides” (1928), by Sabina Marshall, Executive Secretary of the Women’s Protection Society of Ohio. In an attempt to analyse and explain causes leading to ‘early marriage’ the report found that many girls “regretted a hasty marriage a few hours after the ceremony” (Marshall, reported in Marshall 1928 p.174). The report suggested that fraudulent documentation in the form of bogus marriage licences and incorrect age certificates complicated investigations (idem).

In April 1928, the organ of the National Vigilance Association66, *The Vigilance Record*, reported on the joint meeting between the Trafficking and Child Welfare Committees’ resolutions. It was determined that the question of ‘legal age’ should continue to be monitored by both committees since the problems involved both trafficking and child welfare and that new information was coming to the forefront at each investigation. At this stage the Committee wanted to further investigate the links between the age of marriage and trafficking. They passed a resolution recommending that appropriate legislation should discourage fixing the age of consent and marriage at too young an age lest trafficking should increase. Two opposing views emerged. One representative, Monsieur Rollet of France suggested that the age of consent and marriage should be linked. However, the

66 The National Vigilance Association was formed in London in 1885 in order to address the traffic in women and children. The object of these meetings, often led by feminists such as Jane Ellice Hopkins and Josephine Butler, was to press for the passing of the Criminal Law Amendment Bill (intended to curtail incest). The NVA expanded to become an international organisation, working to end forms of sex slavery such as trafficking, *mâi tsai*, and child marriage.
feminist view put forward by Miss Wall of Great Britain and Miss Whitten of the Social Service Council of Canada argued against Rollet’s proposal, claiming that any resolution linking the ages, “might merely serve as a weapon in the hands of those who oppose any increase in the age of consent” (*Vigilance Record*, 1927). They argued that if the age of consent were not increased, younger girls would remain as prey for sexual predators. During the interwar period, international feminist activists continued to develop their criticism of male sexual privilege through their identification of sex slavery as a form of slavery and one that depended on men’s demand of sexual access to girls and women. In the next section I introduce the important work of feminist Nina Boyle in her association with the Save the Children Fund and the League of Nations.

**The Importance of Nina Boyle in Advancing the Rights of the Child**

Nina Boyle (21 Dec 1865—1943) was a founding member of the British organisation the Save the Children Fund (SCF)\(^{67}\) and its international arm, the International Union. After Boyle’s death in 1943, Miss Ethel Sidgwick of Oxford and a member of the Council of the Save the Children Fund since 1920 wrote as part of an obituary:

> I suppose Mr. Watson is the only member besides myself who can recollect the meeting at the outset of the Russian Famine campaign when Miss Jebb leant over the table and said, ‘Who will go to Russia? Will you, Miss Boyle?’—and she said ‘Yes’, really without a pause. And not in ignorance, because they knew by then what conditions were. And of course she carried through, and (as I think) her health permanently suffered” (Sidgwick 1943 p.87).

Ethel Sidgwick’s warm remembrance of Nina Boyle, her bravery and her stamina in attending Russia during the famine, indicates the spirit and dedication in which

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\(^{67}\) The ‘Save the Children Fund’ was launched on May 19 1919 as a response to food shortages and famine in Eastern Europe at the end of World War One. Eglantyne Jebb (25.8.1876 – 17.12.1928) and her sister Dorothy Buxton held meetings to gather public support for establishing the organisation and in the first year £18,000 was collected to provide food for starving children. Nina Boyle made several trips to Russia during the famine, enduring bleak weather and lack of adequate shelter.
Nina Boyle approached her work. Despite Nina Boyle’s extensive activism with the international arm of the SCF and her close working relationship with Eglantyne Jebb in League of Nations matters, in Kathleen Freeman’s brief history of the SCF written in 1965, *If Any Man Build*, Nina Boyle is not mentioned. Notwithstanding Boyle’s extensive international field-work involving famine relief in Russia, campaigns against child marriage and female genital mutilation in Africa, and her involvement in exposing the trafficking of girls for marriage from Cyprus into Palestine, there is hardly any mention of her in traditional history books. I suggest that Boyle’s undaunted criticism of male sexuality, often cited by her as the primary cause of the premature sexualisation of children, proved an unpopular topic for historians intent on promoting a philanthropic profile of child welfare that did not include an analysis of sexuality. Dale Spender, Sheila Jeffreys, Rosemary Auchmuty and other feminist historians have documented how women have been written out of history (Auchmuty, Jeffreys and Miller 1992; Jeffreys 1985; Spender 1982). The result is that feminist work, such as Nina Boyle’s analysis of sex slavery as slavery has virtually disappeared. In Chapter Three I introduced Nina Boyle as the key feminist responsible for introducing the Police Women Volunteers in the attempt to protect the child victims of sexual assault, incest and rape from further violation through injustice in the court systems. To gain insight into her work as Council Member and Member of the Executive Committee, I introduce her approach to child welfare through writings in the SCF periodical *The World’s Children*. Following on from her ideology that talks about the idea of women’s rights as human rights, I examine her treatise entitled “What is Slavery.” I then examine the minutes of the Child Protection Committee, the child welfare branch of the Save the Children Fund International Union in order to reveal the difficulties encountered by feminists in gaining recognition of sex slavery as slavery at a time when the premature sexualisation of children was emerging in cross cultural settings and amidst public efforts to support the double standard of the male sex right.

The idea of children’s rights as human rights was internationally recognised in the interwar period. Eglantyne Jebb initiated the formulation of ‘The Declaration of the Rights of the Child’ which became known as ‘The Declaration of Geneva.’ The Declaration was promulgated by the *Committee of the Union Internationale de Secours aux Enfants* (the Save the Children International Union) of Geneva in

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68 Wherever possible I include dates of Nina Boyle’s activist work. A large body of SCF’s records, including documentation of Nina Boyle’s international work on child marriage in Africa, were
1923 and ratified by the General Council of the Union on February 28 1924. It was adopted by many different countries and on September 26 1924, the fifth Assembly of the League of Nations passed a resolution adopting the Declaration and inviting States Members of the League to be guided by its principles in the work of child welfare. In these early stages of determining rights, and although the language of rights still largely represented men’s rights, for the first time, the important idea of cross-cultural children’s rights was introduced. However, there was no mention of sexuality in the declaration, except where it was alluded to in Article IV, “The Child must be put in a position to earn a livelihood and must be protected against every form of exploitation” (idem).

In the period after World War I, international child welfare became central to the SCF’s political platform and was adopted as a concern by other organisations such as the Association for Moral and Social Hygiene (AMSH), and the International Council of Women (ICW). The idea of a children’s charter of rights came about after an initial and overwhelming charitable response that provided vast famine relief funds for children in Russia and Eastern Europe. From charitable beginnings that attracted massive funds quite quickly and unexpectedly, the idea of child welfare emerged as an economic concern and opportunity. An industry emerged to service the issues around child-care, with the result, that children were seen as national collateral and occupied a new niche in the international economy. The value of children as national collateral was realised and written about as such by council members of the SCF. Edward Fuller’s editorial commentary in *The World’s Children*, regularly commented on child welfare as an expanding social practice and included articles from branch members. Mme Vajkai, Hungarian member of the SCF, introduced child welfare programmes at grass roots level in Hungary and wrote about the political and economic importance of child welfare. The SCF introduced the idea of protecting children from slave labour and elevating their status as national assets. The development of child welfare expanded as a new and popular industry attracting the potential for raising substantial funds in the international arena. When in 1930 Eglantyne Jebb’s essay “Save the Child” was posthumously published, a review by Sir William Goode claimed the essay was “a

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destroyed when SCF’s London headquarters were bombed during World War II.

Correspondence between the president of the International Council of Women, Ishbel of Aberdeen, the Marchioness of Temair and Aberdeen LL.D. and other women’s organisations suggests that the drawing up of a children’s charter was almost a competition between Eglantyne Jebb and Ishbel of Temair.
revelation” in dealing with “some of the most controversial political and economic problems of the day” (THE S.C.F. NEWS BULLETIN, 1930, pcxxxvi).

The development of child welfare policies was embraced by conservatives intent on establishing heterosexual family values in such a way that prioritised the life of the child over the life of the mother. In 1925 an international symposium on the meaning of child welfare was conducted and excerpted opinions were published in The World’s Children. The majority of ‘expert’ contributors to the symposium presented views supporting the social protection of children and promoting motherhood as the ideal profession for women. Dr. C. W. Saleeby a eugenicist of London saw the SCF as an organisational vehicle for promoting “modern mother-and-child worship” (Saleeby in The World’s Children, 1925, p24). Saleeby goes on to say, “In child welfare, the cardinal thing is to regard as the ideal the mother in her happy home” (idem). Another contributor, Dr. G. Caronia director of paediatrics in Rome, suggested that the “hygiene of matrimony” be introduced into the equation of child welfare (Caronia in The World’s Children, 1925, p.24).

Nina Boyle, who was usually introduced to the reader of The World’s Children as a novelist and public speaker and Member of the Council of Save the Children, put forth her ideas on child welfare in such a way as to challenge false ideals glorifying motherhood and the increasingly popular idealised matrimonial condition. “I am not among the people who sentimentalise unduly over ‘the child,’ although I recognise its needs and its claims. My sympathies are deeply enlisted for the mother, its proper and natural guardian” (Boyle in The World’s Children, 1925, p.25). The symposium addressed the problem of high childbirth mortality and morbidity rates in Britain and the United States of America at the time. Boyle noted that despite the rise of the practice of gynaecology maternal mortality had not decreased in either country. Her criticism alerted the symposium to the problems encountered by women at the hands of gynaecologists who had taken over childbirth procedures with rather rough results. As Nina Boyle puts it:

Miss Josephine Roche points out that mortality rates and maternity casualties among women in the United States do not materially alter. In this country alone, between four and five thousand women die every year in attempts at maternity, besides the wreckage and mutilation of gynaecological wards and their endless waiting lists (idem).
Boyle’s feminist viewpoint challenged the gynaecological model of saving the child at the expense of the mother as nothing short of mutilating women in the name of medicine. “This, besides being a limitless source of defect among children, entails, as well, a volume of adult agony which people prefer not to contemplate. They turn their eyes from the tortured woman and gush over the damaged offspring” (idem). “Surely those who produce the race are at least as important as those they produce” (idem). Her approach to the idea of child welfare was visionary in terms of including the well being of women as well as the children. She challenged medical and chemical companies as unprofessional for profiteering out of promoting ‘infant food’ and “millers and other tradesmen rob and adulterate the mothers’ food” (idem). She suggested that child welfare experts begin to address the male sex right, “by attacking the conditions surrounding the reproduction of the species” (idem). Her efforts to instil a woman-centred approach to social welfare was a revolutionary and radical approach to addressing women’s subordinated status. She argued that the League of Nations would better suit the advancement of women if it set up an investigative body into the problems of maternity than one of labour that excluded women.

It is a national disgrace that gynaecological wards continue so sadly necessary. It is an international disgrace that the League of Nations should set up a Labour Bureau and not a Maternity Bureau. Leave off tinkering. Leave off penalising and coercing and restricting. Get down to bed-rock. Let the mothers, not the experts, say what they want for their industry (idem).

Boyle’s approach to child welfare and child protection was unsentimental, based on political equality, and included a sound analysis that male dominance was responsible for the sexual subordination of women.

Nina Boyle became even more outspoken against sexual exploitation after the death of Eglantyne Jebb, co-founder of the SCF, on 17 December 1928. The SCF had been in existence for ten years at the time of her death. In looking to the future of the SCF, Nina Boyle wrote in The World’s Children that “in the spirit of the founder” no enterprise should be too formidable, and no evil too great to attack (Boyle in The World’s Children, May 1929, p.157). Boyle advocated three courses of action in advancing children’s rights and protection. The first line of
advance was to “avert from childhood the worst consequences of sudden catastrophe or national or local disaster” (idem). The next was “the attack on social sores—cruelty, neglect, ignorance, child labour, child marriage, child disease, wherever and whenever they exist” (idem). Boyle advocated as a third advance the “interchange of information internationally” and systems of education that enabled a swift transition from childhood to develop mind and body “to their fullest capacity for citizenship” (idem). In her words: “I say ‘swiftly’, for I am no believer in an artificially extended childhood. Capacity, not years, should mark the limit of childhood” (idem). Boyle was an advocate of rights principles for all. She directed that SCF work “must ever be attuned to local needs and conditions; and everywhere it will be established that neither creed nor class, colour nor country can stand between its ministrations and a suffering child” (idem). The central focus of Boyle’s approach to activism concentrated on identifying and attempting to eradicate systems of sex slavery. Although she saw sex slavery as affecting women as well as girls, and did not make a child/adult distinction, her main efforts were directed toward protecting children from premature sexualisation.

**Defining Sex Slavery as Slavery**

In the early 1930s Nina Boyle wrote a sixteen page pamphlet entitled “What Is Slavery?” (Boyle 1930).\(^70\) In the foreword where Boyle acknowledges those women who were sympathetic to her radical position we get a glimpse of some of the women who formed part of her feminist activist network and joined with her in her analysis of the League of Nations official policy on the sexual slavery of women. A spirit of enthusiasm and camaraderie is evident in her words to her political allies. “My warm thanks are due” she says acknowledging feminists such as Mrs. E. D. Hutchinson who helped publish the pamphlet, Miss Eleanor Rathbone, M.P., Miss Emily Leaf, and the Executive of the Women’s Freedom League, all of whom supported opportunities to publicise Boyle’s attack on the institutional protection of the male sex right. In 1929, when Nina Boyle was acting secretary for Eglantyne Jebb in the Save the Children Fund International Union (SCFIU), Eleanor Rathbone entered parliament as the first woman Independent Member for Combined English Universities, a seat abolished in 1948, after

\(^70\) The actual date of the pamphlet is not recorded. ‘1930s’ is pencilled on the front of the pamphlet. Sheila Jeffreys has recorded in *The Idea of Prostitution* (1997, p.22) similar arguments put forward by Nina Boyle in *The Shield* a feminist periodical during 1931. Boyle acknowledges the
Rathbone’s death in 1946. Evidence in the form of Nina Boyle’s “warm thanks” to Eleanor Rathbone suggests that they worked together planning feminist strategies to advance the cause of eradicating child marriage.

In “What is Slavery?” Boyle challenged the public/private distinction underpinning the League of Nations’ definition of slavery. In 1925, fifty-six National representatives at Geneva had drawn up the League of Nations’ Slavery Convention, a document which endorsed, consolidated and brought up to date all previous agreements and enactments for the abolition of slavery (ibid. p.3). The Convention pledged to end Slavery “in all its forms” (idem). The definition of “Slavery” was, according to Boyle, unambiguous, stating explicitly, “the status of a person over whom all or any of the powers attaching to the right of ownership are exercised” (idem). Boyle criticised the framers of the Convention and the Governments they represented for constructing the definition of ‘Slavery’ in such a way that enabled the exclusion of forms of sexual slavery mostly affecting women and girls such as trafficking, prostitution and child marriage. Women, unless they were wage earners, were virtually excluded from the definition (Boyle, c1930s, p.3; Jeffreys, 1997, p.22). Boyle claimed that by couching the definition of Slavery in such terms as “none may own nor dispose of the person of a man, and more particularly of the person of a wage-earner”, that under the Convention, “the person of a woman may be lawfully and properly owned and disposed of so long as she be not a recognised wage-earner” (idem). Boyle was critical of those who drew up the reports and recommendations preliminary to the drawing up of the Convention (idem). She passionately argued that the men in question had bowed to any customary law that upheld the idea of conjugal rights:

[N]o faintest allusion was made to the Report on the Traffic in Women—the grossest form of Slavery—already lying in the pigeon-holes of the Palais des Nations. And the late Mr. Grimshaw, who drew up certain schedules, skated cautiously over what he described as “bona-fide marriage customs”—a phrase I quote but do not pretend to interpret … It is quite evident that Mr. Grimshaw recognised the nature of these customs. It is equally evident that he and his fellow-workers on the Convention were in no way shocked by them (idem).

Committee and Editors of The Shield for years had sought to abolish the worst features of the worst form of Slavery.
I suggest that Boyle is criticising the sexual relativist position exemplified in Mr. Grimshaw’s evident reluctance to consider the male sex right underpinning “bona fide marriage customs.” Boyle claimed that although there had been a “brisk revival of anti-slavery propaganda” in the 1920s, the “campaign against Slavery as Slavery” failed because it excluded the sex Slavery of women (Boyle, c1930, p.4). She traced the ‘anti-slavery’ revival to work carried out by the International Labour Bureau of the League of Nations which issued reports on the prevalence of forced labour (idem). Boyle claimed that publicity against forced labour was “solicited under the heading of Slavery,” and the definition from the Slavery Convention was quoted at meetings and conferences held under the aegis of the League of Nations’ Union (idem). Whilst she acknowledged forced labour as a “grave and admitted evil,” she claimed its campaign for “action was a political and economic campaign aimed at those forms of Slavery which supply cheap and unpaid labour” (idem). In short she claimed that the Convention protected men from enslavement but ratified in international agreement men’s enslavement of women. The Anti-Slavery Society, the Institute of International Affairs, and the Archbishop of Canterbury were among political bodies Boyle criticised for their non-involvement in considering the sex slavery of women and girls as slavery (idem).

Boyle identified two classes of trafficking in women for sexual slavery. The first was “the traffic for purposes of immorality” which was segregated from the Anti-Slavery enactments at Geneva, dealt with by “an omnibus Commission” and “not by the Slavery Committee” (idem). It has a special report which is not presented to nor considered by Slavery Committees or Commissions. She was critical of the Anti-Slavery Society in singling out the custom of mui tsai without referring to men’s sexual usage of girls and women in other forms of sexual exploitation:

The Anti-Slavery protagonists who are roused to frenzy by accounts of the Mui-tsai of Hong Kong, sold into domestic slavery for a term of years and then resold as wives or concubines, are strangely insensitive to the fate of the little girls of Japan, sold, pawned or contracted to the Yoshi-Wara or Red Light quarters of Tokio [sic], and other Japanese towns and ports. It is computed that these wretched girls supply the demands of upwards of twenty-seven millions of men of all nationalities every year. There are over eleven thousand keepers and owners who batten on them. No meetings have
been held about it, in this new campaign. No one has told of the penned-in victims, numbering thousands, who were abandoned to their fate in the great fire of Tokyo after the earthquake, and roasted alive in their pens. No one has called a meeting to protest against the even more hideous fact that they have all been replaced. No notice is taken, even at Geneva, of their piteous pleas for release (Boyle, c1930, p.5).

Boyle challenged all forms of sex slavery she saw as being cloaked in silence. She criticised the Anti-Slavery Society as hypocritical, for claiming to represent the anti-slavery movement, yet refraining, for instance, from demanding the freedom for the little girls purchased for devadasi prostitution in the temples of India.

The second form of “special Slavery for women” cited by Boyle was “the traffic for purposes of marriage, to enable men to have heirs, to perform their tribal or their religious ceremonial, or to gratify their lust under the cover of decorum” (idem). Nina Boyle is probably one of the first feminists to strongly argue that children were trafficked into marriage as well as into prostitution. She critiqued “child marriage,” commonly justified by custom or religion as the “ foulest form of traffic” (idem). Echoing the voice of Pandita Ramabai Sarasvati referred to in Chapter Three, Boyle wrote that while child marriage was a life sentence of slavery for girls, for boys the situation was not as desperate as “the fact must never be lost sight of that the little boy is in the position of having something given to him, [ie: a child bride] for his use or indulgence” (idem). Boyle goes on to critique the ways in which girls and women are trafficked into marriage, or as she puts it, the way girls are born mortgaged (ibid.7).

Boyle remained critical of British administrators abroad whom she saw as complicit in perpetuating the idea of women as persona non grata. In Uganda in 1929 when women’s conditions were likened to forms of slavery, Mr. Jardine who was an administrative official at the time, “painted a rosy picture of women whose conditions compared favourably with those of white women, and whose freedom was so excessive that, indeed, it might have to be curtailed” (ibid. p.11). Boyle’s writing draws attention to the recurring lack of political determination exhibited by male-dominated government bodies to address issues of sex slavery as slavery. In the next section I look at issues of sex slavery that emerged cross-culturally within
the Child Protection Committee of the Save the Children Fund and in which Nina Boyle and other international feminists investigated forms of child slavery, child marriage, and trafficking for marriage. The feminist work of the 1920s enabled sex slavery as slavery to be more widely challenged as a social justice issue which led to further feminist involvement in the 1930s in campaigning for the eradication of the premature sexualisation of children. I will examine how various forms of sexual exploitation were recorded in the only existing minute book of the Child Protection Committee of the Save the Children Fund and the ensuing difficulties beginning to emerge for feminists addressing problems of sex slavery.

The Child Protection Committee of the Save the Children Fund

The Child Protection Committee was formed as a special interest arm of the SCF, arising out of the SCF International Conference on Africa in 1931, with the intention to “study conditions of child life among non-European peoples and to draw attention to abuses and inadequacies” (Freeman 1965 p.46). The first African woman magistrate Miss Stella Thomas was a committee member (idem). The first meeting of the Child Protection Committee was held at 26 Gordon St., London, W.C.1 on Wednesday March 9 1932 at 11am. Eglantyne Jebb’s sister Victoria de Bunsen chaired the meeting and in the first minutes, Infant Mortality, Child Labour and Education, and Child Slavery were recorded as agenda items for consideration (Child Protection Committee 1931 p.1). The committee resolved to secure information on the different countries where child slavery existed (C.P.C. 2:4, p.2). The committee was to liaise with the ‘Anti-Slavery and Aboriginal Protection Society’ to gather up to date information on mui tsai, the system of child slavery in China, and further investigate child slavery in Japan and Persia (idem). The object was to submit a memorandum on the effects of slavery on children to the Temporary Expert Slavery Commission of the League of Nations due to meet early in May 1932 (idem). One of the experts consulted was Ray (Mrs. Oliver) Strachey who suggested in correspondence to Victoria de Bunsen that rather than categorising slavery under countries it would be preferable to consider categories of various types of slavery (C.P.C.3, p.3). Ray Strachey’s comments on slavery suggests that, as a feminist, she was aware of the difficulties associated with attributing types of slavery to countries rather than identifying the

71 The concept of children being trafficked into marriage did not emerge again internationally until the late twentieth century.
Ray [Mrs. Oliver] Strachey was invited to join the committee as an advisor (C.P.C.20, p.9).

The first book of minutes covers seven years of meetings from 1931 to 1939, ending prior to the outbreak of World War II. Throughout the minute book, there are several references to Nina Boyle and Eleanor Rathbone in connection with their activist efforts to curtail child marriage. The activities of other key organisations working to end child marriage and mentioned in the minute book are the ‘Anti-Slavery and Aboriginal Protection Society’, the ‘British Commonwealth League’, branches of the ‘National Council of Women’ in numerous countries, the ‘International Council of Women’, the ‘Women’s International League’, ‘The All India Women’s Conference’, ‘The Women’s India Association’, the ‘Association for Moral and Social Hygiene’, and ‘The League of Nations Committee on the Traffic in Women and Children’.

On Tuesday May 29, 1934 Nina Boyle and Mme Vajkai attended the Child Protection Committee meeting. Victoria de Bunsen asked Miss Boyle to make a statement on the new ‘Children’s Ordinance’ for Ceylon (C.P.113, 1934, p34). In her response, Boyle pointed out that the age at which a child was considered to become a “young person” was seven, after which they were available for any form of labour, and that there was no “protection or redress for adopted children” (idem). It was decided at the meeting to write to the National Council of Women asking if the Child Protection Committee “could join in any concerted action to protest against certain clauses of the Ordinance” (idem). Feminists continued to network against the premature exploitation, including sexual exploitation of children through their various organisations. They understood the progress they could achieve in working together. For instance Alison Neilans of the Association for Moral and Social Hygiene advised that, rather than begin new and specific organisations, feminist aims would be more readily achieved if existing organisations expanded their memberships in more localities and abroad. Neilans saw this strategy as an expedient way to sustain the survival of feminist organisations during the economic hardship of the great depression.

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72 The actual memorandum and appendices, including the correspondence from Ray Strachey were unavailable in August 2002. The S.C.F. archives had recently been moved to Camberwell, and it was suggested by the archivist that the memorandum was either among documents burnt during World War II, or was among uncatalogued material.

73 The British Commonwealth League, originally an offshoot of the suffrage movement and was primarily concerned about women of the British Empire. It had especially taken up the question of aboriginal women of Australia (C.P.85, 1934, p.28)
Nina Boyle was thanked by Victoria de Bunsen for the work she had done in Cyprus making known “facts regarding bad conditions in Cyprus, - facts now deplored in the ‘Times’ and recognised generally” (C.P.114, p.34). The committee subsequently wrote to the Home Office about the “alleged sale of Turkish girls in Cyprus to Palestinian Arabs” (C.P.140, 1935, p.46). The Home Office response from Mr. S. W. Harris on January 11 1935 claimed that most transactions were not “sales” or “auctions” as girls were paid for under customary “Moslem law” mostly resulting in “successful marriages” (idem). Customary law was accepted as long as marriage was the outcome of the transaction. Harris defended selling girls into marriage:

The Cyprus Government have [sic] for some time past been aware that Arabs from Palestine have sought brides from the Moslem community in the Island, and this fact has occasioned no surprise, inasmuch as it is understood that the number of would-be-bridegrooms in Palestine exceeds the number of eligible brides while the converse is true of Cyprus … The bridegrooms have certainly been in the habit of paying sums of varying amount to the parents of the bride and in so doing have acted in accordance with Moslem customs; the Governor points out that it is, in fact, customary in all Moslem communities for bridegrooms to make a payment to the bride’s family, which is sometimes called “bride-price” (C.P.140, p.47).

Independently of the CPC, Nina Boyle’s committee wrote a letter to the Home Office about the sale of girls in Cyprus and received a reply couched in similar terms. Nina Boyle, not to be put off track, sent a list of specific questions aimed at getting more accurate information and in so doing challenging the male sex right. Boyle was not intimidated by the excuse of marriage used by government officials in turning a blind eye to the sale of girls. For Boyle sexual slavery occurred whether or not marriage contracts existed, and she was intent on asking practical questions that required specific answers. In a radical sense, her style of feminism was to get to the root of the problem, and elicit some form of accountability.

How many girls were concerned in the recent transactions?

What was the age of the girls, and what machinery, or
possibilities if any, were open to them to make any protest? In
the latter case what was the nature of the passports issued in
respect of the girls? Is the Governor assured that none of the
girls were subsequently traded in other territories than
Palestine where they would be beyond British jurisdiction
(C.P.141, p.47)?

Nina Boyle and the CPC remained concerned that marriage was being used to
assuage possible intervention by government bodies. The CPC felt that the subject
was one which came within the scope of the League of Nations Committee on the
Traffic in Women and Children and agreed that a further letter should be sent to
Mr. Harris, in his capacity as a member of that Committee, asking that the question
should be raised at the next meeting” (idem).

At the same meeting Victoria de Bunsen reported on an interview with the Rev.
Charles Freer Andrews with whom she discussed the possibility of the Save the
Children Movement being launched in India. It is of interest to note Andrews’ role
in CPC work at this point as in the next chapter I discuss the way he defends child
marriage on the basis of an assumption that girls mature more easily in hot tropical
climates and are therefore more prepared for early sexual unions than their English
counterparts. However, in relation to the CPC at this point the report states “he
was of opinion that the Save the Children Movement in India should be prepared
to attack both indigenous evils, such as Child Marriage, and those imported from
the west, such as abuses connected with industry. It was very important, he said,
that the work should be carried out by English and Indian women working
together, but without any kind of ‘government’ patronage” (idem).

The CPC invited representatives of international organisations to committee
meetings. Mrs. Lankester, the Liaison Officer between feminist organisations of
the United Kingdom and the ‘All India Women’s Conference’ and the ‘Women’s
India Association’ reported on a survey of Indian feminist organisations and their
social reform work (C.P.144, 1935, p.48). Mrs. Lankester reported that the
“Centre” organisation was the ‘All India Women’s Conference’ (AIWC) which
had branches in almost every province and held annual conferences (idem). The
‘Women’s India Association’ (WIA), the first organisation to be formed, had
seventy-two branches with four thousand members and was inclined to the “Left”
(idem). She also stated that the National Council of Women (NCW) was linked up
with the International Council of Women (ICW) and was more “Conservative”
(idem). Lankester, reporting on the three bodies, claimed that the NCW was pressing for passing the ‘All India Children Act’ and the WIA mostly associated with the enfranchisement of women and only incidentally with social reform (idem). The AIWC reportedly had an extensive programme, seeking to secure the abolition of child marriage by amendment of the Child Marriage Restraint Act (Sarda Act), and was anxious to raise the age for marriage and for employment from twelve to fourteen (idem). In Chapter Five I discuss the Sarda Act in connection with Eleanor Rathbone’s political work with Indian feminists concerning the eradication of child marriage and ending the premature sexualisation of children.

Mrs Lankester was instrumental in liaising between the CPC and the AIWC on the question of child marriage. As the appointed representative of the AIWC in Britain, she reported. “the AIWC was desirous of obtaining support in its agitation for the reform of the Act” (C.P.153, 1935, p.51). Edward Fuller had also discussed reform of the Act with Mrs. Rama Rau who had raised the matter at a meeting of the British Commonwealth League. Mrs. Rama Rau explained that the reformers wanted to make the Act preventive of child marriage (idem). “As it stood, no action could be taken until the marriage had taken place, and only before a Presidency Magistrate, or a District Magistrate. Even then the penalty was usually only 100 rupees, which those who contravened the Act were apt to look upon as merely a part of the marriage expenses” (idem). A draft resolution was drawn up supporting the AIWC in their submission (idem).

Due to widespread involvement of christian missionaries in India and other nations, and of the christian affiliations of the SCF, missionary organisations of the christian church such as the Church Missionary Society (CMS) and the London Missionary Society (LMS) were inevitably consulted on the question of child marriage in India. The CMS and the LMS both supported legislative reform, but only if legal provision could be effectively enforceable (C.P.169, 1935, p.54). “The Committee then discussed the matter at some length and it was decided to inform the All India Women’s Conference that the Child Protection Committee sympathised in principle with the efforts being made to amend the Child Marriage Act (Sarda Act) but was unable to comment on the suggested methods of carrying this into effect” (idem). Victoria de Bunsen said she would discuss the matter further with Miss Rathbone (idem). In Chapter Five, I further discuss Eleanor Rathbone’s role in liasing with Indian women and their organisations in order to
develop political strategies to end child marriage. After meeting with Rathbone, de Bunsen stated,

that Miss Rathbone was very anxious that the Parliamentary Committee which had dealt with various questions a few years ago should be revived with wide powers to include children and generally keep an eye on the effects of Colonial legislation on women and children (C.P.169, 1935, p58).

After further meetings between the CPC and Rathbone, the CPC re-drafted the Resolution to amend the Marriage Restraint Amendment Bill, agreeing that the resolution be sent to the Viceroy, the Secretary of State, the President of the Legislative Assembly, the High Commissioner for India and Mr. B. Das who had introduced the Bill.

At the same time that child marriage in India was under discussion between the CPC and the AIWC, further information was coming to hand about forms of child marriage happening in Australia. In 1935 the CPC noted that concern about the Australian Aborigines had again been raised by the ASAPS and the BCL. The discussion centred on “concern for the welfare of children of the Aborigines and of half-caste children” (C.P.152, 1935, p.51). Committee member Mr. Fuller claimed, “publicity had been very much restrained owing to the fact that the Press was unwilling to print anything which reflected on the Australian administration” (idem). Fuller had met with Mrs. Bryce, former chair of the New South Wales NCW, but the CPC instructed Fuller to speak further on the matter with Mrs. Rischbieth, “a leading Australian” who was in London at the time (idem). There is no record in the minutes of the outcome of the meeting between Fuller and Rischbieth. Very little research has been conducted on the work of Bessie Rischbieth (1874—1967) in relation to her interwar feminist activities on sexual slavery. Rischbieth was a foundation member of the Children’s Protection Society in 1906 in Western Australia. Later she served on the League of Nations as a Substitute Delegate. Historian Carly Millar has written that Rischbieth, as a result of her networking with the British suffragettes and suffragists in London, on her return to Australia in 1921, founded the Australian Federation of Women Societies for Suffrage and Equal Citizenship which later became the Australian Federation of Women Voters (Millar, 2003, p.89). Rischbieth’s feminism was international in outlook, and she went on to establish organisations in Australia such as the British
Commonwealth League and the Pan-Pacific Women’s Organisation (ibid p.90). Rischbieth worked on “a white woman’s campaign for indigenous rights in the 1920s and 1930s” in Australia (ibid p.89).

Fuller reported on a meeting with another Australian, Mrs. John Jones, wife of the rector of Marlborough who was formerly a missionary in the Torres Straits (C.P.171, 1936, P.58). Jones was particularly concerned about the marriage of children aged seven, eight and ten to old men (idem). Jones reported that “the native people were entirely deprived of any civil rights and there was no education for the children apart from the very few missionary efforts” (idem). The rest of the paragraph states that a “certain section of the people of Australia strongly felt” that “the supervision of the Aborigines should be a commonwealth problem and not left to State Parliament” (idem). The minutes reveal that the matter was “discussed in some detail,” although the actual details remain unrecorded. The committee agreed that the new Rector of St. Pancras, Horace Crotty, who was formerly the Bishop of Bathurst, and also Ralph Piddington, the anthropologist, be contacted with a view to later seeing the High Commissioner and the Agents-General (idem). Fuller’s report of the discussion held with Horace Crotty indicates that the church had no political will to enter into investigations into child marriage at the time. Crotty is quoted as saying, “the church in Australia was doing a good deal for the Aborigines, and that there was, in some quarters, an excess of sentimentality in regard to these people” (C.P.181, 1936, p.61). The committee was to contact Duncan Hall, a representative for the Australian Government in Geneva at the League of Nations who had made “a special study of the aboriginal question” (idem). Victoria de Bunsen thought the “time was now ripe” to approach the High Commissioner with representations “as to the necessity for making provision for the protection and education of aboriginal and half-caste children” (idem). Deputation to the High Commissioner was deferred on the basis of another letter received from Mrs. Jones and tabled at the following meeting of the CPC on October 20, 1936. Mrs. Jones had written drawing attention to “the bartering of women and girls, even as young as ten years, to Japanese sailors, in exchange for food and tobacco” (C.P.184, 1936, p.62). The minutes stated that due to the matter being reported in The Times and Daily Express on the authority of Monsignor Gsell, of the Bathurst Island Mission, it was decided to refer the matter to Mr. Ekstrand of the League of Nations (idem). De Bunsen stated that she “would
shortly be seeing Dr. Williams, a Don at Melbourne University, and would discuss the aborigines question with her” (idem).74

A special meeting was called for June 13 1937 to enable Mrs. Jones to speak on the Aboriginal children of Australia. Jones stated that the Aboriginal children were “the most unknown, unwanted and neglected children in the world” (C.P. 199, 1937, p.68). Prior to the June 13 meeting there had been little opportunity to communicate the problems facing Aboriginal children (idem). She explained that at a recent ‘English-Speaking Conference on Child Welfare’, at which the Australian prime minister’s wife took a prominent part, “not a word was said to suggest that there were any children in Australia other than white children” (idem). The minutes record of Mrs. John Jones’ talk suggests that forms of trafficking of Aboriginal children for sexual purposes was of serious proportion.

A grave phase of the problem was the condition of the half-caste children; most were “orphans” [sic] in the sense that they had no fathers who acknowledged them. Even if they were nurtured and educated by a Christian Mission, they were liable at the age of ten years to be sold to the most disreputable aboriginal hangers-on of civilisation, some of whom might be their own fathers, who had left them to the care of the mission as infants but might demand them back without any legal let or hindrance [sic]. Some of them might be passed on as wives to their fathers’ friends. Mrs. Jones cited cases of cruelty to child wives and said that the Royal Commission in Western Australia a few years ago found 500 children living in conditions which no Englishman would tolerate for his dog (idem).

Jones also claimed that Father Gsell of the Roman Catholic Mission of Bathurst Island, “found that he could buy up large numbers of the native girls, for their protection, at less than 2 lb. (about one kilogram) worth of commodities per head, as the Japanese pearl fishers offered less than that to acquire them as concubines” (ibid p.69). A discussion followed in which Miss Tucker asked whether the League of Nations had ever concerned itself with this question. Victoria de

74 The surviving C.P.C. minutes are fragmental in their introduction of several topics and people only mentioned once or twice. Another area of future research could be to follow up some of these people who are mentioned around the campaigns against child marriage.
Bunsen replied that it was a domestic question and thus outside the scope of the League (idem). It is evident from the fragments of minutes that the topic of the problem of child marriage within Indigenous Australian communities and the trafficking of Aboriginal children at the time was largely avoided. The problem of child marriage within Indigenous communities in Australia is an area that was not challenged by most white Australians in the interwar years. Primarily, Indigenous Australians were largely rendered invisible due to their non-recognition as citizens by the white Anglo-Celtic government at a time when the government was intent on eradicating the Aboriginal people by “diluting” the race through assimilation policies.75

In 1938 the CPC had attended a meeting under the auspices of the Liaison Group of the Indian Women’s Movement that had been addressed by Mrs. Lankester. Lankester referred to the Child Marriage Restraint Bill, lately reintroduced by Mr. Das, and now favoured with the united support of the Indian Government and Congress. As the Bill had been referred to a Select Committee, there appeared to be greater hope of its passing into law (C.P.210, 1938, p.74). Mrs. Lankester also referred to the proposal of the AIWC that the marriage age of girls should be raised to sixteen years and boys to eighteen, and to prohibit marriage where there was a disparity of more than twenty years between a man and a minor girl (idem).

Conclusion

Women’s groups remained influential contributors to social reform throughout the duration of the League of Nations until its demise at the end of World War Two (Stienstra, 1994, p58). The 1920s and 1930s were two decades in which significant numbers of feminists rallied, mainly through well-organised women’s groups, to the international call of the League of Nations. British feminists who had become involved in social reform campaigns to end the premature sexualisation of children prior to World War I, continued to develop an intense and international focus on eradicating sex slavery as slavery throughout the interwar period. A radical feminist analysis of sex slavery emerged during the ‘age of consent’ controversies, resulting in Nina Boyle’s critique of male sexual privilege as the key obstacle preventing the shaping of social justice in ways to end sex inequality. Despite the reluctance of some members of the League of Nations to

75 Australian government policies were in place to remove Aboriginal children from their families with the view to ‘whitening’ the race. These policies led to generations of ‘stolen children’ which
engage in a critical analysis of men’s roles in the premature sexualisation of children, a radical feminist analysis emerged that transcended the public/private divide. One critical area of advancement in developing and gaining acceptance for the idea of women’s and children’s rights as human rights centred around the identification as a cross-cultural phenomenon of sex slavery as slavery.

In the next chapter I introduce the important work of British MP Eleanor Rathbone and her involvement with Indian feminists in the controversial issue of child marriage, particularly in regard to the premature sexualisation of children. I will discuss how the controversy over child marriage erupted into international circles after the publication in 1927 of Katherine Mayo’s book, *Mother India*. The interchange between British feminists and Indian feminists has been largely criticised by cultural relativists as a campaign dominated by imperial feminists at the expense of their subaltern sisters. I will investigate the controversy by examining individual correspondence between Eleanor Rathbone and Muthulakshmi Reddi on the issue.

complicating the problem of child marriage even further.
Chapter Five: Cultural Relativism and Sexual Relativism: A Radical Feminist Perspective

Every social evil in this blessed country goes in the name of religion. What is custom after all? If any practice is observed for a few years owing to the exigencies of the times it becomes sanctified as a custom. So, let not the Government be frightened into inaction by the cry that religion is in danger. I may submit, here, that the society has derived no benefit at all from the age of consent Bill, because, Sir, as the Hindu law allows polygamy, the parent of the girl dare not refuse to send the girl to her husband’s house when he demands her for fear that the boy may be remarried (Muthulakshmi Reddi, 1929, excerpted from her address to the Indian Legislative Assembly to raise the age of marriage for girls to 14 and boys to 18).

Introduction

In this chapter I introduce the controversy that erupted over child marriage during the period between World War I and World War II, when the Indian struggle for independence against British colonisation was intensifying. In 1927, after the publication of American journalist Katharine Mayo’s book, *Mother India*, which criticised child marriage within a context that suggested India was unfit for *swaraj* (home rule), a fierce international controversy emerged over the issue. In order to investigate how cultural relativism emerged to defend traditional practices that included child marriage, I introduce the concept of sexual relativism as a theoretical tool of analysis to examine ways in which the male sex right was protected by both the British and the Indian governments. I also introduce the key feminist activists, Eleanor Rathbone and Indian politician, Dr. Muthulakshmi Reddi, both of whom liaised internationally in the campaign against child marriage.

Dr. Muthulakshmi Reddi, in her address to the Indian Legislative Assembly in Madras in 1929, attacked the use of patriarchal religion to excuse the ongoing practice of child marriage. She criticised the Indian Government for defending
men’s conjugal rights on the basis of religious law, and the British Government for their indifference to the problem. Throughout the interwar period Muthulakshmi Reddi, Radhabai Subbarayan, Lakshmi Menon and several other Indian feminists corresponded and met with Eleanor Rathbone on the issue of child marriage and women’s franchise. Rathbone and Indian feminists were in agreement that enfranchisement underpinned the basis of citizenship for women and without it there would be little hope to challenge the hegemonic defence of child marriage. Reddi, Rathbone and other British and Indian feminists argued that women’s status as a minority group, in conjunction with men’s ownership of girls and women as property in marriage, was a cross-cultural problem that maintained women’s subordinated status.

Eleanor Rathbone’s involvement in the interwar campaign against Indian child marriage has elicited both criticisms and accolades at the time and since. She has been criticised as a cultural imperialist by feminist historian Johanna Alberti (Alberti 1996, pp.102-3) and hailed as a friend to women by Indian and British feminists alike (Oldfield 1997). This chapter explores these claims and argues that despite her inherited imperial status, Rathbone was an ally to women and in her activist role campaigned successfully with Indian feminists toward enfranchisement and in the struggle to end women and girls’ subjugation in forms of sex slavery such as child marriage. Both Muthulakshmi Reddi and Eleanor Rathbone interrogated government bodies and political leaders who bowed to custom and religious tradition. The relationship developed between these women is an important factor in understanding the ways in which activists developed strategies to around issues of sexual exploitation and managed to engage in a dialogue in political structures that had previously been denied to women. This chapter examines Eleanor Rathbone’s correspondence with Muthulakshmi Reddi, Radhabai Subbarayan, and the British Secretary of State for India, W. Wedgwood Benn, on the subject of child marriage and women’s franchise. The contents of these letters reveal some of the cross-cultural concerns shared by Indian and British feminists and the determination they demonstrated in their campaigns to

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76 It is beyond the scope of this thesis to discuss all the correspondence between British and Indian feminists on the question of child marriage. In this chapter I focus on the correspondence between Eleanor Rathbone, Muthulakshmi Reddi, Radhabai Subbarayan and Wedgwood Benn.

77 It is beyond the scope of this thesis to examine further correspondence between Eleanor Rathbone and other Indian feminists such as Lakshmi Menon, Mrs Sri Mayadevi Gangulee, and Mrs. Hamid Ali. For further references to letters see Rathbone's three biographers, Alberti, Johanna. 1996. *Eleanor Rathbone*. London: Sage Publications Ltd, Pedersen, Susan. 2004. *Eleanor Rathbone and the Politics of Conscience*. New Haven and
ensure citizenship for women. I begin by discussing how child marriage was contextualised within Indian legislation in the 1920s and 1930s. Then I discuss men’s demand for sexual access to girls as a form of sexual relativism, thus revealing the hidden side of cultural relativism that deals with men’s sexual business.

The Joshi Committee Report and the Sarda Act
Child marriage again emerged as an international controversy in 1928 when ‘conjugal rights’ were contested by feminists such as Muthulakshmi Reddi.78 The Joshi Committee79 was mandated to investigate the extent and results of child marriage. The Committee was all Indian, except for one British woman doctor, and was chaired by Sir Moropant Joshi. Over the period of one year the committee travelled across India, interviewed four hundred people and issued nearly eight thousand questionnaires. The findings of the Joshi Report, detailing extensive maternal and infant mortality and morbidity, comprised nine volumes and proposed an end to the practice of child marriage.

Early marriage is an evil and an evil of great magnitude. It contributes very largely to maternal and infantile mortality, in many cases wrecks the physical system of the girl and generally leads to degeneracy in the physique of the race … If legislation was justified for preventing Sati, there is ample justification for legislation to prevent early maternity, both on the grounds of humanity and in furtherance of social justice (Joshi Report, p.102, quoted in Rathbone 1934 p.21).

The Joshi Committee identified ‘early maternity’ as harmful to women and girls recommending an end to the custom. The Joshi Report stated that 42 percent of Indian girls at the time were married before the age of 15, that “consummation soon after marriage was almost universal among classes practicing child marriage” and that “the fitness of the girl for consummation and possible motherhood was

78 Chapter Two examines the previous international controversy over child marriage, when, in 1888 the Rukhmabai versus Dadaji case demonstrated the difficulties for women in challenging and resisting conjugal rights within the law.
hardly taken into consideration” (Joshi Report, p.92, quoted in Rathbone 1934 p.22). The Report stated that pre-puberty consummation existed “to a far greater extent than may ordinarily be supposed and requires a drastic remedy” (Joshi Report, p.97, quoted in Rathbone 1934 p.22). Medical members of the Joshi Committee brought forth evidence of physical and psychological damage to young girls as a result of premature sexual intercourse performed as conjugal rights. Dr. G. J. Campbell, M.D., Principal of the Lady Harding Medical College, New Delhi, is quoted as attending more than a thousand hindu girls for child-birth at ages of twelve and three-quarters to sixteen and a half. She enumerated as health problems, cases of tuberculosis that often developed during pregnancy or lactation; osteomalacia, a softening of the bones, caused by seclusion in zenanas80 after marriage, and resulting in the birth of babies “small and below par in vigour and resistance to disease” (Joshi Report, Vol.I. p.433, quoted in Rathbone 1934, p.28). Mrs. Lillian Star of the Medical Mission in Peshawar claimed that in Kashmir girls of eleven and twelve were brought in extremis to the hospital, unable to bear living children without caesarean sections (Joshi Report, Vol.I. p.207, quoted in Rathbone 1934 p.32).

Justice Nanavutty, Judge of the Chief Court of Oudh at Lucknow, cited the purdah system as causing ignorance in the girl-wife in matters of health and hygiene and looked to the women of the country to take up the cause of ending child marriage. Justice Nanavutty, in absolving himself and other men from any responsibility in the matter, exemplifies the sexual/cultural relativist position. He claimed that the solution to ending the sexual use of girls was in the hands of women: “Until the women of the country take up this cause in right earnest, the generality of men, who look upon them as their playthings, will not really and seriously bestir themselves” (Joshi Report, Vol.IX. p.243, quoted in Rathbone 1934 pp.32-3).81 Religious advocates quoted in the report, who were in favour of preserving child marriage as a tradition, were against fixing by law any age of marriage. The sexual relativist position was upheld by religious leaders who defended child marriage on the grounds of upholding religious tradition. For example, Quazi Sahirul Haq of Dacca defended child marriage as God’s law and in answer to the committee, admitted that girls were married at all ages, even two or three, and that

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80 “Zenanas” were sections of a home where girls, once married, were kept in seclusion from male scrutiny, often in rooms with no source of natural light.
81 See Chapter Four where I discuss how British judges excused crimes of sexual assault and incest on the basis that women and girls, by virtue of their promiscuity, were to blame.
immediately after puberty girls were sent to their husband’s house, often becoming mothers at ten to fourteen years (Joshi Report, p.68, quoted in Rathbone 1934 p.33). The committee worked in conjunction with the Census report of 1931 to ascertain, as correctly as possible, the extent to which child marriage was practised. Contrary to belief that child marriage was predominantly practised by hindus, the Census revealed that child marriage was commonly practiced in hindu, muslim, jain and brahmin religions.\(^2\)

The work of the Joshi Committee coincided with the passing of the Indian Child Marriage Restraint Act of 1929. The Act, while establishing a minimum age for marriage at 18 for women and 21 for men, did not eradicate child marriage which remained common practice (Hossain 1994 p.477). The Child Marriage Restraint Act was also known as the Sarda Act because of the work done by Rai Sahib M. Harbilas Sarda of Ajmer Werara who originally introduced the Bill to the Select Committee in 1927, and who had circulated the Bill throughout the Provincial Governments. The Act was initially passed on October 1 1929 but did not come into effect until April 1 1930. The Act was to apply to all of British India, prohibiting the previous practice of the marriage of girls under fourteen and of boys under eighteen. However, the Act prohibited any Court from taking proceedings against offenders except upon complaint (Rathbone 1934 p.43). As a result of this provision, few prosecutions were affected. Furthermore, during the six months time lapse from the date of the Bill to its official enactment, a spate of child marriages occurred (ibid p.45). The Report of the 1931 Census revealed that during the six months period “the number of acknowledged wives under the age of fifteen increased roughly from eight and a half million to roughly twelve and a quarter million” despite the overall population only increasing by 10.6 percent (ibid p.46).\(^3\)

Eleanor Rathbone’s involvement in the campaign against child marriage built upon the foundational work of the Joshi Committee and the ensuing Child Marriage Restraint Act of 1929. Rathbone’s book, *Child Marriage: The Indian Minotaur, an
Object-Lesson from the Past to the Future\textsuperscript{84} was received in a favourable light by Indian feminists. Rathbone’s 1934 publication was born of exasperation at the lack of political will exhibited by British and Indian officials in their failure to address the problem. In the introduction to her book she points out that “innumerable books on India by those who have served her—ex-Viceroy’s, ex-Governors, and the lower ranks” omit any reference to child marriage.

Look up in the index such words as “women,” “marriage,” “purdah.” You will find sometimes nothing, sometimes a few paragraphs or sentences paying conventional tribute to missionary efforts, or to the recent uprising of the women’s movements, or making complacent reference to the British suppression (several generations ago) of suttee and infanticide (Rathbone 1934 p.15).

In addition to her criticism of traditional historians who ignored their consciences by omitting the problem of girl wives from their writings, she was also concerned that the sensationalising approach to the problem of child marriage, adopted by American journalist Katherine Mayo in her book Mother India, published in 1927, would do more harm than good. In the next section I discuss how Mayo’s book, dubbed a “shilling shocker” by Gandhi, fuelled a political crisis on the issue of child marriage.

**Katherine Mayo’s Mother India**

Katherine Mayo’s widespread publication, Mother India, created a controversy of international proportion on the problem of child marriage, leading to divisive tensions between women’s organisations in relation to Indian nationalism (Sinha 2000; Wilson 1997).\textsuperscript{85} Ghandi criticised Mayo’s book for its political sensationalism:

The book is cleverly and powerfully written. The carefully chosen quotations give it the appearance of a truthful book.

But the impression it leaves on my mind is, that it is the report

\textsuperscript{84} Rathbone used the mythical minotaur, to whom the ancient Athenians sacrificed seven maidens and seven youths until Theseus slew the monster, as a metaphor for the “evil of child marriage” (Rathbone, 1934, p10).

\textsuperscript{85} As I have pointed out in the Literature Review chapter, an extensive body of literature and debate on Katherine Mayo’s Mother India occurred at the time and has persisted for more than half a century.
of a drain inspector sent out with the one purpose of opening
and examining the drains of the country to be reported upon, or
to give a graphic description of the stench exuded by the
opened drains. If Miss Mayo had confessed that she had gone
to India merely to open out and examine the drains of India,
there would be perhaps little to complain about her
compilation. But she says in effect with a certain amount of
triumph, “The drains are India” (Gandhi 1927 pp.539-40).

As a result of her insensitivity, Mayo angered Indian feminists who felt that she
had damaged rather than aided their campaigns. Mayo’s book fuelled rather than
quelled the idea that western feminists were imperialist. In addition to criticism
from Mahatma Gandhi and Rabindranath Tagore, Harbilas Sarda criticised Mayo
as sabotaging the positive effect the passing of the Sarda Act would have in acting
as a deterrent to child marriage. As Sarda put it:

A few there are, however, who do not belong to India, and who
are unhappy over the abolition of child marriage. Their chief
representative is Miss Mayo and they fear that when child
marriage disappears their profession of ruling the country on
which they flourish shall have gone. By belittling the
enormous importance of the new law, they betray their
hostility to the advancement of the country (Sarda 1930,

In Mother India, a damming critique of Indian social structures and customs, Mayo
employed all the ‘Caucasian vigour’ she could muster to demonstrate that Indians
were unfit for Swaraj or Home Rule. Her high-handed approach, incorporating a
critique of child marriage and its attendant damage to girl wives as a result of
premature sexual intercourse, showed little regard for a nation of people struggling
to shake off the cloak of Imperial rule, and further demonstrated her own brand of
imperialism. With all the zeal of a christian missionary bent upon converting the
masses she took it as her American duty to write a “muckraking” exposé on Indian

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86 American Anthropologist Ruth Benedict uses the term “Caucasian Vigor” [sic] in describing a
self-righteous style of white supremacy (Benedict in Race: Science and Politics, 1940 p134).
culture at a time that coincided with increased criticism from the US towards British rule in India (Sinha 2000 p.19).87

In the introduction to Mother India, Mayo introduces herself as an innocent bystander: “I should like it to be accepted that I am neither an idle busybody nor a political agent, but merely an ordinary American citizen seeking test facts to lay before my own people” (Mayo 1927 p.21). Mayo was far from the ordinary citizen she claimed to be, and if Sinha is correct in her claim that Mayo was commissioned by British and American officials to make an argument against Indian independence, then she was indeed the political agent she denied.88

Mrinalini Sinha’s scholarly study of Mayo’s earlier works, criticises Mayo’s journalistic style as deliberately “muckraking,” and a form of biased reporting that she had already used in earlier books defending police powers in Pennsylvania (Sinha 2000 p.9).89 Sinha claims that Mayo was right wing, racist and sexist in her approach to supporting hegemonic power: “In making her case for the state police force, Mayo effectively invoked the twin specters [sic] of hordes of male immigrants, and ‘Negroes’ who lacked ‘manly’ self-control, and of defenseless [sic] Anglo-Saxon women who needed the protection of the state police” (idem).

According to Sinha, Mayo had adopted a similar approach in her previous book, The Isles of Fear: The Truth About the Philippines (1925), advising against independent rule in the Philippines on the grounds of sexual violence committed against Filipina women (Sinha 2000 p.17; Wilson 1997 p.140). Through her investigation of correspondence between Mayo and various government officers, Sinha suggests that British and American officials saw the value in commissioning Mayo to write a book that reflected favourably the values of colonial rule, and in the case of Mother India, a case against Swaraj (Home Rule) (Sinha 2000 p.18).

Mayo wrote Mother India in collaboration with her friend and companion Moyca Newell.90 According to Sinha, although several British officials expressed

87 For a discussion on the term muckraking in relation to journalism and Theodore Roosevelt’s criticism of it as pejorative see p8n17 in Mrinalini Sinha’s (2000) introductory commentary to Mayo’s Mother India (1927).
88 Mrinalini Sinha claims that although Mayo’s work with the British Government was clouded in secrecy, her writing of Mother India, was supported by British and American officials. For a complete discussion on this matter see pp.20-28 in her introductory commentary (ibid).
89 Mayo’s books defending police powers and quoted by Sinha are, Justice to all: Pennsylvania State Police (1917), The Standard Bearers: True Stories of Heroes of Law and Order (1918), and Mounted Justice (1922). According to Sinha, these books were justly credited for having laid the foundations for the state police force (Sinha 2000 p.10).
90 Liz Wilson, historian of comparative religions, has pointed out that Katherine Mayo lived in a life-long romantic friendship with Moyca Newell, a Dutch heiress who built an estate for the two of them in Bedford Hills, New York (1997 p.143).
discomfort at the intense criticism of Hindu culture in Mayo’s book, at no stage were they uninformed of her intentions to subvert Swaraj. In one letter from Mayo to Sir Basil Blackett, the Secretary of State she made clear her mission (Sinha 2000 p.21).

Briefly we want to be useful to our own country, and we think our own country’s greatest need is a better understanding of and closer sympathetic relationship with Great Britain … it therefore occurred to us that if we could do, in India some such work as we did in the Philippines, we might cut some ground from under the feet of the troublemakers (Mayo to Blackett, December 25 1925, quoted in Sinha 2000 p.22).

This excerpt from Mayo’s letter to Blackett illustrates the imperialist ideology motivating her and Newell’s visit to India and, like the contents of her book, demonstrates a sense of western superiority rather than exhibiting any intention of forming an alliance based on equality with Indian feminists or their organisations.Indian feminist Muthulakshmi Reddi and organisations such as the Women’s India Association, already involved in campaigns against child marriage and devadasi, were not mentioned in Mayo’s exposé. Dr. Muthulakshmi Reddi of the WIA was outraged by the publication of Mother India and wrote a detailed response pointing out inaccuracies Mayo had incorporated as devices to sensationalise cultural practices related to child marriage issues (Sinha 2000 p.226). Reddi, no supporter of the caste system herself, criticised the lack of compassion evident in Mayo’s descriptions of the untouchables, the least empowered members of society.

Eleanor Rathbone was critical of Mayo’s approach to the issue of child marriage, but became involved in the campaign when she read Mayo’s account of the physical harm experienced by young girls as a result of sexual violation. According to Mary Stocks, Eleanor Rathbone’s original biographer, Eleanor was outraged because, “small immature girls were being mauled and torn by merciless

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91 Sinha quotes from further letters of a similar ilk in her commentary on Mother India; see pp.20-28.
92 The Women’s India Association was formed in 1917 by Dorothy Jinarajadasa and Margaret Cousins of the Theosophical Society in Adyar. The WIA was an affiliate of the International Alliance for Suffrage and Equal Citizenship.
93 See Sinha 2000 pp276-286 for a full transcript of Muthulakshmi Reddi’s critique of Mayo’s Mother India.
sex intercourse and premature childbirth” (Stocks 1949 p.124). Susan Pedersen, in her recent biography *Eleanor Rathbone and the Politics of Conscience* has pointed out that “puritanical and sensitive as she was, Rathbone was horrified by Mayo’s graphic revelations. But she also felt, oddly, grateful – thankful to Mayo for uncovering yet another instance of female subjection and apologetic about her own ignorance” (Pedersen 2004 p.242). After reading Mayo’s account of the physical damage to girls and women as a result of premature sexual intercourse in early marriage, Rathbone was galvanised into action to campaign against the practice, which she continued to do for the next decade. According to Stocks, Rathbone “conceived that her immediate task must be to test the accuracy of Miss Mayo’s facts, strip the problem bare of political and racial prejudice, and bring some statistical enquiry to bear on its proportions” (Stocks 1949 p.125). Her reading of the book coincided with her national work as president of the National Union of Societies for Equal Citizenship (NUSEC), and her international work on the Child Welfare Committee of the League of Nations. As I mentioned in Chapter Four, the Child Welfare Committee had been conducting an investigative country-by-country survey to establish an understanding of early ages of marriage and consent with the view to amending legislation that was geared to protecting the sexual privileges of men. Sinha argues that Rathbone demonstrated her support for Mayo’s publication *Mother India* by writing an article, “Mother India: Its Claim on the Women’s Movement,” in the official organ of the NUSEC, *Women’s Leader and Common Cause* (Sinha 2000 p.50).94 However, unlike Mayo’s polemical *exposé* of the child marriage question, Rathbone’s approach to the campaign was woman-centred, albeit involving initial difficulties in coming to grips with the complexities of negotiating cross-cultural differences. Rathbone came from a background geared towards shaping social justice through establishing a legislative infrastructure supportive of welfare for women and girls, and this philosophy extended to her campaign to end sexual violence. Stocks further suggested that Rathbone’s “conviction that the work which lay ahead of her could best be done from inside the Parliamentary machine assumed an increasingly definite shape in her mind” (Stocks 1949 p.125). In 1929 Rathbone wrote in personal letters to Sri Maya Devi on July 24 and to Mayo on June 10 articulating her “hope of being able to do something effective for the health, education, and status of Indian women” as one of the “principal reasons” or even the “deciding factor” which led her to seek election to Parliament (Stocks 1949 p.125).

94 See Sinha 2000 pp50-53 for further details of articles written by Rathbone against child marriage and seen by Sinha as supportive of Katherine Mayo’s *Mother India.*
Immediately after English women were enfranchised on July 6 1928, Rathbone initiated an international focus for the direction of the women’s movement. On July 13 1928 in the *Woman’s Leader*, the official organ of the NUSEC, she wrote:

Not merely the terminology, but the boundaries of the woman’s movement are changing. Like other movements, it is becoming more international, especially within the bounds of the British Empire. Some of us are imperialists; some of us are not. But so long as imperialism is an unescapable fact, its responsibilities are also an unescapable fact, and these, for the women of this country, include the welfare of all those women in India and the East whose wrongs, as compared to the worst wrongs of our past, are as scorpions to whips (Rathbone, quoted in Stocks 1949 p.127).

Rathbone embraced franchise as the “new citizenship for women” and saw it as the touchstone of a new feminism, one that would not rest on its laurels but would affect a “changed attitude on the part of society toward human happiness and suffering, especially towards the happiness or suffering of its less powerful and articulate members” (Stocks 1949 p.128).

Rathbone, in her initial attempts at creating committees to combat child marriage, organised two conferences through the NUSEC (Pedersen 2004 p.243; Sinha 2000 p.50; Stocks 1949). At the London conference in October 1929, a conflict between Rathbone and Indian feminist Dhanvanthi Rama Rao emerged because the delegates only included British women as speakers against child marriage. According to Pedersen, “Rama Rao pointed out in an intervention from the floor: why, then, had conference organizers neither consulted Indian women nor arranged for any to speak – why, moreover, was Rathbone in the chair – a woman who had written publicly in Katharine Mayo’s defence?”(Pedersen 2004 p.243). Sinha, too, has documented the Indian women’s protest against Rathbone’s apparent sympathy with Mayo, and in combination with her role as a leader of British feminists on the question of child marriage Dhanvanthi Rama Rao cast her as imperialist (Sinha 2000 p.51, n.120). According to Susan Pedersen, “Rama Rao taught Rathbone a first lesson in the politics of empire” (Pedersen 2004

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95 See Sinha for further references of coverage of October 1929 conference; p51. n120.
p.243). As Sinha points out, it was only after Rathbone distanced herself from
Mother India, that she was able to “establish a partnership with select Indian
women on women’s issues in India as well as to build a career as a champion for
the cause of Indian women in the British Parliament” (Sinha 2000 p.53). Rathbone
was then able to successfully liaise with Indian feminists in the anti-child marriage
campaigns. In the next section I discuss how the importance of Eleanor Rathbone’s
link with Indian feminists lay in fending off the emergent cultural relativist view
that defended the male sex right on the basis of tradition. I introduce the way in
which sexual relativism underscores cultural relativism as a defence of child
marriage.

Cultural Relativism and the Sexual Relativism of
Conjugal Rights

Another form of criticism towards non-Indian feminists opposing child marriage
came from cultural relativists. Cultural relativists adopted and promoted the
mistaken idea that girls’ subordination in marriage in non-western cultures was
different from the subordination of girls married prematurely in western cultures.
Instead of challenging men’s conjugal rights, cultural relativists mounted a defence
of child marriage as customary tradition protected by religious law. Cultural
relativism emerged from the discipline of anthropology in the 1920s. As I
signalled in the introduction to this thesis, Jewish anthropologist Franz Boas was a
keyponent of cultural relativism which developed as an ideology to enable the
criticism of racist practices. In order to stem the tide of anti-semitism that was
concurrent with the rise of fascism in the period prior to World War II, Boas
proposed the adoption of tolerating cultural differences as a recognised academic
discipline. However, Boas had little consideration of women as equal to men,
therefore, his patriarchal approach to anthropology and his style of cultural
relativism omitted half the human race, namely, women (Lapsley 1999). I suggest
that women’s sexual subordination through the discipline of anthropology was also
a form of sexual relativism.

Anthropologists in the interwar years expanded their field work activities in order
to perform research on cultures they claimed were disappearing due to the rapid
expansion of white colonisation (Lapsley 1999). As a result of comparing the
customs of newly discovered social groups with the customs of so-called
'civilized' and usually white societies, anthropologists often tagged ‘other’ cultures as ‘primitive’, ‘native’, or ‘savage.’ Social mores, including sexual practices, were closely studied and interpreted according to anthropologists’ own understandings of sexuality and, without recognition of their own western bias in the matter, or without any sense of male sexual privilege, were recorded as traditional custom. Romantic ideals of western sexuality often informed anthropological creations of the eroticised other and orientalism. According to historian and psychologist Hilary Lapsley, anthropologists at the time tended to be quite possessive of the cultures they had ‘discovered,’ thus further objectifying and eroticising the people they were supposedly protecting from an encroaching imperial colonisation (idem). Cultural relativists endorsed women and girls’ subordinated status as the sexual property of men, thereby creating a form of ‘sexual relativism’ that reinforced an array of cultural practices concerning conjugal rights. Customs considered private, such as sexual intercourse in marriage, were embraced or exempted from scrutiny. However, according to Susan Pedersen, Eleanor Rathbone resisted the cultural relativist explanations put forward by anthropologists at the time (Pedersen 2004 p.49). In 1935 Eleanor Rathbone said to Indian feminist Amrit Kaur, “men all over the world are much the same” indicating that, in opposition to the cultural relativist position, she considered the sexual subordination of women and girls a universal phenomenon (Pedersen 2004 p.249). Rathbone’s attention to the sexual violation occurring in child marriage, devadasi and female genital mutilation meant drawing attention to the male role of demand, an area of inquiry which was resisted by her male political colleagues such as Wedgwood Benn. Interestingly, Susan Pedersen suggests that Rathbone’s determination to end ‘sex antagonism’ contributed to difficulties in her political relationships. As Pedersen puts it: “Rathbone’s belief in the universality of ‘sex antagonism’ certainly made her culturally insensitive and sometimes overbearing” (Pedersen 2004 p.249). Whether Rathbone was ‘culturally’ insensitive, as Pedersen indicates, or whether her attention to ‘sex antagonism’ made her unpopular did not deter Rathbone from pursuing an end to child marriage and other forms of sexual exploitation. Susan

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96 Anthropologists such as Claude Levi Strauss popularised, through the development of post structural analysis, notions of ‘difference’ in relation to cultural traditions. See his books The Raw and the Cooked, 1969, and The Savage Mind, 1966 for detailed discussions.  
97 See Edward Said’s Orientalism 1978 for further discussions on imperial objectification of the other.  
98 For example Malinowski, a ‘hero of anthropology,’ materially and sexually exploited the subjects of his studies. For a further critique see Hilary Lapsley 1999.
Pedersen, in defence of Rathbone’s stance against cultural relativism goes on to say that her “very ‘insensitivity’ was a source of strength, for it preserved Rathbone from the seductions of ‘difference’ at a moment when ‘difference’ was often understood in racial terms” (Pedersen 2004 p.249). Rathbone stood firm against the cultural/sexual relativism of the time.

Christian missionaries, mostly oblivious to their own brand of religious imperialism, often explained customs such as child marriage and devadasi using the language of sexual relativism. For instance, in Chapter Four I outlined how Charles Freer Andrews, a Christian missionary and political advisor to Gandhi, reported on ‘the evils of child marriage’ to the Child Protection Committee of the Save the Children Fund. However, in his book, The True India, published in 1939 as an antidote to Mayo’s Mother India, he reveals an understanding of child marriage that is based on his own internalisation of sexual relativism, or the double standard of the male sex right. In Andrews’ book, The True India, intended as a critical response to Mayo’s Mother India, he claims that enormous inroads had been made in ameliorating customary law in relation to child marriage. In 1939 he wrote, “While in the days of Pandita Ramabai the conflict was incredibly severe, in these latter days the rights which women have demanded all along have been almost eagerly considered” (Andrews 1939 p.131). However, he did not acknowledge that the problem of child marriage was just as severe a problem in the interwar years as it had been at the end of the nineteenth century when Pandita Ramabai first criticised Indian and British government officials for their complicity in protecting the conjugal rights of men.

Neither Andrews nor Mayo mention that early marriages were part of cultural traditions and ratified in law in many western nations. Andrews’ claim that, “most thoughtful men believe that marriages have been delayed too long in the West,” reveals an internalised belief among men that if girls marry too late they are less able to be controlled. His comment suggests that he did not consider early marriage in the west as a problem in the same way as feminists in the League of Nations did. Furthermore, Andrews put forward as a justification for early marriage in India, the idea that in tropical climates girls matured earlier. He based

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99 WL.7/ELR/24, EFR to Amrit Kaur, Jan 9, 1935.
100 See Chapter One of this thesis for a commentary on the relationship between ‘cultural relativism’ and how postmodern theorists have disappeared feminist critiques of sexual oppression. Feminist theorists Catharine MacKinnon, Kathleen Barry and others have argued that where there is difference there is dominance. Hence the politics of difference reinforce the politics of male dominance and female subordination.
his idea on W. McGregor Ross’ claim in Kenya From Within, “For English children the country is a forcing-house. Girls of ten or eleven may be found who are as developed physically as girls of sixteen or seventeen are in Britain—miniature women in fact” (McGregor Ross, 1927, quoted in Andrews 1939 p.121). Andrews justified the protection of conjugal rights on the basis that the supposed early puberty of girls in India was a similar situation as for British girls in Kenya. “Womanhood, in a climate like India, begins at least three years earlier than in a cold climate such as England” (Andrews, 1939, p.101). Andrews adopted the sexual relativist position that justifies the premature sexualisation of girls in child marriages on the grounds that early menstruation is the measure of when a girl is ready for sexual intercourse and motherhood. Dr. Edith Pechey-Phipson, Katherine Vaughan and other medical doctors disputed the viewpoint that girls matured earlier in the tropics, arguing that the onset of menstruation did not in any way mean that girls were ready for child-bearing, and that physiologically, maturity was not properly attained till, at the very least, eighteen years of age (Vaughan 1928). Feminists such as Muthulakshmi Reddi and Eleanor Rathbone discounted the sexual relativist position underlying cultural relativism, that early onset of menstruation was justification for men’s sexual usage of girls. In the next section I examine the letters between Reddi and Rathbone and how their ideas for developing strategies against premature sexualisation of girls in cases of early marriage and devadasi were in opposition to those of cultural and sexual relativism.

Ceremonies of False Marriage
Muthulakshmi Reddi’s detailed explanations to the Indian Legislative Assembly outlined the ways in which initiation into premature sexual intercourse in child marriage ruined young girls lives. Her speeches served to counter the cultural relativist position held by British and Indian government officials and provided a useful source of information for Eleanor Rathbone and other British feminists campaigning to end harmful traditional practices. In the following excerpt to the Indian Legislative Assembly, Muthulakshmi Reddi explains how, from a very young age, a girl is socially conditioned to be sexually submissive:

101 See Dr. Katherine Olga Vaughan’s publication The Purdah System and its Effect on Motherhood: Osteomalacia caused by the absence of light in India
Vaughan, Katherine Olga. 1928. The Purdah System and its Effect on Motherhood: Osteomalacia
The girl loses all her childlike innocence, becomes shy, reticent, imitates all the ways and manners of the elderly women of the family. The women in the house having no other outside recreation or distraction indulge in such talk as to infuse the minds of these girls the sex ideas of a mature brain. After marriage, the girl becomes the property of the bridegroom’s parents and undue restrictions are placed on her movements. She should not run about or play or talk loudly or laugh in the presence of her mother-in-law or strangers. Thus she is robbed of the brightest period of her life, her childhood and youth. She knows only childhood and womanhood. Thus from the period of infancy itself she is forced into the period of producing infants (Muthulakshmi Reddi, 1928, extract of address to Indian Legislative Assembly to raise the age of marriage for girls to 14 and boys to 18, pp.73-74).

In addition to Muthulakshmi Reddi’s speeches, her correspondence with Eleanor Rathbone, from 1929 to 1936, reveals an impassioned and rigorous discussion on a broad range of political issues ranging from promoting equal citizenship and franchise for women to planning an end to the “evils of child marriage.”

Muthulakshmi Reddi was the first woman medical graduate of Madras University, the president of the Women’s India Association (WIA) and was involved with the All India Women’s Conference (AIWC) in organising the annual AIWC conferences to advance equality for women and girls. Sri-Dharma, the official organ of the WIA, regularly reported on social welfare events carried out by the WIA such as projects to create homes for young homeless girls escaping from prostitution.

Muthulakshmi Reddi developed a broad-ranging and effective critique of cultural practices resulting in the premature sexualisation of children. Her understanding of sex slavery included analysing the sexual politics of naming such time-honoured

causen by the absence of light in India. Cambridge: W. Heffner & Sons Ltd., for a report on the bone deformities occurring in young brides who were kept indoors.

102 Some leaders of women’s organisations stood against the enfranchisement of married women. At one stage Muthulakshmi Reddi and Rathbone disagreed on this point. Reddi argued that giving the vote to women who were uneducated and of high caste would be a wasted vote as such women were bound by their husbands’ voting instructions. Reddi’s argument was that men would then have double votes which could be used to secure their positions of institutional power against women. Reddi thought such a position would be detrimental in breaking down the religious defences of customs that condoned child marriage.

103 The term “evils of child marriage” was used throughout the Joshi Report as a descriptor of maternal and infant mortality and morbidity.
traditions as *devadasi* as a form of prostitution in which girls were pimped. She took up the cause of eradicating the practice of *devadasi*, or dedicating a girl to a temple, when she became a member of the Madras Legislative Council in 1926 (Kaur, 1968, p.24). Her successful efforts resulted in the passing of the Prevention of Dedication Bill in 1929 (idem). Reddi criticised the custom of fathers selling girls as *devadasis* and was keen to dispel the myths associated with the custom. In a six page letter to Rathbone on February 14 1929, she aimed to “disillusion foreigners of some of the misconceptions relating to the Devadasis of India” (Reddi 1929-1936). She began her letter to Rathbone in a way that suggested she was pleased to liaise with British feminists working to end forms of sex slavery, “I am delighted to know that our Western sisters are taking a lively interest in the problems that confront the women of the East” (idem). Reddi defined a *devadasi* as, “the poor victim of custom and degraded religion,” who underwent false marriages with temple idols but earned their living mainly through prostitution (idem). In the letter she argued that “a wicked custom” was responsible for socially constructing *devadasis* and that neither “choice nor inclination” were options for the majority of girls ‘dedicated’ by their fathers and “pimps and profiteers” into the lifestyle (ibid. p.2). Reddi claimed that in cases where *devadasis* had been educated they were amenable to reform and that widespread propaganda and education programmes were devised to dispel such beliefs that *devadasis* had come into this world only to work out their “past evil ‘karma’ through a life of prostitution” (idem). She blamed the “early training and the inculcation into their young and impressionable minds of these strange notions about religion, individual morality, and conduct” as largely responsible for their “immoral” life later on (idem). In the latter part of her letter Reddi extended her criticism to members of society and government as responsible for upholding customs that led to the continued practice of *devadasi*. As she pointed out, even when girls and women escaped, they experienced immense difficulties in forming alliances with caste hindus (ibid p.6). Reddi complained to Rathbone that the indifference by British Government officials to these issues contributed to difficulties for feminist activists.

The British Government in my opinion and in the opinion of the majority of our public men and women, has not been helping our moral and social progress, and has been adopting a policy of utter indifference, neutrality, and sometimes direct opposition to all our social reform measures. Hence even we women have come to realize that a foreign government has no
sympathy with the legitimate aspirations of the people, and can
never actively help in mending our defective social system.
Unless and until full Provincial autonomy and Dominion
Status is granted, there can be no real social and moral
progress (ibid p.5).

Rathbone expressed her agreement with Reddi in several letters. She familiarised
herself with Reddi’s writings and speeches which she read in reports of the Madras
legislature. In a letter to Reddi on March 12 1931, Rathbone revealed her interest
in the franchise for Indian women as an important factor in attaining equality for
women.

May I beg you to believe that these proposals were not put
forward in any spirit of interference. Those of us who have
given a large part of our lives (as I have) to work for the
emancipation of women in this country cannot but take a deep
interest in corresponding movements in other countries,
especially in one which our own has been so closely
connected. We should like to feel that the experience we have
accumulated in our own struggle is of benefit to others, while
not ignoring the great differences that may exist between the
circumstances and needs of the two countries (Rathbone 1929-
1936)(Rathbone to Reddi, March 12 1931).

Reddi responded that she and others appreciated Rathbone’s efforts to ensure their
political status in the future Constitution.

I, for my part, entertain a great regard and admiration for the
women of the West who have bravely fought their way to a
place of equality in the political and social life of their country
and I feel that the women of the East should never hesitate to
benefit by the experience of the women of the West because,
after all, East and West are only halves of a complete whole
(Reddi to Rathbone, April 9 1931).

Both women demonstrated a philosophy that demanded a form of human rights for
all women on the basis that the oppression of women was not restricted to specific
countries. Rathbone read and circulated Reddi’s booklet entitled *My Experiences*
as a Legislator, in order to promote her proposal in favour of the reservation of
seats for Indian women on local government bodies (Rathbone to Reddi, April 9
1931). In her memorandum Reddi used a forthright style of feminist language
based on an understanding of human dignity that Rathbone related to, for example,
“the elementary rights of a human being should not be based on some extraneous
factor (such as wifehood) which is not under one’s control” (quoted in Reddi to
Rathbone, May 1 1931). Reddi pointed out that one of the difficulties concerned
the granting of the vote to women in polygamous marriages. Although she felt
that the vote would be under the control of the husband, and therefore wasted, she
was in favour of votes for all women (Reddi to Rathbone, May 18 1931). In a
letter to Rathbone on July 29 1931, she envisioned votes for women as the
unifying strategy to empower women. “In regard to the Franchise question I also
feel that the only way to bring the Brahmins, the women and the pariahs together
on a common platform is by enfranchising the women and the depressed class on
equal terms with others” (idem).

Reddi and Rathbone both agreed on the necessity of raising awareness in
governments of both countries of the importance of enforcing the Sarda Act, or the
Child Marriage Restraint Act. On July 17 1931 Rathbone wrote, “It will be very
unfortunate if apathy in India gives apparent colour to the accusation in Miss
Mayo’s book that the Act was never intended to be more than a piece of window
dressing.” Reddi and Rathbone, through their letters, kept up a dialogue that
discussed the progress of feminist activism against sex slavery in India. Reddi
informed Rathbone of a public meeting held to protest firstly, against the proposed
amendments to the Sarda Act, which would exempt certain religious bodies from
complying with it, and secondly, to call for the enforcement of the Madras Act
(1930) for the “closure of Brothels and suppression of immoral traffic in women
and children.” The resolutions of the meeting, held on July 25 1931, called on all
states to “immediately legislate against child marriage” in order to prevent the “use
of their territories by British Indian subjects to infringe the Child Marriage Act
(Resolutions, July 25 1931). On July 29 1931 Reddi wrote to Rathbone
enumerating the problems with the Sarda Act. Local governments did not strictly
enforce the provisions of the Sarda Act, and even when violations were reported,
parties were let off with a fine or a nominal warning (Reddi to Rathbone, July 29
1931). She included press cuttings in support of her statement, pointing out the All
India Women’s Conference and the local women’s organisations were “taking all
possible steps to prevent the passing of any such legislation to nullify the spirit of
the Act” (idem). However, Reddi felt that the Child Marriage Restraint Act was basically defective because the magistrates were not empowered to prevent the marriage that the act was supposed to restrain (idem). Failure to empower magistrates meant that the male sex right continued to be upheld in law.

In a further letter of December 24 1932, Rathbone wrote to Reddi, in support of Reddi’s continued writings publicising the difficulties faced by “the child wife.” By 1932 the Women’s India Association noted that loopholes in the Sarda Act allowed the continuation of child marriage and encouraged indifference to the problem by government bodies. WIA began a public awareness campaign to challenge the non-action by the British government in situations where parents took children beyond the boundaries of British rule, performed the marriages, then returned to British territory. In such cases lawyers hesitated to prosecute under the Sarda Act. However, the WIA felt that education was the best way forward and mounted a propaganda campaign in support of the Sarda Act.

**Rathbone Gets Through the Stonewall**
Rathbone continued her campaign against child marriage when she became an independent member of the British Parliament. She immediately faced the difficulties in dealing with the male dominance of politicians upholding the male sex right. Almost as soon as Eleanor Rathbone was elected to Parliament in 1929, she initiated a meeting with Wedgwood Benn of the India Office in order to discuss questions relating to women’s status in India (Rathbone to Benn, July 25 1929). In a letter of April 15 1930 she lobbied Benn, who was the Secretary of State for India, as to the importance of British Government support in contributing to the enforcement of the Early Marriage Restraint Act (Rathbone to Benn, April 15 1930). She pointed out that leading Indian feminists such as Muthulakshmi Reddi were critical of the British Government for demonstrating their indifference on the matter: “Dr. Reddi has contributed a chapter to our forthcoming handbook on the conditions of Indian women, in which she makes a bitter attack on British influence in the matter, and the object of her letter is to insist that this attack should not be left out or abridged” from the handbook (idem). Rathbone included questions she wished to table in parliament in relation to the enforcement of the Early Marriage Restraint Act. Enforcement of early marriage restraints were inextricably bound to Age of Consent laws, so lobbying for raising the Age of Consent within marriage was seen as the most expedient avenue. As I discussed in Chapter Four, Rathbone was a part of the League of Nations Committee for Child
Welfare working on accumulating information on the age of marriage and the age of consent in various countries. Hence her first question to Benn was directed to raising the age of consent in India.

To ask the Secretary of State for India if it is the intention of the Government of India to introduce legislation raising the age of consent of 15 within marriage and to 18 outside marriage, as recommended by the Joshi Committee on the Age of Consent (Rathbone to Benn, April 14 1930).

The second question was directed towards restoring the health of girls and women who had suffered bone deformation as a result of sunlight deprivation due to enforced seclusion, and to girls who had suffered as a result of premature sexual intercourse.

To ask the Secretary of State for India if the Government of India has received any applications for grants to aid research by medical women into the causes of osteomalacia and of other diseases specifically affecting pregnancy, and if so, what replies have been given to such requests (idem).

No response to her questions was forthcoming, just a reply from Benn thanking her for acquainting him with the questions she intended to table (Benn to Rathbone, April 17 1930). Rathbone, as a result of her research into the Joshi Report wrote a Memorandum explaining the background to the questions she wished to table in parliament (Rathbone to Benn, May 15 1930). Her request elicited an immediate response from Benn marked ‘confidential’, asking that she end her current course of action and remove her questions tabled before the House (Benn to Rathbone, May 15 1930). Benn’s response to Rathbone was one of institutional sexual relativism by which men defend heterosexual marriage as governed by religious tradition.

You are probably not aware of the depth of feeling which has been aroused in India by the “Sarda” Marriage Act. This feeling is partly genuine apprehension on the part of the Moslems that their religious customs are being interfered with by the Hindu majority in the Legislature, and also on the part of a considerable section of Hindus themselves, and it has been intensified by a studied campaign of intentional
misrepresentation of the consequences of the new Act, with the
object of stirring up hatred against the Government (Benn to
Rathbone, 15th May 1930).

Benn further wrote that he could not elaborate on the difficulties and Rathbone
should just accept that any suggestion from her or the House of Commons would
“add incalculably to the embarrassment of the Government of India and all the
local governments” (Benn to Rathbone, May 15 1930, p.2). Rathbone, not to be
deterred, temporarily withdrew her tabled questions, but persisted in lobbying for
the position of the Indian feminists to be followed. On May 16 1930 she
responded to Benn stating that she would send her Memorandum to “a few
specifically interested people.”

Is its (the Sarda Bill) enforcement practically suspended? And
if so, does not this incur some risk of further alienating some
of the moderates on the Joshi Committee and such people as
Dr. Muthulakshmi Reddi, who must know that a definite
suspension of the Act means a sacrifice of the lives of some
further thousands of young girls? Or do they too recognise this
as a sacrifice made inevitable by the political situation? If you
have time to look at only the last part of my Memorandum –
from page 18 onwards – you will see what I feel about the past
inaction of British officialdom in this matter. And that feeling,
the result of very close study of the subject, is my excuse for
pressing you (Rathbone to Benn, 16th May 1930).

Benn again responded in a few short lines thanking her for withdrawing her
questions. Two weeks later, Rathbone, upon discovering that Benn had not yet
read her Memorandum, notified him of her intention to circulate it to the House of
Commons and to several people in India (Rathbone to Benn, June 2 1930).
Rathbone suggested to Benn that Muthulakshmi Reddi be included in a
forthcoming Round Table Conference so that specialist knowledge of conditions of
Indian women could be voiced. On July 8 1930 Rathbone registered her
disappointment at her failure to interest Benn or any other British government
official on the urgency of the Child Marriage question (Rathbone to Benn, July 8
1930). Rathbone’s correspondence with Benn reflects her exasperation at her
failure and the failure of Muthulakshmi Reddi to engage the British government in
supporting the Indian feminists and the Joshi Committee, in observing the Age of Consent Bill.

It seems to be regarded as a quite minor point which can safely be left to some future date and must not be allowed to run the slightest risk of embarrassing the Government or anyone else. Bearing in mind the terrible evidence contained in the Joshi Report, I cannot take this view of it. But apparently the only way of securing attention for it is to be as reckless in criticism as Mr. Fenner Brockway and as unguarded in generalisations as Miss Mayo (idem).

She registered her disagreement with the careless manner in which Mayo had gained international attention for the problem of child marriage, but realised that Benn was unwilling to address the controversy over child marriage that had erupted over the publication of Mayo’s book. In fact, Mayo’s sensationalist style of exposing the physical mortality and morbidity suffered by girls as a result of premature sexual intercourse caused a division in responses to the controversy. Benn responded by under-reporting the maternal mortality and morbidity figures quoted by the Age of Consent Committee and Rathbone constantly tried to correct his misquoting (Rathbone to Benn, March 27 1931). In response to her own government’s inaction, and to the inaccurate information in Mayo’s Mother India, Rathbone decided to write her own book on child marriage and its attendant problems for girls and women as a result of premature sexualisation.

In order to affect any reasonable response from Benn she was reduced to using language that reflected her subordinate status to him both in Parliament and as a woman. It was not uncommon for her to preface one of her persistent requests with such language as “I am sorry to make myself such a nuisance,” but then follow it up with such acidic remarks as “It is just a year since I issued the enclosed pamphlet. I wonder if you have ever found time to read it” (Rathbone to Benn, c. May 12 1931). Until 1931 Rathbone had adopted a persistent but patient approach toward gaining Benn’s attention to the problem of child marriage, outlining details of the 1929 Act and its repercussions for the girl child, but without any response from him other than “vague assurances of sympathy.” However, her involvement in the League of Nations on the Child Welfare Committee had provided her with information that the British government was under international criticism for its apathy in the matter. Having gained a broader
perspective on the problem Rathbone strengthened her resolve to address the issue in a more straightforward manner, no longer holding back in publicising her own criticism of the British government.

Hitherto I have worked very quietly, being anxious neither to bring unnecessary discredit on British administration nor to prejudice my own chances of influencing Indian women (and men). But my five years’ experience on the Child Welfare Committee of the League of Nations shewed [sic] me that foreign opinion is not sorry to have its attention called to blots in British administration overseas (Rathbone to Benn, May 22 1931).

In an attempt to find out what British and Indian government officials thought about the matter and because she had been unable to elicit the British position from Benn, she prepared several foreign language publications, including translations into Indian dialects, on her own research, in which she summarised the evidence before the Joshi Committee and included the previous history of British dealings in the subject. She was doubly concerned as Mayo’s second volume Mother India II (1931) had just been published and Rathbone saw it as predominantly damaging for international relations in terms of its sole targeting of the hindu community. Instead, Rathbone argued that in child marriage girls were the property of men in a manner that transcended religions.

Miss Mayo’s new book is now out and I fear will do nothing but harm, as her vendetta is wholly against Hindus and ignores the responsibility both of Muslims and of British [sic]. But it will at least make some of the more sensational facts known (idem).

The sensational facts are those that bring attention to the sufferings of young girls as a result of premature sexual intercourse in child marriage and infant and maternal mortality in the case of childhood pregnancies. In addition to addressing child marriage issues with the Secretary of State W. Wedgwood Benn, Rathbone was in constant correspondence with other politicians such as Lord Sankey, the

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104 ‘Shewed’ is the old English spelling of showed.
then Lord Chancellor, James Ramsay MacDonald, the Prime Minister, and with leading Indian women and their organisations.

**Rathbone’s visit to India**
After her long political involvement in the issues of child marriage and Indian women’s enfranchisement from afar, Eleanor Rathbone planned a visit to India in order to gain first hand experience. Prior to her visit in 1932 she wrote to Radhabai Subbarayan, campaigner for women’s suffrage, to announce her forthcoming visit. In the letter Rathbone expressed awareness of increased ill feeling of Indian women towards Englishwomen who “butted in where the women’s question is concerned” (Rathbone to Subbarayan, January 8 1932). She expressed her hope that she could dispel suspicion of her if she met women first hand, but made it clear she would not force the issue in any way. Rather, she hoped she might interest British officials and their wives “quietly in our views about the franchise etc. issue, [sic] while seeking to acquire information rather than impart it” (idem). This letter is an important indicator of the respect Rathbone felt in her interactions with Indian women. Her visit was, unlike that of Mayo, to tread softly on the home ground of her sisters and not exhibit the roughshod imperialism demonstrated by Mayo. Whilst she did ultimately meet with women’s groups in India, she took great care not to impinge on the franchise work undertaken by Subbarayan.

If you are going to be on the Franchise Committee, as much as I hope you may, in spite of your doubts, I am afraid we shall probably not meet, as I shall take great care not to be in the same towns at the same time as the Committees. The officials etc. will be busy with the Committees when they are there, and will not want to be bothered with a stray M.P. (idem).

It is clear from Rathbone’s reply that Subbarayan, in her approach to the question of women’s franchise, had been criticised by women in her own organisations as being too much influenced by Englishwomen. Rathbone responded by telling Subbarayan that among English women’s organisations, disagreements on the Indian women’s questions were just as rife.

By the way, if when you or others are pressing for reservation of seats you are again criticised (as you told me you had been)
on the ground that you are being too much influenced by Englishwomen, you can tell your critics that the English women’s societies which have interested themselves in India are just as much divided as Indian women themselves. We had a meeting yesterday of representatives of nearly all these societies and several of them, such as the Open Door Council and St. Joan’s Social and Political Alliance, expressed themselves as in favour of the views of Mrs. Naidu and Begum Shah Nawaz regarding no special privileges for women (idem).

Another point on which Rathbone showed concern about the cross-cultural liaison between Indian and British women was that without a united approach to the cause, women would have to concede to the wishes of the predominantly male-dominated British Government.

As long as this country is concerned with India at all and is appointing Committees and placing projects before Parliament, it cannot be right that British men should be able and expected to express views and exercise influence, while British women are asked to keep their hands off. There are so few of us in Parliament and in the official machine, that that machine is bound to take a mainly masculine view and the women’s view can only be put to them effectively by unofficial bodies and individuals [sic] (idem).

Rathbone, who was aware of the delicate position she was in, went on to ask Subbarayan’s advice as what she might do or say during her visit to India in order to forestall any difficulties. She concluded on a light-hearted note saying she longed to fly to India but may need to yield to some of her family’s wishes as they were “absurdly nervous about it” (idem). While in India Rathbone visited Radhabai Subbarayan, Muthulakshmi Reddi, and Mrs Hamid Ali of the All India Women’s Conference in Bombay (Pedersen 2004 p.253). On her return to Britain Rathbone wrote a short report to the English Prime Minister, James Ramsay MacDonald, dated April 8 1932, bringing attention to the widespread criticism by Indians of the harsh administration of Ordinances enforced by the British Government in India. She suggested there was little chance of any peaceful settlement unless strict enforcement of the Ordinances were relaxed and amicable relations opened up with Mr. Gandhi (Rathbone, 1932). According to Susan
Pedersen, the visit to India “completed Rathbone’s divorce from Katherine Mayo, whose Mother India she now recognized to be a deeply biased book” (Pedersen 2004).

Rathbone’s book, Child Marriage: The Indian Minotaur

Eleanor Rathbone’s 1934 publication, Child Marriage: The Indian Minotaur, an object lesson from past to future, was supported by many Indian feminists including Muthulakshmi Reddi. Reddi’s widely circulated review of Minotaur praised Rathbone’s scholarly approach to the matter of child marriage. Reddi argued that Minotaur was an “outspoken document of not only the horrors of child marriage in India but also of the indifference and apathy of the administrators both Indian and European towards this evil” (Reddi, c.1934). In so doing, Reddi demonstrated the importance of a cross-cultural alliance that integrated the voices of Indian and British feminists in a cause that demanded unification of feminist effort in order to combat the lack of political will exhibited by government officials on all fronts. Reddi writes further:

Miss Rathbone has in many of her criticisms and remarks anticipated the feeling of the educated Indian women reformers-vide [sic] page 58, para 2 of her book. I am glad that Miss Rathbone recognises the value of propaganda by the state for educating the masses even on the existence of a law to penalise child marriages (idem).

Muthulakshmi Reddi and other Indian women reformers fully supported Rathbone’s criticism of Sir Alexander Mudiman’s speech on the Sarda Bill in the Legislative Assembly in 1925, in which he stated that introducing legislation on

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105 Reddi was concerned that the attitudes of ‘indifference’ exhibited by male officials towards women were linked to religious customs associated with women’s subordination. An example of how this indifference is a form of male sex right can be seen in the example of Gandhi’s defence of an accusation towards the Mussalmans’ indifference to women, claiming that one Mussalman he knew was actually a feminist because he had a wife who was his ‘real partner in life’ and had four daughters in whom he was really interested (Gandhi in Young India, 1921, p750). The Mussalman friend claimed that the law of Islam gave equal rights to women, suggesting that women had it in their power and responsibility to “refuse to adorn themselves for men, including her partner, if she is is will be an equal partner to man” (idem).
such a matter as raising the age of consent before the rest of society was ready for it was too risky (Reddi quoted in Rathbone 1934 pp.57-8). Rathbone stated, “Risks, odium! Have the Government of India ever hesitated to incur these things when they thought the object worth it” (Rathbone 1934 p.58)?

Reddi pointed out that, due to the enormous amount of research required to begin addressing the institutional resistance to ending child marriage, a collaborative approach would achieve best results. In praise of a united ‘sisterhood’ on the matter she wrote:

> Her Indian sisters cannot be too grateful to Miss Rathbone for all the trouble, that she has taken on their behalf, namely, for the study of the recent reports of the census, of the health, of the education, of the administrative, quotations of speeches and writings containing relevant facts relating to the practices of child marriage (idem).

Unlike Katherine Mayo’s book, *Mother India*, which fuelled cultural relativist criticism on the basis of her sensationalising approach to the problem of premature sexualisation of girls, Rathbone’s own critique was more measured. *Minotaur* came to fruition after five years of steady research and deliberation, and after correspondence with Indian feminists with full recognition of their efforts. Reddi’s response to Rathbone, after receiving a copy of her book, was one indicating that trust had developed between the two women.

> Thanks for your book on “Child Marriage” and for the reports of evidence on women’s franchise so kindly sent to me. I shall certainly read the book and give my opinion. I will not misunderstand you now, as I have known you personally. You have been studying and taking enormous trouble to bring home to the Indian and to the British Government as well as to the Parliament in England the enormity of the evils of child-marriage (Reddi to Rathbone, March 29 1934).

Correspondence continuing until 1936 suggests that Reddi and her family were almost regular visitors to the Rathbone household, and in one letter Eleanor expresses her regret that she will miss their visit as she and her partner Elizabeth Macadam would be away on a visit to Palestine in 1934.
Radhabai Subbarayan and Eleanor Rathbone

Eleanor Rathbone, Radhabai Subbarayan, Muthulakshmi Reddi and Mrs. Hamid Ali worked together to promote women’s franchise in India at a time when tensions between Indian nationals and British colonial rulers were coming to a head. There was some disagreement among different organisations as to how best to advance the cause of Indian women’s franchise. Rathbone and Subbarayan unreservedly put forward the case for a democratic approach opting for the full franchise for all Indian women whether married or unmarried. Between 1930 and 1936 letters between Radhabai Subbarayan of the India Women’s Association IWA and Eleanor Rathbone reveal an international liaison between women’s groups that resulted in advancing women’s citizenship. In their correspondence Subbarayan and Rathbone discussed how best to work together on the emancipation of Indian women and ending child marriage. In the years before Swaraj (home rule) Subbarayan was a key reformer for women’s rights. She campaigned locally, nationally and internationally to promote women’s enfranchisement as the best method to enable women’s participation in the government of a new progressive India (Subbarayan in The Sunday Chronicle, 1933). Subbarayan negotiated with British government official on the complexity of working within the diversity of class, caste, religion and sex in provincial Legislatures within her own country. Through her attendance at the Round Table conferences in London, she dealt with the overarching institutional imperialism of the British government committees set up to oversee voting rights in elections for Indian nationals.

The Round Table Conferences were set up to include Indian politicians in conferring with the British on Indian constitutional reform. According to Susan Pedersen, Eleanor Rathbone took part in every stage of this process, and it was “the cause on which she honed her parliamentary skills” (Pedersen 2004 p.250). The Federal Structures Committee of the Round Table Conferences of 1930-1932 comprised male-dominated and predominantly white committees putting forth a multitude of obstacles for constitutional suffragists to negotiate.106 Eleanor

106 It is beyond the scope of this thesis to detail the work of these committees and conferences other than where relevance to child marriage is concerned. For further details of their work in connection with suffrage see Eleanor Rathbone’s Child Marriage: the Indian Minotaur, an Object Lesson From Past to Future, 1934, George Allen & Unwin Ltd. London.
Rathbone and Radhabai Subbarayan met at the Round Table Conferences where they struck an accord on the importance of the enfranchisement of women as a precursor to changing legislation to end child marriage. Accordingly, they corresponded on the matter from 1931 to 1934, after which Subbarayan became involved with the Advisory Commission of the League of Nations as a representative of the Government of India on the protection and welfare of children.

In January 1931 Subbarayan visited London for the second Round Table Conference. The visit was during the English winter and due to a bout of influenza Subbarayan was unable to attend the debate on the Round Table Conference held in the House of Commons. On January 28 she wrote to the Prime Minister sending her apologies but also admonishing him for correcting Eleanor Rathbone’s reading of an extract from the Minorities’ Committee in which Rathbone stated, “and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights” (Subbarayan to MacDonald, 28 January 1931). The Prime Minister had replied that the passage surely contained a printer’s error and should read “sect” not “sex” (idem). Subbarayan went on to say, “respectfully” of course, that in reference to the Memorandum, she and the Begum Shah Newaz had personally drawn up and circulated the memo on the political status of women, and also in their speeches they, “especially urged that in any declaration of constitutional rights there should be an express statement that sex should be no disability for serving India” (idem). Subbarayan, realising the immense importance that the word “sex” be correctly included in the documentation of parliamentary debates, wrote with further emphasis to MacDonald,

I only write to you now because I feel that the point, if not made clear now, may have far-reaching results; and that, if the misapprehension continues, future publications and even the declaration of rights itself may substitute the word ‘sect’ for ‘sex’ in this paragraph (idem).

Subbarayan and Rathbone were both woman-identified in their approach to shaping social reform, and in order to promote women’s equal citizenship, Subbarayan used the language of equality of the sexes wherever the opportunity arose. At the time, the word ‘sex’ used in association with women’s rights was not
generally used in the male-dominated parliamentary process, and was particularly unexpected in documents prepared and tabled by female delegates of a colonised country. Rathbone, although a relative newcomer to parliament, brought the language of the suffragist movement with her to the House of Commons, and had no qualms in speaking out about ‘sex equality.’ However, despite the advancements made in the women’s suffrage campaign in Britain, the language of women’s rights was still an unfamiliar one and unwelcome in an area such as the British Parliament, where men’s rights predominated. J. Ramsay MacDonald replied to Subbarayan’s letter apologising for any “misunderstanding that had arisen” suggesting that Miss Rathbone’s sudden raising of the point “without any warning” got him at a moment when he was just passing through the House of Commons (MacDonald to Subbarayan, January 29 1931). After assuring her no alteration would be made to the Report as presented to the Committee he wished her recovery from ill health, “You had very trying weather when you were with us, and the wonder is that not more of you were sent to bed” (idem).

Subbarayan and Rathbone developed a close working relationship on the issue of child marriage. By May 1931 there were moves afoot in India to amend the Sarda Act by exempting brahmins from prosecution in cases of child marriage. On July 16 1931 Rathbone wrote to Subbarayan enclosing a copy of Hansard in which she criticised the British Government “very severely for their failure to take stronger action in the matter” (Rathbone to Subbarayan, July 16 1931). She expressed her disappointment at not hearing of any action of agitation against amendment of the act (idem).

The women and the social reformers who expended such zeal before the Act was passed seem to have been absorbed in the political struggle and to have let the matter slide. I wish they would feel that they are injuring the reputation of India all over the world if they do this. Miss Mayo’s new book has drawn fresh notice to the subject, and if the Act continues to be ill-enforced and is even allowed to be destroyed, this will confirm her view (I think unjust) that the whole agitation was a piece of window-dressing and that Indians are not really in earnest about the matter (idem).

However, within a week she had the good news to report that Radhabai Subbarayan had been put on the Federal Structure Committee. In addition she had
heard that women’s organisations in India were agitating for strengthening the Sarda Act, “I am sure this is the right course to take, as a counterblast to the various attempts to water it down. I wonder if they are getting a Bill introduced into the Legislative Assembly to strengthen it?” (Rathbone to Subbarayan, July 24 1931). At the news of her appointment, Subbarayan arranged to set sail to England on August 15. She confirmed that the women’s organisations were agitating for strengthening the Sarda Act and had had a public meeting in Madras (Subbarayan to Rathbone, August 6 1931). She was concerned, however, that if the government took a strong line to dilute the Act, their quest would be largely unsuccessful (idem).

Rathbone wrote to Subbarayan on February 29 1934 after what appears to be a period of non-communication, letting her know she had written a book on the “thorny subject” of child marriage and that her publisher was sending her a copy.

I hope you will not think it very rash of anyone with such small personal knowledge of India to write on that thorny subject. But as I have explained in the Preface, the case I have made out really rests with the authorities I have quoted and must be judged from these (Rathbone to Subbarayan, February 29 1934).

She went on to say her criticisms were mainly directed against the representatives of British rule in India and that it was more or less a matter of conscience that she as an Englishwoman addressed her countryman’s transgressions. She also thought it necessary to produce a scholarly report on the matter to counteract the harm done by Mayo’s *Mother India*. “I have no doubt that I shall be considered by many as ‘the fool who rushed in’, but as an old campaigner in unpopular causes I know one has to risk that” (idem). Eleanor Rathbone, in focussing on the role of male British and Indian politicians on the issue of child marriage was one that challenged the male sex right. As Susan Pedersen points out, Rathbone’s “hard won sensitivity, her determination to load British administrators with their share of the blame, would hardly appeal to Mayo’s many fans” (Pedersen 2004 p.260). Moreover, Eleanor Rathbone remained firm in her stance against cultural relativism, continuing her argument that men’s ’sex antagonism’ was of universal occurrence and responsible for continuing the harm of child marriage. As Susan Pedersen puts it:
[B]y locating ‘difference’ firmly in the realm of sex rather than race, by attributing child marriage not to Indian racial degeneracy but to the dominance and oppression of men across cultural lines, Rathbone removed the grounds for a straightforwardly imperialist response (Pedersen 2004 p.260).

Remaining letters between Rathbone and Subbarayan are to do with Subbarayan’s appointment to the Child Welfare Committee of the League, and Rathbone’s support for her in that matter. Rathbone stated that she had represented “five big international women’s organisations on that Committee for five years, resigning when I entered Parliament, so I know how interesting the work is” (Rathbone to Subbarayan, February 29 1934).

Conclusion

In this chapter I have sought to explain how Eleanor Rathbone, Muthulakshmi Reddi and Radhabai Subbarayan targeted the problem of child marriage as one stemming from men’s sexual oppression of women and girls, rather than as an issue of race or religion. An examination of some of their letters reveal their cross-cultural resistance to cultural relativist explanations aimed at upholding the tradition of child marriage on the grounds of religion. Their letters also reveal a common belief that institutional patriarchy served to further the male sex right. Through working together on the issue of ‘sex antagonism’ as a universal factor, they drew attention to the underlying sexual relativist perspective named by myself as the core concept that underpins cultural relativism.

Through their letters, these interwar campaigners against child marriage also indicate that they at least thought about their feminist liaisons in terms of a “sisterhood” that transcended race and culture. Emerging from this chapter is the idea that during the interwar period, key feminists who worked on issues of sexual exploitation often formed important friendship networks that crossed the public/private divide. In the next chapter I explore some of the political and personal friendships between British feminists whose work had the common element of disclosing the sexual relativism underpinning cultural relativism. In particular I focus on friendships between unhusbanded women, some of whom
formed passionate friendships and/or what we understand today as lesbian relationships. This is an important part of this thesis because it allows insight into how these independent women were able to form their political ideas. The intention of this exploration is to inquire to what extent their women-centred relationships were acts of political resistance to their understanding of cultural/sexual relativism.
Chapter Six: Lesbians in League

It is a fatal thing for a woman’s organisation to get the reputation of being “anti-man,” and I would not for worlds bring that reproach on the NUSEC. But I knew a wise old lady who was fond of repeating: “The more I see of some people the better I like my dog”; and after every experience of men’s politics and administration my feeling is: “The more I see of some men, especially politicians, the less I want women to adopt all their methods and standards of value” (Eleanor Rathbone, 1923, quoted in Pedersen 1994 p.118).

Introduction

Not only has there been a dearth of historical work on feminist interwar activism, but the work which does exist displays a heterosexist bias. This chapter will examine the friendships and relationships of some of these activists to fill the gap in the knowledge base created by this bias. It will suggest that a knowledge of their woman-centred connections enables us to understand not only how they supported each other and their feminist work, but also the way in which they were able to think about male sexual privilege i.e. from a position of independence which enabled radical judgements to be made such as identifying sex slavery as slavery. The aim of this chapter is to develop the idea that international feminists of the interwar period, who were also spinsters and lesbians, experienced a “culture of female friendship” that was to sustain their public and political pursuits to end the sexual slavery of women and girls. I suggest that feminist spinsters and/or lesbians remained outside the conventions of conjugal rights and were seen by heteropatriarchal institutions of state, law and religion as beyond male control. Feminist activists who lived in passionate friendships and/or lesbian relationships experienced intellectual, economic and civic independence and developed political strength in their networking with women’s organisations

107 Lesbian historians Lillian Faderman and Sheila Jeffreys use the term ‘passionate friendships’ and ‘romantic friendships’ to define relationships between women who loved each other in the period before the category of lesbian was defined by sexologists.
(Auchmuty 1989; Raymond 1986p.38; Wiesen Cook 1979a). Such independence was often considered threatening to male-dominated political institutions, especially when ‘conjugal rights’ or male sexual privilege came under scrutiny in conjunction with feminist analyses of sex slavery. Feminists who challenged the male sex right were publicly denigrated as man-haters, frigid, anti-sex or celibate (Faderman 1981; Jeffreys 1989). As suggested in the above quote by Eleanor Rathbone in her address to the National Union of Societies for Equal Citizenship (NUSEC) in 1923, female activists at the time were well aware of the backlash unleashed in opposition to feminism and the pitfalls awaiting women who risked being classified as “anti-man.” Spinsters, due to their supposedly large numbers and because they remained unmarried, were seen as ‘superfluous women’. Independent women as authority figures were regarded with mistrust by male officials who often touted feminists as anti-family or as imitators of men. Eleanor Rathbone did not aspire to be an imitator of male politicians for clearly she questioned their values and ethics. Nor did she choose to live her life in the tradition of heterosexual marriage.

This chapter investigates relationships between women, most of whom were spinsters and lesbians, with the intention of restoring accuracy to traditional history. American historian, Judith Schwarz has pointed out that history rarely tells us how many feminists of the past were also lesbians (Schwarz 1986 p.36). In the writing of history, heterosexuality is usually either assumed as a form of politeness, or because of indicators such as marriage or the production of offspring. Women were not able to marry other women and leave this kind of record and no such indicator as reproduction exists to prove that sexual activity took place. Indeed women who loved women are likely to have burnt their papers and destroyed the historical record of their relationships because of the social prejudices which surrounded them. In the context of this thesis I include within the scope of lesbian history women who lived their public and private lives as women-loving women, who may have been spinsters or married and who may or may not have engaged in sexual relationships. One way in which lesbian historians have identified women that they consider should be included in lesbian history is to examine their networks (Auchmuty, 1989). In this chapter evidence that women

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108 As Margaret Jackson in The Real Facts of Life has pointed out, in 1850 the Westminster Review claimed in alarmist tones that the ‘surplus’ ran to more than half a million women.
109 For further discussion on how spinster authority figures were regarded as imitators of men see, “Victorian Spinsters,” Rosemary Auchmuty’s unpublished Ph.D. thesis of 1975 at the Australian National University.
activists lived their lives surrounded by other women who have been identified as involved in relationships with women has been used as suggestive evidence for the fact that they should be so included. As the Lesbian History Group (LHG) argues, “lesbian experience varies not only from era to era but from individual to individual according to both the prevailing theories of lesbianism and each woman’s acceptance of or rejection of them” (Lesbian History Group, 1989, p.14). This implies that there can never be an absolute definition of what it means to be a lesbian (LHG, p.14)(Jackson 1994 p.17). It is important to mention that whether spinsters were lesbians or not, as unhusbanded women, and more so if they were self-declared feminists, they were perceived by most men as “hostile to sex” and therefore a threat to the male sex right. According to Margaret Jackson, “it is extremely important to challenge the heterosexist assumption that spinsters who were not involved in sexual relationships with men must have been sexually frustrated. Such an assumption not only denies the existence of lesbians but also equates celibacy in the sense of sexual abstinence with sexual frustration” (Jackson 1994 p.17).

Little knowledge exists in traditional history of how women who lived their lives in passionate friendships and/or lesbian relationships conducted their private friendship networks. According to lesbian historian Blanche Wiesen Cook, “like the historical denial of women’s history generally, the historical denial of women-loving women has not been an accident” (Wiesen Cook 1979a p.719). In recent decades feminist theorists Janice Raymond, Liz Stanley, Sheila Jeffrey, Rosemary Auchmuty, The Lesbian History Group, Margaret Jackson, Shari Benstock, Sally Newman, Alison Laurie and others, have argued that the importance of establishing links between women’s political and friendship networks is a way of understanding the cultural milieu in which feminist activism occurred and as a way of reclaiming the importance of women’s ideas and contributions to the promotion of social justice and citizenship for women. According to Janice Raymond, the culture of female friendship is synonymous with fostering the spirit of political freedom for women.

The culture of female friendship has a distinctive purpose, passion and politics. Its origins are to be found in those spheres where women were and are free to be for each other and where women provide women with a sense of difference, importance, autonomy and affection (Raymond 1986 p.38).
Raymond extends the idea of lesbian further than just a sexual preference: “beyond the realm and reality of a sexual category to a state of social and political existence” (Raymond 1986 p.38). As a political act and to contribute to restoring historical accuracy beyond the sense of just adding women in, I adopt the approach of investigating the interrelationship between lesbians’ and spinsters’ social and political existence. This approach is important because it contributes to an understanding of how women’s friendship networks acted as support systems, providing spaces in which women could meet and talk and develop their ideas. It is the ideas they developed through these networks that gave them access to formerly elitist male political structures.

In drawing on the biographical methods developed by feminist Liz Stanley, I investigate the “social self” of feminists, not in isolation, but “within a network of others” (Stanley 1992 p.124). In this chapter I investigate the lesbian or at least the homosocial existence of feminists Eleanor Rathbone, Nina Boyle, Katharine Furse, Rachel Crowdy, Alison Neilans, Margaret Haig and Cicely Hamilton, and suggest that the philosophies they adopted in their private lives informed their public and political feminist activism. These women, through their experience in campaigns against the sexual exploitation of women and girls, including their understanding of child marriage as a form of sex slavery, determined that the idea of conjugal rights as men’s rights resulted in women’s continued subordinated status. I have chosen these women because archival sources indicate they networked through women’s friendship and political groups and gained strength for their campaigns from these networks. These women liaised with each other internationally through the League of Nations, the Women’s Freedom League, the British Commonwealth League and the Save the Children Fund. They also collaborated in expressing their political ideas through writing for journals such as Time and Tide edited by Margaret Haig, The Shield edited by Alison Neilans, the Woman’s Leader co-edited by Elizabeth Macadam, and collaborated to write books such as Our Freedom and its Results by Five Women, edited by Ray Strachey and with contributions by Eleanor Rathbone, Ray Strachey, Erna Reiss, Alison Neilans and Mary Agnes Hamilton. In all likelihood, Virginia Woolf, who was co-owner of Hogarth Press at the time, probably discussed the various chapters with these feminist writers. Published in 1936, Our Freedom and its Results analyses the results of votes for women, examining women’s relationship with public affairs, legal rights, wage-earning, social life and sex morality, providing insight into
feminist thought on issues normally excluded from the literature of a male-dominated civil society.

The Invention of Lesbianism and the Disappearance of Romantic Friendships

In the interwar period, spinsters who happened to live in passionate relationships with other women were stigmatised rather suddenly due to the invention of the category of lesbian and the pathologising of that category by sexologists (Wiesen Cook 1979). Lesbians, disabused of the positive role romantic or passionate friendships previously accepted by society, were lumped in with homosexual men as pathological deviants. Havelock Ellis invented the term “sexual inversion” as a biological explanation for the cause of lesbianism. According to Ellis lesbians were women who were born as “congenital inverts,” who matured into “mannish women,” and corrupted other women by initiating them into sexual perversion (Ellis and Symonds 1897). Thus, “romantic friendships” previously enjoyed by women as positive experiences and tolerated by men as no direct threat to conjugal rights, began to attract the social taint usually reserved for prostitution and male homosexuality. Havelock Ellis’ definition of lesbianism was gleaned from the combined disciplines of anthropology, biology, physiology, psychology, with a pastiche of excerpts from the hypotheses of numerous sexologists including Lombroso, Krafft-Ebing, Ferero and Mantegazza. Ellis appropriated the dramatis personae of Greek classics to support his analysis of lesbianism as inversion. In associating the poetry of Sappho and the Isle of Lesbos with pathologised lesbianism, Ellis imbued literary metaphor with medical authority: “passionate friendships among girls, from the most innocent to the most elaborate excursions in the direction of Lesbos, are extremely common in theatres, both among actresses and, even more, among chorus and ballet girls” (Ellis & Symonds, 1897, p.83).

110 For detailed discussions on ‘passionate friendships’ see Lillian Faderman’s Surpassing the Love of Men, and Sheila Jeffreys’ The Spinster and Her Enemies, et al.
111 For further discussion on the role of sexology in constructing lesbianism as pathological see Sheila Jeffreys’ “Sex Reform and Anti-Feminism in the 1920s”, 1983, pp.177-202.
Ellis continued on from sapphism as abnormality, to sophistry when attempting to explain connections between lesbianism and class. Firstly, he claimed that the girls and women from “middle” and “lower classes,” who worked without male supervision in over heated environments such as the “pell-mell of dressing rooms,” “lace-making,” “seamstresses,” faced great dangers of falling into the lesbian trap. He argued that “middle and lower” class English girls were more likely to be heterosexual, and were less likely to succumb to sexual inversion due to “two restraining influences” of “ignorance and habit.” “Ignorance” referring to ignorance of lesbian sexuality due to the “habit” of becoming attached to boyfriends in early adolescence (Ellis & Symonds, p84). To add further confusion to his class analysis on lesbianism he added, it is “among the upper ranks, alike of society and of prostitution, that lesbianism is most definitely to be met with, for here we have much greater liberty of action, and much greater freedom from prejudices” (Ellis & Symonds, p.84). By the early 1920s lesbians were defined in association with a list of eugenics based characteristics ranging from a predominance of left-handedness, masculine straightforwardness and sense of honour, brusque energetic movements, to a disdain for “petty artifices of the toilet” (Ellis and Symonds 1897 p.96). Ellis offers no explanation for assigning stereotypical masculine characteristics to women, nor does he substantiate any of his categorisations with any real scientific proof, but leaves an amalgam of misinformation open to innuendo and misinterpretation. The result of his legacy meant that lesbians and spinsters who chose to remain unmarried became reviled as pariahs, social misfits, or bohemian perverts, and were seen as a dangerous challenge to the heterosexist bourgeoisie (Daly 1978; Jeffreys 1983; Raymond 1986).

Shari Benstock, in her 1986 book, *Women of the Left Bank: Paris 1900 – 1940*, sheds light on the lesbian relationships in Paris in the interwar period by stripping away the romanticising of individual hedonism of the period, revealing for instance the serious intellectual and creative aspects of lesbian literature and art. She argues that recent feminist inquiry has importantly centralised women’s experience “in the social and intellectual settings of modern history and has examined the modes of entrapment, betrayal, and exclusion suffered by women in the first decades of the twentieth century” (Benstock 1987 p.6). Benstock demonstrates how writer and lesbian Natalie Barney, through her literary Salon, determined to overturn the cultural stereotype of lesbians founded by sexologists such as Havelock Ellis and Richard Krafft von Ebing, responsible for “creating the
image of lesbians in both literature and life … constructed around notions of illness, perversion, inversion and paranoia” (ibid, p.11). Benstock argues that “gossipy biographies” of Barney’s place among women in the literary community have been viewed “almost entirely as a function of her sexual orientation” rather than understood in her role as educator of lesbians (ibid, p.10). While Barney welcomed women of all classes, races and professions to her Salon, she objected to and discouraged “modes of lesbian behaviour that seemed to confirm the scientific theories then prevalent” (ibid, p.11). Among the variations of stereotypical behaviour Barney objected to and discouraged was the man-imitating style of cross-dressing that was in vogue at the time (idem). Natalie Barney attempted to adopt the same values in her private life as in her public persona and encouraged other lesbians in the Paris scene to do the same as a deterrent to the propaganda which propelled women into adopting butch and femme behaviour.

Similar propaganda stereotyping lesbians as butch and femme also influenced the lives of British women at the time, therefore it was not surprising that feminists such as Margaret Haig, Cicely Hamilton, or Eleanor Rathbone and her partner Elizabeth Macadam decided to shy away from publicly identifying with images portraying lesbians as pathological deviants and imitators of men. In some ways the sexological construction of lesbianism in the early twentieth century could be seen as a forerunner of today’s queer politics, a form of politics equally rejected by feminist lesbians who do not wish to be included under the all encompassing sexual umbrella of lesbian, gay, bi-sexual and transgender (Jeffreys 1994; Raymond 1994). In the next section I investigate the subtexts of the lesbian lives of international feminists in the interwar years in order to counter the sexological idea of lesbians as pathological deviants.

**Reading Between the Lines to Rediscover Lesbianism**

Evidence of passionate friendships and/or lesbian relationships in the interwar years is scarce. My examination of hundreds of letters written between feminist political activists of the interwar period led me to question the possibility of whether some of the women who were unhusbandled or, by way of class, financially independent, were also lesbians or engaged in some form of passionate friendship. In this chapter I discuss the woman-identified existence of Eleanor Rathbone, Nina Boyle, Alison Neilans, Cicely Hamilton, Margaret Haig, Katharine Furse and Rachel Crowdy, all of whom emerged as key activists with a common political thread of campaigning in some form or another against the sexual
exploitation of women and girls. These women are important to this thesis because it is the first time information about their political and friendship networks has been written about in a way that illuminates the feminist ideology of the feminist campaigns of the interwar period.

**Eleanor Florence Rathbone (1872 – 1946)**

In many cases women destroyed evidence of their personal relationships (Wiesen Cook 1979). According to Blanche Wiesen Cook, “[w]ith the disappearance of their papers, their writings, their work, the variety of women’s enduring relationships with each other was lost” (Wiesen Cook 1979a p.719). Blanche Wiesen Cook further points out that “in a hostile world in which women are not supposed to survive except in relation with and in service to men, entire communities of women were simply erased” (ibid, p.720). The burning of personal letters and diaries was commonplace, often agreed upon as a pact between women to be carried out on their deaths. Such was the case between Eleanor Rathbone and Elizabeth Macadam (Stocks 1949). An abundant legacy of letters between Eleanor Rathbone and public political figures gives us insight into how she developed her feminist stance on social justice issues, but as for information about her private friendships, and her lifelong relationship with Scottish social worker Elizabeth Macadam, we have little to turn to among her contemporaries, other than reading between the lines in obituaries, book dedications, and Mary Stocks’ biography, *Eleanor Rathbone: A Biography*, published in 1949 three years after Eleanor’s death. A second and more recent biography written by historian Susan Pedersen and entitled, *Eleanor Rathbone and the Politics of Conscience* (2004), gives further insight into Eleanor Rathbone’s personal and political relationships. However, Pedersen concludes that the relationship between Eleanor and Elizabeth was one of mutual support but one of celibacy. She bases her conclusion on the premise that Eleanor found it difficult to talk about issues to do with sexuality.

Eleanor Rathbone, in the preface to her book, *Child Marriage: the Indian Minotaur*, formally recorded the support given by her life-partner Elizabeth Macadam: “I must acknowledge the debt I owe not only to these authorities but to my friend, Elizabeth Macadam, who has read the script throughout and insisted on modifying some of its acridities” (Rathbone 1934 p.9). In reading the subtext here we understand that Elizabeth worked closely with Eleanor for the duration of writing a book that, in the end, as we shall see later in this chapter, was quite measured in its approach to dealing with the difficult topic of child marriage.
Rathbone gives the impression that Macadam was instrumental in tempering Rathbone’s expressions of outrage on matters relating to conjugal rights and the sexual violation of children.

Mary Stocks was both friend and political ally to Rathbone and Macadam. According to Stocks, after Rathbone and Macadam met at the Committee of the Victoria Women’s Settlement, “Elizabeth Macadam became in due course the friend and companion of Eleanor’s existence until death did them part, and at no subsequent time was Eleanor lonely” ( Stocks 1949 p.58). Stocks, through poetic analogy, allows us to look back and to know that Eleanor and Elizabeth shared a loving relationship whilst revering the privacy both women wanted. She ventures to use the metaphor of John Masefield’s poetry to allude to the happiness shared between the two women in their private life,

And none will know the gleam there used to be
About the feast days freshly kept by me
But men will call the hour of golden bliss

“About this time” or “shortly after this” (Masefield quoted in Stocks 1949 p.58).

Stocks’ literary acumen preserves the historical accuracy and importance of the lesbian relationship between Rathbone and Macadam as one that transcended the dominant heterosexual paradigm and the public/private divide. Lesbian feminist historians have since been grateful for Stocks’ clue confirming the importance of the passionate alliance between Rathbone and Macadam (Jeffreys 1985; Oram 1992). The delight for today’s lesbian historians comes from Stocks letting the secret out despite remonstrations from “Eleanor’s best-loved friend” Elizabeth Macadam, and despite the “terrifying privilege” she felt at being “entrusted with the writing of Eleanor Rathbone’s life” ( Stocks 1949 p.7). In answer to an imaginary protestation from Elizabeth at being included Stocks wrote,

Yes, indeed, I have disobeyed your orders—but on second thoughts and at a higher level you must surely see that they were unreasonable. Dear Elizabeth, you are part and parcel of the whole pattern of Eleanor’s life and cannot be disentangled from it. So scold me—as you often did in the old days, but forgive me as you always did in the end. Believing that you
will, I dedicate this book to you, because you told me that you
liked it, and because I am grateful beyond measure for your
own friendship and for a share of Eleanor’s (Stocks 1949 p.8).

Stocks, as a close friend of Elizabeth and Eleanor, called on other close friends
such as Hilda Oakley and Eva Hubback to contribute to Rathbone’s biographical
details.

Eleanor Florence Rathbone was a seventh generation Rathbone who was born in
London on May 12 1872 and died at the age of seventy-seven in 1946. Eleanor
was born into a privileged class, enjoying a combination of material comforts in a
family that held strong anti-slavery values and fostered an intellectual climate in
which Eleanor was encouraged to pursue independent thought and engage in
philosophical discussions and debates (Stocks 1949).112 Eleanor chose to go to
Oxford for her university education and at the age of twenty-one at Somerville
College met significant friends, Hilda Oakley and Barbara Bradley, who were to
last a lifetime. Other women in Eleanor’s circle of friends included Miss Maitland
the Principal of Somerville, Miss Bruce the Vice-Principal, Miss Pope the modern
language tutor and Miss Melhuish the history tutor (ibid, p.41). Women who met
Eleanor formed favourable opinions of her. For example, Eleanor Lodge who also
went to Oxford wrote in her autobiography, Terms and Vacations, after visiting the
Rathbone family at their Greenbank home, “The effect of a butler opening the door
to me was almost paralysing, but Mr. and Mrs. Rathbone were kindness itself, and
I came to admire and love their daughter Eleanor…” (ibid, p.36).

At Somerville, Eleanor and a group of women friends met to debate intellectual
and philosophical questions. They called themselves the “Associated Prigs” and
among the topics they discussed were socialism, the Education Bill, religion, the
high cost of women’s clothing in relation to men’s clothing, and the definition of
beauty.113 Among her contemporaries Eleanor was known as “the Philosopher”
and the group “Associated Prigs” fostered the kind of philosophical debate that
resulted in her reputation as having “a considerable power of independent

112 For a detailed discussion on Rathbone’s early years see Mary D. Stocks’ biography Eleanor
Rathbone, 1949, chs. 1 to IV.
113 It is not my intention here to reproduce Mary Stocks’ biography of Eleanor Rathbone but to
demonstrate how Rathbone developed a woman-centred focus to her political work through her
involvement with other feminists who were political campaigners against sex slavery and who
lived their lives in the sense that the personal is political and the political personal.
thinking” (ibid, p.41). According to Stocks, Rathbone’s friends expected that she would “make her mark” as “the Philosopher” during her years ahead” (ibid, p.48).

In determining Eleanor Rathbone’s attitudes towards sex and sexuality I agree with historian Susan Pedersen on the difficulties of looking back with accuracy over a period of more than fifty years and “across the Freudian divide” (Pedersen 1994 p.116). Despite Rathbone’s love and admiration for her father and the strong family ties that bound the Rathbone clan together, Eleanor’s mind turned away from “the assumptions of the naturalness of marriage and wifely dependence” as far as her own life was concerned (Pedersen 1994 p.115). In support of Rathbone’s bent toward living an unhusbanded life, her Oxford years offer no record of social nor academic contacts with male students. Neither, according to Stocks, did “the minutest record of her subsequent career offer any suggestion of susceptibility to male attraction” (Stocks 1949 p.48). Stocks argued that Rathbone’s “imperturbable unconcern with sex made it easy for her to work with men and evaluate their qualities without personal bias” (idem).

Eleanor Rathbone’s participation in feminist organisations was as much a part of her personal philosophy as it was central to her political career, and it was within independent friendship circles formed within these organisations that she met her life partner Elizabeth Macadam.

What Macadam offered, rather, was an affirming mirror, a confirmation that the life of an independent woman could be both active and emotionally fulfilling. Macadam was a counterpoint to her family as well, and certainly the two women’s friendship made the large and loving Rathbone clan uncomfortable (Pedersen and Mandler 1994 p.116).

Rathbone’s and Macadam’s relationship flourished despite the discomfort of Rathbone’s family and at one stage Rathbone wrote to Macadam countering her loneliness after a period of separation, “except when I am with you I am always alone to all intents and purposes” (Stocks 1949 p.181). It was in her relationship with Macadam that Rathbone discovered and shared complementary standards of value and trust. According to Susan Pedersen, both women were optimistic that the state could be made to rectify the “subjection of women in the domestic sphere,” and they successfully recruited a community of women supporters for
their ideas from the middle-class women of Liverpool (Pedersen and Mandler 1994 p.117). However, Pedersen goes on to report that, “for all her preoccupation with mothers, the sexual side of marriage — indeed the question of female sexuality — remained strictly out of bounds” (ibid, p.118). I suggest that Rathbone’s reticence on topics related to female sexuality, including her disinterest in birth control, and the “rhetoric of women’s sexual fulfilment in marriage” (idem), was a strategic measure adopted to deflect any inquisitiveness into her own sexuality. The lesbian existence lived by Rathbone and Macadam was at cross purposes with an interwar conjugal culture that was increasingly demanding women’s acceptance of mandatory sexual intercourse. Rathbone, in addition to being an independent thinker, was a wily character and opted to speak on women’s rights issues. Using this approach she was able to successfully speak out in Parliament against cultural practices such as child marriage, incest, female genital mutilation and rape in marriage. Had Eleanor Rathbone publicly identified in any way as a lesbian at the time it would have been impossible for her to succeed in advancing women’s rights in the international arena of the League of Nations and as an MP in her own parliament. Although spinsterhood and romantic friendships between women were celebrated among women and accepted in a positive light in the period prior to World War I, during the interwar period, the sexual reform movement promoted heterosexuality to such an extent that unhusbanded women became a social liability. According to lesbian historian, Lillian Faderman, “openly expressed love between women for the most part ceased to be possible after World War I” (Faderman 1981 p.20). In the next section I discuss how participants in the sexual reform movement promoted an anti-feminist, anti-lesbian and anti-spinster backlash that drove passionate friendships and/or lesbian relationships further underground.

**Sexually Liberating Spinsters and Lesbians**

During the interwar years, the conflict between sexual libertarians and feminists increased, making it more difficult for women who were already living in passionate and romantic relationships to identify with the new sexological classifications of the pathologised invert or lesbian. I suggest that women such as Eleanor Rathbone and Elizabeth Macadam did not see themselves as pathological deviants but in all likelihood recognised the danger for women who publicly discussed or wrote about lesbian existence. As Susan Pedersen has pointed out, they would have been aware of the growing contribution by sexologists to the
cultural acceptance of same sex relationships between women as deviant (Pedersen 2004 p.174). The sexual reform movement advanced the cause of heteropatriarchy through the promotion of sexology as legitimate medicine and science in a series of international conferences. The “First International Congress for Sexual Reform” took place in Berlin in 1921 (Haire 1929, p.ix). The “World League for Sexual Reform” (WLSR) was established as an international organisation and a second conference was held in Copenhagen in 1928. In 1929 the WLSR held a third conference in London from 8th – 14th September. Conference representatives were predominantly European, German, English and American. The presidents of the “World League for Sexual Reform on a Scientific Basis” were August Forel, Havelock Ellis and Magnus Hirschfeld. Key issues engineered by the WLSR platform to be scientifically authenticated through medicine and the new discipline of psychology included, “race betterment on the knowledge of eugenics; a rational attitude towards sexually abnormal persons, and especially towards homosexuals, both male and female; disturbances of the sexual impulse to be regarded as more or less pathological phenomena, and not, as in the past, merely as crimes, vices or sins” (W.L.S.R., 1930, p.591).

At these conferences, spinsterhood, as a positive lifestyle identity, came increasingly under attack by delegates who were also sex reformers. At the 1929 conference, sex reformer, R. B. Kerr, presented a paper called “The Sexual Rights of Spinsters,” in which he argued that spinsters should be conscripted by the state to sexually service men of all ages (Kerr 1929 p.91). Kerr argued that a combination of the decline in marriage and the increase in spinsterhood was, in a universal sense, positive for the world (idem). Unlike Ashley Brown who was quick to label women, particularly feminists, who decided to remain unmarried as “epicene” and “hermaphroditic”, Kerr claimed to recognise spinsters as the “backbone” of social reform movements such as the abolition of slavery and child labour, the prevention of cruelty to animals (idem).

The influence of spinsters has for the first time lifted mankind above the narrow confines of the family, and has released, for the benefit of the oppressed classes, distant countries, alien races, and other animals than man, an immense flood of

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114 Sexologist Norman Haie diligently compiled a 670 page conference proceedings which was published in book form in 1930.
sympathy which in past ages would have been expended entirely upon the home. It is therefore evident that the world has not more precious possession than its spinsters and that any diminution in their numbers would be a step backwards (Kerr 1929 p.91).

However, after stating that spinsters were of “priceless value to the world,” Kerr argued that civil society was amiss in denying unmarried women sexual experience, emphasising that in the Freudian sense “sex was central to all” (Kerr 1929 p.92). Whilst Kerr recognised the value of the political work spinsters had achieved in the international public arena, he reckoned that in the private sphere, spinsters, like all women, were dependent on men for sexual satisfaction. Furthermore, he regarded them as property of the state, arguing that state bodies had a duty to perform in enabling the sexual servicing of its spinsters by men of all ages. The idea of sexual rights for spinsters, according to Kerr’s suggestions for sexual reform, completely ignored or overlooked the likelihood that many such spinsters already involved in life partnerships with other women had discovered their own forms of sexual expression that did not necessarily involve penis to vagina sexual intercourse. Kerr’s suggested solutions to spinsterhood, such as single women producing “eugenic babies” did little to challenge monogamy and the bourgeois marriage model, but promoted the mutterschutz ideals adopted as an underlying principle of the Nazi movement. He argued that it was the State’s duty to raise such offspring, thus relegating spinsters to the role of handmaidens of the State. Furthermore, he suggested that women “past the child-bearing” age, due to their new found athleticism, could provide a sexual service as teachers of sexual intercourse to young boys and men.116 Thus, according to Kerr, postmenopausal women could be recalled into sexual service as initiators of sexual intercourse, solving the “difficult problem of the adolescent boy.” In prescribing remedial heterosexual intercourse for all unmarried women Kerr’s sexual blueprint for engaging women as sexual servants of men and boys totally expunged any possibility for the existence of lesbian sexuality. In the next section I look at the ways in which the public vilification of unmarried women took on many forms illustrating why many international feminists who were also lesbians could not risk

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115 Kerr stated that since World War One, spinsterhood had increased and that in England and Wales more than 40% of women over the age of 30 remained unmarried and that nearly a quarter of the men over 35 were unmarried (1930, p91).
damage to their careers by allowing public scrutiny of their private relationships. This is one of the reasons why many political lesbians destroyed evidence of their relationships with other women. Restoring some form of accuracy to these women’s lives is one of the key aims of this thesis.

**Political Dangers in Identifying as Lesbian**

Identifying as lesbian could be dangerous for women who occupied public positions of authority. Women in the work-force were already subjected to criticism for taking men’s jobs, particularly jobs in the masculine domain such as in the newly developing area of women policing. If women pursued their independence to the extent of working and continuing to remain childless, they were perceived by the heterosexual sector of society as having anti-family values. In addition to attracting anti-family criticism while opting for economic independence, women who were accused of lesbianism were seen as man-haters. As lesbian historian Rosemary Auchmuty puts it:

> Since lesbianism was the apotheosis of female independence, people antagonistic to the feminist cause were quick to apply the qualities associated with it to all unmarried feminists, even if they did not recognise a sexual significance. They reviled the feminist spinsters with the two images that came to be associated with the lesbian threat: man-hating, man-imitating (Auchmuty 1975 p.376).

Spinsters and lesbians who attracted the label of man-hater and man-imitator were stripped of social status. Women’s organisations, such as The League of Womanhood, who subscribed to motherhood and marriage as the “best and highest form of life a woman can follow,” regarded “epicene feminists,” for example, spinsters and lesbians who worked as policewomen, as second rate citizens compared with married women and mothers. The League of Womanhood, open to both men and women, called itself a feminist organisation, but made clear in their charter that “a scale of male values” underpinned its programme. Their charter was openly anti-spinster and anti-lesbian and one of their pamphlets included as

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116 To demonstrate that history was full of such examples he quoted Lytton Strachey’s book *Elizabeth and Essex* in which Elizabeth was 53 and Essex 19, but at the same time cautioning “that it was a dangerous concatenation of ages” (Kerr 1930, p.93).
part of their creed, “The League will resolutely challenge the whole epicene creed of Feminism on every possible occasion.” The creed of The League of Womanhood, furnished by Mrs. Florence Harris, secretary of the league, was reprinted as an addendum to the pamphlet “The Women Police Question,” pitting married mothers against feminist police-women. Feminist policewomen were seen as undermining family values.

The idea of home and motherhood must be kept before the girls who are growing and those who in the days to come will grow to women’s estate; they must be taught to look, as the great majority of them do with calm but not uncharitable indifference upon the graceless antics of those poor psychic hermaphrodites who ever shew [sic] themselves willing to sacrifice what little womanhood they possess in order that they may turn a mincing step into an often too manly stride and follow with pathetic mimicry in the footsteps of the male (Henderson-Livesey c1920 p.16).

The strength of the anti-feminist attack was such that policewomen who were spinsters or lesbians risked personal and public ridicule as mimickers of men. Such accusations acted as inhibitors to feminist criticism of male sexual privilege and within the community of women police, as I discuss in the next section, led to a division within its ranks.

**Constance Antonina (Nina) Boyle (1865 – 1943)**

The development of women in policing in the interwar years was an important step in establishing the idea of children’s rights and the need to protect children in cases of sexual assault. Nina Boyle, international feminist and activist, and well known for speaking out against the male sex right in her campaigns against sex slavery, inaugurated the idea of a women’s policing force. Boyle, in her role as Honorary Secretary of the Women’s Freedom League, began the Women’s Police Volunteers during World War One. Throughout her campaigns to end incest and prostitution, she successfully promoted the idea that women needed to be invested with the authority of the law in order to protect girls and women from judicial decisions that predominantly leaned towards exonerating perpetrators of sexual abuse. She
appointed Margaret Damer Dawson, who had also expressed an interest in women policing, as “Chief of the Women Police Volunteers.” However, Nina Boyle’s pioneer role in gaining acceptance for women policing in a male dominated profession is glossed over in Mary Allen’s retrospective, *The Pioneer Policewomen*, published in 1925. Allen, who became a commandant of the Women’s Auxiliary Service, dedicated her book on the history of women’s policing to Margaret Damer Dawson (Allen 1925). Mary Allen praised Damer Dawson rather than Nina Boyle as the more appropriate leader of the pioneer movement. It is possible that eugenics-inspired values influenced Allen’s description of Damer Dawson’s physical attributes, “blonde, blue-eyed, of a delicate complexion, Miss Damer Dawson was of a fastidious, even scholarly turn of mind” (Allen 1925 p.10), as desirable attributes for a leader of women police. When Damer Dawson died suddenly on May 18 1920, Mary Allen succeeded her as chief. Though Damer Dawson and Allen were spinsters, and may indeed have been lesbians, they took a non-feminist approach to policing and were less critical of men’s sexual privilege which gained them more popular appeal, assimilating more smoothly into the hegemonic power of the police force.

Boyle’s uncompromising feminist approach to women policing led to her unpopularity with male police officials and with Damer Dawson. In 1920 there was a Home Office Inquiry as to whether women could legally be considered as “persons” in order to become police. Damer Dawson’s testimony gives some insight into hers and Boyle’s differing views. In Damer Dawson’s words: “In February 1915 I was asked by the Deputy Chief of the Corps of Policewomen, Miss Nina Boyle, to resign my position, because she said I had gone against women’s interests…” (ibid, p.139). Boyle argued that Damer Dawson acted against women’s interests by “enforcing curfew restrictions against women only” and not men (Doan 2001 p.214n.36). In allowing men to break curfew they were free to visit brothels and Nina Boyle, as an abolitionist, was against the practice of prostitution. The institution of policing, in its reluctance to admit women was less inclined to accept more radical affiliates, especially those who challenged the double standard of the male sex right, such as Nina Boyle. Damer Dawson further distancing herself from Boyle’s uncompromising feminism, testified that officials such as Sir Edward Henry were “averse to the idea” of her forming a women’s corps with “Miss Nina Boyle” (Allen 1925 p.136).
Significantly, historical information about Nina Boyle remains scarce even though she was an advocate and political activist for women’s rights for most of her adult life. Despite her prolific output as a writer and her widespread reputation as energetic, witty and humorous, neither personal letters nor diaries remain to give us facts about her private friendships. Obituaries and tributes to her loyalty remain our key sources of insight into her life as a lesbian and her own culture of female friendship. Feminist historian, Katharine Fuller, in an unpublished manuscript supplies some of the missing details. She refers to conversations with Edith Watson that give insight into Nina Boyle’s lesbian existence (Fuller c1990s p.39). As I mentioned in Chapter Five, Nina Boyle and Edith Watson jointly campaigned and wrote articles against sexual assault that were published in women’s journals. Their friendship lasted a lifetime. Watson confirmed that Boyle, for all her courageous speeches and international activism, was modest and not concerned “about not being given due credit for her role in the establishment of the women police” (Fuller c1990s p.39). It is likely that Damer Dawson’s upper class wealth, combined with her blonde, blue-eyed, delicate complexion, conformed more to the preferred heterosexual ideal of femininity than did Nina Boyle at the time, particularly as Katharine Fuller has reported from an interview with Philippa Weigall Moore who knew Boyle and described her as looking “mannish” and “masculine” (Fuller c1990s p.38).

“Bred-in-the-Bone, Dyed-in-the-Wool” Feminist

Constance Antonina (Nina) Boyle was born in Bexley, Kent on December 21 1865 and died at the age of seventy-eight on March 4 1943. Nina Boyle, in her last address to the Council of the Save the Children Fund on whether girls attending the Fund’s junior clubs in the blitzed areas [during World War Two] got equal advantages with the boys, began: “I am as you know a bred-in-the-bone, dyed-in-the-wool feminist” (quoted in The World’s Children, 1943, p.34). After her death, a meeting was held to commemorate the memory of her life as feminist and publicist (idem). Edward Fuller told the audience that Boyle’s “fierce feminism” showed up the shallowness of chivalry. “To one like myself, brought up in the Victorian tradition of a perhaps rather superficial courtesy to women, this characteristic was apt to have its embarrassing aspects” (idem). His comment

\[117\] The Council and Committees of the Save the Children Fund held the memorial for Nina Boyle at Westminster on May 24 1943, Empire Day (The World’s Children, 1943, p.34).
referred to Nina Boyle’s refusal to allow him to carry her bag on a Channel crossing on a sweltering summer’s day (idem). She insisted “she had never let a man carry anything for her and never would” (idem). I expect Fuller meant embarrassing for him rather than for Boyle, as he had to “submit to seeing her frail figure—she was then 63—struggle up the awkward narrowness of the gangway at Calais...while I followed with the comparative comfort of my rucksack and empty-handed” (idem).

In 1921 when the Save the Children Fund was organising its vast relief work for the child victims of the Russian famine, Edward Fuller asked Nina Boyle to write an article for the Fund’s journal *The World’s Children*. Boyle was known for her own “heroic endurance” and in response to Fuller’s request she wrote a one thousand word article entitled *Crimes of Civilization*, in which she described, “baby farming as she had met it in France in her young days, the sale of unwanted girls in China, child marriage in India, the exhibition of deformed and afflicted children for profit in Brittany” (Fuller, quoted in *The World’s Children*, 1943, p.35). Boyle’s ethical understanding of subordination was cross-cultural and transcended age, sex, class and race.

Boyle saw her work with young people as an investment in society’s future, and, in her role as an unofficial educator, often visited and lectured at schools. Fuller describes her successes in talking to school children as a “tribute to her perennial youth” with her particular favourite, “the residential open-air school at Broadstairs, where urban girls whose health and physique were imperilled by bad conditions of life were brought back to health and strength” (idem). It was in girls’ and women’s new found strength that she delighted, looking to a future of strong women in strong professions rather than women subordinated through femininity and as wives in marriage. The Broadstairs staff said that after Boyle’s death they felt they had lost a real friend: “She was always so kind and thoughtful to the staff—and we loved to hear her talk” (idem). Boyle’s obituary in *The World’s Children* tells us that her oratory skills as a human rights advocate were sought after wherever she went.

Miss Boyle was, first and foremost, as she always proudly insisted, a feminist, and the rights of women and children were never to be overlaid in her mind or in her influence on the policy of the Save the Children Fund. She was a brilliant speaker, and her incisive wit and clarity of vision made her an
In *The World’s Children*, little snippets of Boyle’s educational visits to school girls were reported, conveying the sense that Boyle was a role model for the students she engaged with and a friend of the headmistresses who invited her to speak. The April edition of *The World’s Children* in 1930 reported that on March 3 Nina Boyle spoke to the study circle at Sheffield Hall Hostel of the Maria Grey Training College, Kilburn. “Previous to the meeting Miss Boyle dined with the Warden, Miss Woodham-Smith, who later introduced her to the study circle. Miss Boyle gave an address on the child labour question in its various aspects in different countries, and a lively discussion followed” (*The World’s Children*, 1930, p.cxxxv).

Boyle’s political and friendship network was far-reaching and on her death in 1943, a memorial fund was set up by her women colleagues specifically to keep alive the political issues that Nina Boyle fought for all her feminist career. The Nina Boyle Memorial Committee comprised Cicely Hamilton as chairwoman, Elsa Gye as honorary secretary and Marie Lawson, honorary treasurer. Members of Parliament who were also patrons to the Nina Boyle Memorial Fund included Eleanor Rathbone, Nancy Astor, Ellen Wilkinson, Irene Ward, Dr. Edith Summerskill and Megan Lloyd George. To commemorate the feminist work carried out by Nina Boyle in her lifetime, the committee proposed an annual lecture to be given by an expert on one of the issues in which Nina Boyle was so deeply interested. Cicely Hamilton wrote, “In this way it is hoped to make a permanent contribution to the work to which her life was devoted and at the same time to perpetuate her memory” (Hamilton, c.1943, p.8). In addition to Boyle’s Save the Children Fund work, the committee listed as future topics for memorial lectures, “women’s citizenship in all its aspects” and “the establishment of the right of women of the coloured races to physical and spiritual freedom” (Hamilton, c.1943, p.8). Cicely Hamilton who was a lesbian, first met Nina Boyle at one of Nina’s Suffrage speeches around 1910 and remained a lifelong friend until Nina’s

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118 *The World’s Children* records, “Miss Boyle’s remains were cremated at Golders Green after a service which brought together many who had laboured with her in divers causes, and a memorial meeting is being planned for May 24” (p18).

119 For a complete membership list of the appeal committee and patrons see Cicely Hamilton’s pamphlet *Nina Boyle* c.1943, p2.
death in 1943. Cicely, as a suffragist and familiar with all the feminist arguments of the emancipation debate, expected to be bored by the repetition of arguments. Hamilton wrote in her tribute to Nina Boyle:

I must have been agreeably surprised when Nina Boyle began to speak—for well I remember the impression made on me alike by her speech and herself. For here was a woman not only sincere—(after all, most suffragist speakers were sincere) —but possessed of a sharp wit and sense; a woman, moreover, whose fluency and rightness of word and phrase told of natural talent for the platform (Hamilton, c.1943, p.3).

Cicely Hamilton was an activist in her own right. As I explained in Chapter Two, Hamilton, in her book Marriage As a Trade claimed that women and girls as property of men in marriage often experience sexual servitude in a similar manner to prostituted women and girls. From Hamilton’s comments in her pamphlet on Boyle, it is clear that the friendship that formed between the two women was to last a lifetime. Towards the end of the pamphlet Hamilton reveals that she and Boyle were neighbours and in the habit of socialising on a regular basis. In this way they supported each other emotionally as well as politically. Their discussions on these occasions included political commentary on a variety of “manifestations of injustice” (Hamilton, c.1943, p.7).

For some years before she died she was my neighbour so I sometimes dropped into her basement flat for a talk; and listening to her argument for this or that, I used to think that her mind, her temperament, had not aged a bit since first I knew her. Elderly she might be in body, but never elderly in mind; for all her crutches and her seventy-odd years, the old fire of the Suffrage days still burned in her; she put into her advocacy all that she deemed right with all the energy of youth—and sometimes its fiery impatience (idem)!

We cannot know the full extent of their conversations but it is evident that Hamilton who is known to be a lesbian, supported Boyle in friendship and feminism, in life and in death. Hamilton’s visits to Nina Boyle in her basement flat conjure a palliative care that extended far beyond any requirement of dutiful attendance, as if Boyle’s ‘herstory,’ as one founded on philanthropy and a sense of
social conscience, was one worthy of sharing and of preservation. Hamilton ended her tribute to Boyle by quoting from a poetic epithet: “‘Steel-true and blade straight’—so Robert Louis Stevenson once described his wife. And it is not, I think, flattery of Nina Boyle’s memory to borrow the terms for her use” (Hamilton, p.7). Hamilton thought Boyle an exceptional person whose work would not be quickly forgotten by her friends.

In the winter of 1943 in the book review section of *The World’s Children*, a small advertisement appeared to promote the contribution of funds to the Nina Boyle Memorial Fund. The paragraph is as much a tribute to the friendship that existed between Nina Boyle and Cicely Hamilton as it is a request for donations to set up the fund.

Cicely Hamilton displays her characteristic powers of description as well as a sincere friendship in the brief memoir of Nina Boyle in a pamphlet so entitled, issued by the Nina Boyle Memorial Fund. Friends of the Save the Children Fund, whether they knew Nina Boyle as a colleague, as a propagandist on the platform and by the pen, or merely by reputation, will be glad to possess a copy of this moving and vivacious tribute in which the Save the Children Fund figures prominently and amusingly (*The World’s Children*, 1943, p.84).

Nina Boyle’s obituaries recorded in *The World’s Children* give us insight into the values shared between other women she came into contact with in her work within the Save the Children Fund and beyond. Boyle also wrote popular novels, and in the April 1930 edition of *The World’s Children*, a review of Boyle’s latest novel *My Lady’s Bath* was cited as “Boyle at her best,” and “full of characteristically Boylish thrills and situations with palpable thrusts at authority and convention and much good humour” (*The World’s Children*, 1930, p.cxxxvi).120

In her own life, Nina Boyle had been equally supportive in her comments of other feminists who had been both friends and colleagues. Eglantyne Jebb, as co-founder of the Save the Children Fund, and in full support of Boyle’s work on child marriage, appointed Boyle as her spokeswoman. Boyle deemed Jebb “one of
the world’s greatest philanthropists,” and after Jebb’s premature death after years of suffering, Boyle wrote: “It was an education to have known her, to have worked with her; to have been commended by her, a privilege prized and priceless…Like Josephine Butler’s, her work will stand the test of time, and time will heighten its significance and its value” (The World’s Children, 1929, p.76). After Eglantyne Jebb’s death, Nina Boyle wrote a short article, “The Future of the Save the Children” which was published in the May 1929 edition of The World’s Children, reiterating the future vision for attacking “the social sores—cruelty, neglect, ignorance, child labour, child marriage, child disease, wherever and whenever they exist…and everywhere it will be established that neither creed nor class, colour nor country can stand between its ministrations and a suffering child” (The World’s Children, 1929, p.157).

By their networks shall we know them (Auchmuty, 1989)

Where evidence for lesbian existence is scarce it is useful to look at the networks within which they moved. If some of the women within the networks were clearly involved in long-term relationships with women partners, for instance, it is clear that the other women will have been aware of lesbian existence at least. The more women who clearly related emotionally to other women exist within a network the more reasonable it may be to assume that the other homosocial, unhusbanded or spinster women involved were likely to have loved women. The disappearance of women-loving women from history is compounded by the disappearance of women’s friendship networks (Auchmuty 1989; Wiesen Cook 1979). According to Blanche Wiesen Cook, “entirely obscured from view were the many networks, both contemporary and historical, of equalitarian and nurturing friendships among creative and publicly active women” (Wiesen Cook 1979a p.719). Wiesen Cook goes on to argue that, with the eradication of such information, we lose sight of the “communal and non-competitive intimacy” and the “easy love and support” shared in such groups (idem). Lesbian historian Rosemary Auchmuty also points out that by restoring the links between women’s friendship networks we expose the “reality that women have friends and women lovers” who are central and not peripheral.

120 Other novels written by Nina Boyle are Treading on Eggs; The Rights of Mallarache; The Stranger Within the Gates (The World’s Children, 1929, p.157)
relationships, “however much society tells us that our lives should revolve around men” (Auchmuty 1989 p.98). The women in this chapter experienced such circles of friendship.

Cicely Hamilton and Edith Watson were Nina Boyle’s close friends (Fuller c1990s p.35). Cicely Hamilton, Winifred Holtby and Vera Brittain were at one stage neighbours of Nina Boyle (idem). Margaret Haig, who later became Lady Rhondda, also knew Nina Boyle and became a Patron of the Nina Boyle Memorial Fund. Margaret Haig was also a very important friend of Cicely Hamilton, so much so that “she recorded her gratitude for it in her will” (Whitelaw 1990 p.112). According to Cicely Hamilton’s biographer, Liz Whitelaw, Margaret Haig lived for many years with Theodora Bosanquet, Henry James’ secretary, and the destruction of her personal papers on her death was to disguise that relationship (ibid, p.113).

Nina Boyle met Eleanor Rathbone through their shared interest in campaigning against sexual slavery and, according to Katharine Fuller, the two women often shared a platform “at feminist events in the 1920s and 1930s” (Fuller c1990s p.37). Eleanor Rathbone, Nina Boyle, Marian Reeves, Elsa Gye, Winifred Holtby, Alison Neilans, Edith Craig, Sylvia Pankhurst, and Emmeline Pethick-Lawrence were among the feminists who shared membership in the Myra Sad Brown Memorial Library, which suggests that these women held similar intellectual, political and literary interests.

Mary Stocks, Eleanor Rathbone, Alison Neilans, Edith Picton-Turbervill and Maud Royden were, as representatives of the NUSEC, among the delegates at the tenth congress of the International Alliance of Women for Suffrage and Equal Citizenship (IAWSEC) in 1926. The Board of the Alliance at the time was presided over by Margery Corbett Ashby and included among the international complement of its board members, Bessie Rischbieth of Australia who was also on the Finance Committee. Rathbone was the ‘chairman’ of the international committee on “Family Endowment or Allowances.” Alison Neilans represented the Association for Moral and Social Hygiene. The international matrix at this congress comprised hundreds of women, many of whom were self-declared feminists and who represented national and international organisations. Dr. Muthulakshmi Reddi was among the Indian delegates.
The diversity of organisations included in the congress ranged from the “Mexican Women’s Organisation” and the “China Suffrage Society,” to the “World’s Young Women’s Christian Association” represented by Edith Picton-Turbervill; the “London Society for Women’s Service” represented by Philippa Strachey; the “Secretariat of the League of Nations” represented by Gabrielle Radziwill. Such widespread inclusion of groups in the congress enabled a strong liaison between feminists internationally, broadening the base of women’s participation across class, culture and ethnicity. Internationally, the spirit of feminist co-operation fostered the League of Nations work undertaken in areas challenging male sexual privilege. The “English Summary of Report on League of Nations” to the IAWSEC Congress, stated that since 1923, relations between the Alliance, the League and the International Labour Office had become “much closer and more cordial” (IAWSEC Report, 1926, p.81).

The International Alliance worked with the League of Nations on a cross-section of political, legal, social, moral and economic questions. In particular the Alliance felt a measure of their success was working with Dame Rachel Crowdy the “chief” of the social and moral section of the League; Avril de Ste. Croix from France on the Commission against the traffic in women and children. Eleanor Rathbone who promoted the idea of family allowances in the Commission set up for the protection of the child, and Paula Luisi from South Americas who succeeded in putting forward the urgent problem of raising the legal age of marriage (IAWSEC Report, 1926, p.82). Luisi reported on the cross-cultural aspect of early marriage and early age of consent: “It is a problem for the west as for the east since many western countries have the age set appallingly low” (idem). These women worked together in areas that challenged the automatic acceptance of the conjugal rights of men and promoted the understanding that the premature sexualisation of children including early marriage was a universal problem.

Members of the Alliance stressed the importance of continually putting forward the names of women who would be “expert on the question” (IAWSEC Report, 1926, p.83). For example there was the case in which the Alliance had to argue against the motion brought forward at the Assembly of the League of Nations in 1923 suggesting that girls travelling alone should be able to produce certificates indicating they were of “good moral standing” (ibid p.83). Without the feminist standpoint and initiative taken by “expert” women such as Rachel Crowdy or Alison Neilans it is likely that girls might have had to carry documentary evidence
that they were not fallen women. No such certificates were required by boys (idem). A letter dated February 1 1924 from Rachel Crowdy to Alison Neilans, on League of Nations letterhead but marked personal and confidential, thanks Neilans for taking exception on behalf of the Association for Moral and Social Hygiene (AMSH), to the Resolution requesting girls in transit to carry documentation attesting to their “good moral standard.”

The Resolution to which the Association for Moral and Social Hygiene took exception (quite rightly, I think) was proposed suddenly by the Cuban delegate on the Vth Committee of the Assembly. No one had the slightest idea that he was going to bring it forward and he had circulated no document previously. Happily the report of the discussions and findings on the women and children question had been approved and therefore we had the legitimate excuse for refusing to re-open the discussion (Crowdy to Neilans, 1924).

This important letter from Crowdy to Neilans demonstrates that both women instantly recognised and acted on the problem of non-recognition by the Cuban of his own sexual privilege as a male. At the end of the letter Crowdy adds the amusing postscript, “I really believe the little man who proposed it thought he was being frightfully kind and considerate to women!!! R.E.C.” (idem). The humour and wit in the postscript suggests that the relationship between Crowdy and Neilans transcended beyond the formalities required by the protocol of the international forum of the League of Nations and the Alliance.

**Alison Roberta Noble Neilans**

Alison Neilans worked closely with Hilda Matheson who, according to lesbian historian Laura Doan, was a lesbian and political secretary to MP Nancy Astor (Doan 2001 p.220 n.116). Doan points out that “it is not clear whether or not Alison Neilans was a lesbian, though if not homosexual she was most certainly homosocial. Neilans lived with Ethel (Madge) Turner for the last twelve years of her life and named Turner the major beneficiary of her will” (Doan 2001 p.220). Neilans, as secretary of the Association for Moral and Social Hygiene (AMSH) campaigned with Astor and Matheson to pass the age of consent or anti-rape Criminal Law Amendment Bill of 1922. Obstructionists to the Bill, who were intent on preserving male sexual privilege, campaigned to keep the “reasonable
cause to believe” clause for men under twenty-three (Doan 2001 p.61). The “reasonable cause to believe” clause meant that men would be exonerated from rape cases if they could provide evidence that they believed the girl or woman had in some way consented to sexual intercourse. Obstructionists further complicated the debate on the age of consent by attempting to introduce an anti-lesbian clause that focused on “Acts of indecency between females” (Doan 2001 p.60). The idea of “gross indecency between females” was rejected by the House of Lords and the Bill passed without mentioning lesbianism (ibid, p.61). But, the “reasonable cause to believe” clause was retained and, as Laura Doan has argued, was a trade-off for dropping the anti-lesbian clause: “the anti-lesbian clause, while basically a desperate measure to sink a bill that threatened male privilege, had the potential to wreck any woman’s life” (ibid, p.62). As proof that homosocial women were wary of possible legal implications for lesbians, Doan quotes from a letter sent by a friend, Pat Dansey, to Vita-Sackville West, “One thing I did urgently want to call to your attention was ‘The Criminal Law Amendment Bill’ and the clause that was inserted in the Bill at the third reading. It only makes me implore you to be more careful” (ibid, pp.61-2).

Alison Roberta Noble Neilans died at the young age of fifty-eight on July 17 1942 after twenty-nine years as Secretary of the Association for Social and Moral Hygiene. Among the numerous mourners at her funeral, at Golders Green on July 21 1942, were her feminist friends and colleagues Rachel Crowdy, Nina Boyle, Nancy Astor, Grace Abbott (chairman of AMSH), Miss F. Barry of St. Joan’s International Alliance, Miss K. Courtney of the League of Nations Union, Daisy Solomon of the British Commonwealth League, Miss Anna Munroe, Miss Marian Reeves of the Women’s Freedom League and many more from the international arms of organisations such as the Open Door Council and the International Council of Women. Bessie Rischbieth of the Australian Federation of Women Voters represented Australian women. While it is beyond the scope of this thesis to investigate the lives of all women in attendance at Neilans’ funeral, the friendship links between Crowdy, Boyle and Neilans are evident.

Little is known of Alison Neilans’ private life. An obituary on July 20 1942 in The Times, reported that she had been educated privately and was the only daughter of Robert and Alison Ferguson Noble Neilans of Coldstream-on-Tweed. On joining

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121 See Laura Doan’s Fashioning sapphism, for a more detailed discussion on the anti-lesbian lobby carried out during the hearing of the Criminal Law Amendment Bill, pp-50-63.
the Women’s Freedom League in its early days she became head of its political department (Manchester Guardian, July 21 1942). Prior to her work with AMSH she was a women’s suffrage organiser from 1907 to 1912. Her work in the AMSH took her to Geneva where she achieved her aim of organising the searching of ships going to South America and other countries for girls who were being smuggled from various ports (idem). On the twenty-fifth anniversary of her involvement with AMSH, a public dinner was held in honour of her contribution in carrying on the work of “Josephine Butler for a higher and single of standard of morality” (Manchester Guardian, 26th September 1942). *The Manchester Guardian* noted that Neilans was among pioneer women who had shaped the “changing attitude toward moral questions” (idem). At the celebration many greetings and tributes came from Hong Kong and other countries saying “that her hard work and convictions had secured freedom for hundreds of Chinese girls (idem).

We gain some insight into Nielans’ personal friendship network from reports about the 25th Anniversary Tribute in her honour. On November 3 1938, a large group of her feminist friends and colleagues wrote a letter to the editor of *The Times* requesting donations for a presentation of a gift to Alison Nielans. Among the women signatories of the “wide circle of friends” who wished “to pay a public tribute to the magnificent work” Nielans had accomplished were Nina Boyle, Nancy Astor, Margery Corbett Ashby, Marjorie Nunburnholme, Eva Harterr, Vera Laughton Matthews, A. Maude Royden, Jane Walker and Helen Wilson. Nina Boyle, Dr. Maude Royden and Nancy Astor were among the speakers. Nancy Astor “proposed Miss Nielans’s health,” and demonstrated the quick wit she was known for in claiming that Nielans’ successful contribution to the raising of the age of consent bill “had changed the lives of thousands of men throughout the world” (idem). *The Times* did not report the content of Nina Boyle’s and Maude Royden’s speeches but quoted the Archbishop of York’s admiration that Nielans “manfully stood for the fundamental unity of moral law and ideal for all persons, races and sexes” (idem). Several lesbians and spinsters in the international feminist sorority were attributed with masculine characteristics in association with their work. Nina Boyle was considered “mannonish.” Alison Neilans was seen as “manfully” carrying out her duties. In the next section I look at feminist Katharine
Furse, who was remembered in obituaries, as much for her physical prowess as a champion skier, as for her role in international feminism.  

**Katharine Furse (née Symonds) (1875 – c.1952/3)**

Katharine Symonds, the youngest of four daughters, was born in November 1875 to John Addington Symonds and Catherine (North) Symonds (Grosskurth 1964 p.177). Addington Symonds lived a dual existence as a family man, and as a homosexual engaging in sexual encounters, predominantly with men and boys of lower social rank. He resorted to sexually using his wife Catherine “only in desperation, as a form of ‘therapy’”, between homosexual assignations (ibid, p.178). According to Phyllis Grosskurth, John Addington Symonds’ biographer, Katharine, “the fruit of a passionless act,” passionless because Symonds primary sexual interest was as a homosexual, became the child her mother loved the best (idem). In an attempt to cure his acute tuberculosis, Addington Symonds arranged for his family to move from Bristol to Davos, Switzerland. Katharine was educated for a short time in Geneva, and while living in Switzerland became a “pioneer woman skier” (Grosskurth 1964 p.198). Symonds took on the role of teaching his own daughters for several years so it is likely they grew up in an atmosphere in which they were well aware of their father’s homosexuality (Fowler 1990 p.201). Katharine, as a child who grew up in a climate of sexual liberalism, was unlikely to be a sexual prude in the sense often attributed to women who were feminists. Sexology, as a scientific discipline, was in the throes of taking over from church teachings on sexuality, and Symonds was in contact with sexologists such as Havelock Ellis, and corresponded for years with the homosexual poet Walt Whitman.

John Addington Symonds is usually recorded in history as a poet, Italian Renaissance art historian and critic. In order to establish a theory explaining homosexuality as a biological phenomenon, Symonds studied and followed the

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122 Nina Boyle, Rachel Crowdy and Katharine Furse were linked in their work with the Save the Children Fund, especially in the international work of the Save the Children Fund International Union. All worked to end sex slavery. Some of their views are recorded in their written contributions to *The World’s Children*. Rachel Crowdy, who by the time Eglantyne Jebb died on 17th December 1928, was Dame Rachel Crowdy, D.B.E., Chief of the Social Questions and Opium Traffic Section, League of Nations, wrote in the *Revue Internationale de l’Enfant* that she remembered Eglantyne Jebb as a vivid and dominant personality. “With that flame of herself she lit many torches in many lands. Her friends and followers will see that those torches are kept alight” (*The World’s Children*, 1929, p94).
work of sexologists Krafft-Ebing and Ulrich. In 1897 and as a result of more than
seven years of collaboration with Havelock Ellis, Symonds co-authored the
sexological tome *Sexual Inversion*. *Sexual Inversion* claims to present scientific
and medical evidence that homosexuality and lesbianism are biological conditions.
Since *Sexual Inversion* was published posthumously, after Symonds death in 1893,
Ellis was relieved that the partnership had fallen through. Biographer Phyllis
Grosskurth claims that Ellis thought the dissimilarity of styles between himself and
Symonds could have been problematic had the collaboration continued, but more
importantly, “the fact that one of the compilers was widely known as homosexual,
might make the work suspect as a case of special pleading” (Grosskurth 1964
p.291).123 In the preface to the 1897 edition of *Sexual Inversion* Ellis wrote,
“Although Mr. Symonds’ share in this volume is thus merely fragmentary, it
possesses, I believe, a curious and special interest” (Ellis, 1897, p.xiii). Reprints of
*Sexual Inversion* after that date usually bear the sole authorship of Havelock Ellis.
However, as Symonds was “indifferent to the question of Lesbianism” Ellis
conducted this investigation entirely on his own (Grosskurth 1964 p.290).

Katharine Furse and Virginia Woolf later formed a literary alliance around the
issues of sexology and homosexuality based on the experiences of Symonds.

Katharine Furse (1875-1952) and Virginia Woolf (1882-1941) were childhood
acquaintances with Katharine having attended the schoolroom at the Stephen
household at 22 Hyde Park Gate. In 1900 Katharine Symonds married Charles
Furse who died in 1904 leaving her with two sons. Virginia’s letters at the time
reflected on Katharine’s strength of character. In a letter to Madge Vaughan,
Katharine’s sister, she wrote, “I had a talk with Katharine which I very much
enjoyed. She is very sad and splendid, and strikes me at once as full of a grave
kind of courage—a reasoned courage I mean, which will last her all through this
terrible time I know” (Woolf to Vaughan, Dec 1 1904). Two years later Virginia’s
letter to her friend Violet Dickinson, at a time when their friendship was
depending, demonstrates a continued admiration for Katharine’s courage, “She has
a real thread of courage running through her, which is better than genius, and
better than virtue; indeed I put it first of all qualities” (Woolf to Dickinson, Dec 28
1906). Virginia pays tribute to courage in a way that suggests that she has had to
call on her own courage to deal with difficult life issues, possibly alluding to her
own experience as a lesbian or of her childhood experiences of sexual abuse.

123 Symonds had provided case studies of homosexuals compiled from questionnaires based on his
study of Krafft-Ebing’s and Ulrich’s methods – a form of research approved of by Ellis
(Grosskurth, 1964, p290).
Katharine’s apparent strength and courage at the time was something that drew Virginia to her in friendship, “I spent Sunday motoring with Katharine Furse. Who is much like a Greek statue draped” (Woolf to Dickinson, Feb 1907). In another letter from Virginia to Violet, written in December 1906, Virginia seems to raise the question of Katharine’s sexuality,

Katharine Furse is a fine woman as you know; only I don’t think she is a woman at all, but a great virgin tomboy with a lifetime of sorrow set down in her suddenly. She doesn’t know what to make of it; it is all crude and uncomfortable. You know only very soft natures like Nessa’s absorb their experiences (Woolf to Dickinson, 1906).

Whether Woolf, in her constant epithets referring to Furse’s statuesque physique, is suggesting Furse was confused about her sexuality is not elaborated on, for Virginia Woolf at the time was only beginning to discover her own lesbian inclinations. Roberta Fowler, however, argues that Woolf had “little in common with the woman who was to play a leading role in setting up the VAD and the Women’s Royal Naval Service (WRNS)” and “with her distrust of uniformed movements” found Furse a combination of “admirable, formidable, and slightly ridiculous” (Fowler, p.203). Virginia Woolf’s antiwar book, Three Guineas, criticises military uniforms and other emblems of patriarchal power such as judicial and religious robes and finery (Woolf 1938). Katharine Furse was ultimately best known for her work in the circles of international feminism, but was also familiar with the milieu of Virginia’s literary and artistic friends and colleagues who became known as the Bloomsbury group.

Katharine Furse valued the rekindling of her childhood friendship with Virginia Woolf, finding the link a useful resource for the biography she was writing primarily about her father John Addington Symonds entitled, Hearts and Pomegranates (Fowler, p.202). At the same time Virginia was writing about Roger Fry’s impressions of Symonds in Venice in 1891 (idem). Both women discussed the importance and difficulty of writing openly about the topic of homosexuality at the time. On July 12 1936, Virginia Woolf wrote to Katharine encouraging her to write an autobiography and suggested that the Hogarth Press would be “greatly interested” in making her a publication offer. Three years later
on July 18 1939, Furse wrote to Woolf indicating that she had written two hundred thousand words of memoirs and had signed a contract with Macmillans. Furse explained that in addition to recording her family memoirs she wanted to include her experiences in the Voluntary Aid Detachments and WRNS, but found it all too difficult to limit her words. She chose to stop at the year 1920 in order to focus mainly on her father: “I wanted particularly to show the side of my father which I knew and which has not been brought out in the same way in any book yet published about him” (Furse to Woolf, quoted in Fowler 1990 p.207). She determined as far as possible to overcome the secrecy surrounding her father’s homosexuality: “The mystery about J.A.S.s [sic] papers is intriguing especially now after the amazingly eulogistic obituary notices of Havelock Ellis” (Furse to Woolf, quoted in Fowler, p.207). Katharine had saved the press cuttings on Ellis’ death, particularly those that “quoted the fact that J.A.S. had collaborated with him in writing Sexual Inversion which caused such a sensation when it was published” (Furse to Woolf, quoted in Fowler, p.208). Virginia responded on July 21 1939, keen to furnish Furse with memoirs about her father she had encountered whilst writing a biography of Roger Fry. She suggested they compare notes.

I met with some references to your father, by the way, in Roger Fry’s papers. (I’m writing about R.F.) May I quote? – would you like to see? Its only admiration for him & Horatio Brown in Venice in 1891. It hints at the forbidden topics – I’m glad to think that now we needn’t hush up so much. Are you being open? (Woolf to Furse, July 21 1939, quoted in Fowler, p.207).

Virginia’s letter suggests when she asks, “are you being open,” that she and Katharine most likely shared memories on homosexual aspects of Addington Symonds’ life. At one stage she mentioned to Virginia that her current research was building on childhood memories. Both women expressed some form of relief in being able to openly discuss the once forbidden topic of homosexuality even though the publishers, Macmillans, were less than enthusiastic about the inclusion of Symonds’ homosexuality in Furse’s memoirs. However, as far as Furse was concerned, her father’s homosexuality was central to the accuracy of her research.

So far as I am concerned, you are welcome to use anything with regard to J.A.S. in your book about Roger Fry. To my mind the more said the better, but as I am trying myself to
write of the “skeleton in the cupboard”, it would be helpful if we might exchange views so as not to differ too much (Furse to Woolf, July 31 1939, quoted in Fowler, p.208).

Katharine Furse’s Letters to Rachel Crowdy
Given the increasing stigma attached to the classification of lesbianism as congenital inversion, it is likely that women who were public figures kept private any form of woman-loving relationship in order to protect their political careers from criticism. I suggest that Katharine Furse and Rachel Crowdy were two such women. Katharine Furse was widowed at a young age. Rachel Crowdy was a spinster throughout most of her career in the League of Nations but married later in life. Rachel became engaged, in 1939, to Cudbert J. Thornhill, the engagement being announced in The Times on Dec 15 1939. At the time Rachel would have been aged fifty-five. Cudbert died c1952 which meant that Rachel and Cudbert were married for about 12 years. Katharine, in contrast to Rachel, had married in 1900 at the age of 25 and was widowed by the age of thirty. Both women came to public notice as a result of their international activism, having met as officers in the Voluntary Aid Detachments during World War One, and went on to have lifelong international careers. A series of letters from Katharine Furse to Rachel Crowdy dating from 1917 until Furse’s death in 1952 indicates that they shared a woman-loving friendship. The difference between the valued friendship such as she had with Virginia Woolf, and a closer passionate friendship can be found in the subtext of her letters to Rachel Crowdy. When Katharine Furse wrote to Virginia Woolf, she began her letters with the usual salutation, “Dear Virginia,” but her letters to Rachel began with intimate endearments such as, “Rachel Darling,” and “Beloved Rachel,” and ended mostly with, “Your Devoted Katharine,” and “Yours For Always.” On the basis of these endearments, it could be argued that the two women shared a form of passionate friendship.

Katharine’s letters in 1917 reveal that she and Rachel discussed feminist issues such as the status of women in the international workplace, particularly the VAD. Women who occupied positions of authority instead of men were often called “substitutes,” meaning they were substitutes for men and mostly subordinate to them. Katharine complained to Rachel that, “they think we are just little office
drudges” (Furse to Crowdy, c1917). On May 21 1917 she related another problem to do with 'substitution' that had arisen about a car she had at her disposal for the war effort,

My car can compete with any you have now. Mine is a huge open Rolls Royce. Such a beauty but there is one fly in the ointment. It has a man driver. He’s in khaki but he’s a man. I don’t think it’s suitable when we are taken up with substitution. I hope to arrange for it to drive wounded officers also and then it won’t weigh so heavy on my mind for it simply drinks petrol (Furse 1917-1952).

Both women worked throughout the two World Wars. Letters survive from Katharine to Rachel for both war periods. In one letter dated July 14 1944, Katharine commiserates with Rachel’s loss of possessions and property as a result of the bombing of London, offering to come to her aid, “I can come back here any day so send word if you’d like to have me near…Poor Rachel I love you so much, Love Katharine.” In the letter, Katharine says of Rachel’s husband who seems to have become a sort of burden, “I know you are anxious about Cud but you can’t carry him beyond a certain point.” Both women lost homes during the bombing of London and several letters after Rachel lost hers, involve Katharine reporting on possible alternative accommodation. Katharine hopes that Rachel will join her and on July 30 1944 included a poetic reference, for the women shared poetry writing in their VAD days,

Rachel Darling, I think of you so much “unfreezing” leaves on soft. I know what you have been feeling about loss of “home.” I wake up in the night and remember I have lost my home in London and this could never replace it… Remember I will always be glad to share with you. So if Cud wanted to live in the country you could have a pied-a-terre with me” (Furse 1917-1952).

Three months later while travelling by train Katharine wrote of the possibility of renting a relatively safe but basic pied-a-terre for £150 per annum, “I should like to share with you but would not be hurt at all if you and Cud decide on a smaller

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124 I have not had the opportunity to discover Rachel Crowdy’s letters replying to Katharine Furse.
flat by yourselves as I am sure I could find nice people to share a large flat.” The letters to Rachel continue until Katharine’s death in 1953 at the age of seventy-seven. On her death Katharine had an executrix rather than an executor of her estate. Rachel Crowdy, who was born in 1884, died at the age of eighty in 1964. In the next section I look at the autobiography of international feminist Margaret Haig, who, as I suggested earlier in this chapter, lived a lesbian existence, but like many of her contemporaries, left no personal papers.

**Margaret Haig Avoiding Heterorelations**

It is unusual to find women’s autobiographies written by interwar feminists engaged in passionate friendships with other women. In the case of Margaret Haig, women’s friendships are the central focus her autobiography, *This Was My World*, published by Macmillans in 1933. Margaret Haig (nee Thomas), or the Viscountess Rhondda as she was most commonly known, claimed that she wrote the book by accident. She had intended to write a brief tribute to Miss Sandys, her former headmistress, who was over eighty and suffering ill health. Haig was “thinking of her a good deal” and wanted to write something down of what she meant to her in her schooldays (Rhondda 1933 p.v). At Miss Sandys’ suggestion, the reminiscences were better published in a book than as anonymous excerpts in *Time and Tide*, the feminist journal Haig edited. After being educated by governesses in her childhood, Haig persuaded her father to let her go to St Leonards for her adolescent years. After her mother had “seen the school and all the houses, fallen in love with Miss Sandys at sight, and accepted the offer of a vacancy in her house,” the young Margaret began her St Leonards education. Margaret remained “on intimate terms with her” all her life (Rhondda 1933 p.v).

Haig’s autobiography allows insight as to how women thought about their own social construction into marriage. As a young girl Haig had wanted to be “the Prime Minister of England, a famous writer,” and in the good Victorian tradition, “the mother of twelve children” (ibid, p.103). At the age of thirteen or fourteen she “discovered the existence of prostitutes as a class set apart” and made a vow to change the “terrible injustice” of prostitutes stigmatised as “untouchables simply because they performed the sexual act for money” (ibid, p.36). However, by the time she was twenty, Haig had conformed to a “pattern of life” that steered young
women toward a life of love and marriage rather than fulfilling the ambitions of their youth. Marriage meant that her ambitions were domesticated, “I had cut my hopes according to my cloth” (ibid, p.103). She conformed to the public expectation of participating in heterosexual marriage. As she put it, “In the eyes of everyone around me that was the one path of self-fulfilment” (ibid, p.103). She had not intended to include her marriage in her autobiography, only doing so at the suggestion of a friend who said if she left out all reference to it, society would judge her as a misfit. Haig married to attain adult status but as was common at the time, mainly to avoid the stigmatisation that accompanied spinsterhood, particularly for single women over forty years of age. She did not want to be among women men found “physically undignified and repulsive” or “pictured as completely brainless” (ibid, p.98).

Shortly after her marriage, Haig joined the suffragettes and found purpose in militant feminist activism. She travelled from village to village, often in the company of Prid her longtime school friend from St Leonards, chalking the pavements with suffrage slogans and speaking to crowds on street corners and in halls in the evenings. She says in her autobiography that any happiness that coincided with her marriage to Humphrey, who was twelve years her senior, was due to her finding “suffrage,” and that she and Humphrey were mostly incompatible (ibid, p.108). According to Haig, the militant suffrage movement provided her with a framework that enabled her to “unearth the subconscious premises” concerning women’s subordinated status (ibid, p.108). She became a voracious reader of feminist literature “reinforcing the suffrage position.” Her reading list included Cicely Hamilton’s Marriage as a Trade, Olive Schreiner’s Woman and Labour, and Shaw’s “Mrs. Warren’s Profession,” a play which sent many women to prison” (ibid, p.126). She sought a feminist perspective in areas of political science, economics, psychology, sociology and anthropology. She does not elaborate on her own sexuality anywhere in her book, but mentions Havelock Ellis’s Psychology of Sex, as a “vivid” recollection and “the first thing of its kind” that she had read as a young woman (ibid, p.126). She does not detail any aspect of Ellis’s construction of sexuality but suggests that the content was not all credible; “Though I was far from accepting it all, it opened up a whole new world of thought to me” (ibid, p.126).

Margaret Haig was the co-founder of Time and Tide, the feminist journal set up in order to address the social injustice of women’s oppression. She could not turn a
blind eye to the feminist struggle needed "for the abolition of various inequalities in the laws" and in 1921 formed the ‘Six Point Group.’ The Six Point Group worked for eight years "at a heap of niggling little laws that needed altering" (ibid, p.299). Historian Brian Harrison describes the Six Point Group as "small," "interesting" and "forceful," but with a "rather a strident tone” which “jarred with an interwar generation of women who wanted organisations of a more recreational and utilitarian kind" (Harrison 1987 p.7). If there were personal papers in existence for the Six Point Group there would be more insight into the friendship network of that collective, but according to Brian Harrison, none remain (ibid, p.12). Other women members of the Six Point Group included Winifred Holtby, Vera Brittain and for a short time, Cicely Hamilton (Fuller c1990s p.36). Haig “loved every minute of that militant fight before the war” and argued that “the militant fight itself did more to change the status of women—because it did more to alter our own opinion of ourselves—than ever the vote did … we were changing the attitude of the country — nay, of the world” (Rhondda 1933 p.299). The militant position was in opposition to Eleanor Rathbone’s and the NUSEC who remained a non-militant and non-party alliance.

**Conclusion**

In this chapter I have briefly outlined some of the ways in which ‘women-loving’ women were able to create a women-centred political vision towards challenging a conjugal culture that subordinated women and girls. Through their personal relationships and friendship networks they established a political analysis critical of heteropatriarchy as an institution, exemplified in Cicely Hamilton’s book, *Marriage as a Trade*. The support they gave each other through their networks enabled their radical critique of sex slavery to develop and formed the basis of their political work. The women discussed in this chapter managed to live their lives in a way gave them independence from the subordination of marriage. They were all linked through their work against sexual exploitation in the League of Nations. I have attempted to show here, how their independence was due to the strong links they formed with other women with similar political ideals. They successfully communicated across countries on the difficulties arising for women and girls in age of consent laws, and in their criticism of heterosexuality, established a language that in many ways challenges the sexual relativism that underpins male sexual privilege. By reintroducing the lesbian lives of interwar
international feminist activists I have attempted to restore some accuracy to traditional historical records.

In the next chapter I look at the legacy of these interwar feminists, who, in their challenge to a heterosexual lifestyle, contributed towards an ongoing feminist campaign for women’s inclusion in international human rights issues and an enduring consideration of children’s rights and women’s rights as human rights. I will link the feminist work of the interwar years to the current international activist campaigns around sex slavery today.
This section of the thesis brings feminist campaigns against child marriage up to date. It shows why child marriage is yet again an increasing problem in the twenty-first century. It will discuss how the issue of child marriage has resurfaced within the context of western multicultural societies where it is subject to defence on the grounds of cultural and sexual relativism. This section is important because activists of the present are unlikely to know about the work of their foresisters as much of the evidence has disappeared from history. I will explain how campaigns of today reflect the campaigns of earlier activists and reveal why there was a gap of several decades between the waves of campaigning.

Feminist activists, in current campaigns against sexual exploitation, face opposition by those who defend harmful cultural practices on the basis of cultural relativism, in a similar way as in the interwar period. A crucial part of such criticisms is the likening of current activists to their sisters in the early campaigns. In both periods, activists are said to be engaged in moral panics, denying sex workers’ rights in developing countries, conservative and exhibiting a western bias.
CONJUGAL WRONGS DON'T MAKE RIGHTS
Chapter Seven: Bringing Feminist Activism into the Twenty-First Century

Female sexual slavery, in all of its forms, is the mechanism for controlling women through the sex-is-power ethic, either directly through enslavement or indirectly using enslavement as a threat over all other women. This is the generalized condition of sex colonization. Enslavement or potential slavery is rarely seen as such either by its aggressors/potential aggressors or by its victims/potential victims. That is the subtlety of long term sex colonization (Barry 1979 p.194).

Introduction

In this chapter I will examine some of the outcomes of interwar feminist campaigns against a conjugal culture that condones the premature sexualisation of children. The chapter will investigate why there was a gap of several decades between the first wave of campaigning and the second wave which began in the late 1970s. During these decades the ‘sexual revolution’ occurred which produced a significant obstacle in the form of the ideology of sexual liberalism. I will also discuss current feminist perspectives towards ending practices of ‘long term sex colonization’ such as child marriage. In contextualising child marriage within my theory of sexual relativism, the subtlety of the ‘long term sex colonization’ Kathleen Barry talks about becomes more visible by exposing the extent to which sexual violence underlying such traditions is hidden. In this way, I suggest sexual relativism is the theory and ‘long term sex colonization’ is the practice.

In the post-war period the work of earlier feminists was the foundation and inspiration for the development of the feminist approach to human rights. Notwithstanding the important work of interwar feminists and their targeting of child marriage as a form of sexual slavery, cross-cultural traditions of conjugal rights, under the guise of legitimate marriage customs, continued to protect male

125 ‘Long term sex colonization’ is a term coined in 1979 by Kathleen Barry, founder of the Coalition Against Trafficking in Women (CATW), and is used to define the condition of women’s and girls’ sexual slavery.
sexual access to girls and women. However, the legacy of international feminist activism in the interwar period instilled into human rights language the idea of “women’s rights as human rights.”126 This concept has been promoted since the 1970s by international feminist and legal theorists and was gradually taken up by UN Member States as a universal standard through human rights instruments such as CEDAW which was adopted in 1979. In 1993, the demand, “women’s rights are human rights” was ratified in the Declaration Against Violence Against Women adopted at the UN Conference in Vienna. In particular, the identification of sex slavery as slavery in the interwar period, and the ensuing critique of heterosexual power dynamics as a major force maintaining women’s and girls’ subordinated status, were key factors in enabling the language of human rights to extend the idea of human dignity to women, girls and boys.

In spite of the progress made by interwar feminists against sexual exploitation, my central argument in this chapter is that at the beginning of the twenty-first century male sexual privilege is the dominant factor in what I call ‘sexual relativism’ which enables the cross cultural practice of child marriage to continue. Firstly I examine the post war human rights gains for women and girls. Next I explain how the development of sex liberal ideology came to influence the understanding of human rights ordinances and contributed to the subsequent devaluing of the status of girls by ignoring men’s sexual privilege. I conclude by discussing how children are commodified in general heterosexual relations, in the private sphere through marriage and in the public domain through prostitution and pornography. In order to envision a future free of exploitation, throughout this chapter, I contextualise problems of ‘sex colonization’ through the lens of international feminist activism. In the next section I demonstrate how the important work of interwar feminists in the League of Nations continued in the period after World War II in their attempt to include women’s rights as human rights through the United Nations.

Women Organising Human Rights for Women Post WWII

In the socio-political climate of the immediate post war period the dominant forces of overarching peace issues meant that feminist activism against sex slavery was again marginalised. The end of the League of Nations in 1945 saw international feminist committees disbanded and much of the international activism turned towards establishing peace rather than working directly against sexual exploitation (Stienstra 1994). In the massive bid to rebuild industry in the fifties and sixties in the western world, patriarchal institutions were occupied with capitalist pursuits which meant that feminists had to continue liberation struggles independently of male driven government agendas. The male dominated environment meant that the human rights gains of interwar feminists and their work against sex slavery were under threat of extinction.

The post war industrialisation of western countries meant jobs for returning soldiers. Women who had been engaged in careers during the war were redirected from the public workplace back into domesticated and subsidiary roles as wives and mothers. Spinsters continued to be derided as odd women, and lesbians, pathologised and then ‘cured’ through medical procedures such as lobotomies and shock therapy, were further ostracised (Innes 1997). During the 1950s, and in order to preserve the institution of marriage, organisations such as the Marriage Guidance Council were set up in the UK (Jeffreys 1990 p.5). The independent woman, whether spinster or lesbian, was institutionally constructed as a pariah and seen as a threat to the preferred nuclear heterosexual family unit (Wiesen Cook 1979). According to Women’s Studies Associate Professor, Asoka Bandarage, in periods of economic expansion and post war conquests, the patriarchal control of women’s sexuality is crucial (Bandarage 1997 p.120). The conjugal rights of institutional marriage became more important in western countries intent on increasing their populations in order to further capitalist enterprise in a time of cold war and competing communism (Bandarage 1997).¹²⁷ Men’s rights were again in

¹²⁷ See Asoka Bandarage’s book, *Women, Population and Global Crisis*, for confirmation that American policy was designed to control populations of third world countries. Bandarage quotes from a 1948 secret US State Department memorandum made by Head of State, George Kennan, who stated, “We have about 50 per cent of the world’s wealth, but only 6.3 per cent of its population. In this situation, we cannot fail to be the object of envy and resentment. Our real task is … to devise a pattern of relationships which will permit us to maintain this position of disparity without positive detriment to our national security.”
the forefront of civil society in the international arena, and women were almost
excluded from participation in the decision to establish the Universal Declaration
of Human Rights. Just as men’s rights had threatened to dominate the Paris Peace
Declaration at the end of World War One, when women fought to be included in
the Covenant of the League of Nations, feminist organisations once again
mobilised. As a result of heated international discussions women and children
were finally included in the Universal Declaration of Human Rights (Stienstra
1994).

Eleanor Roosevelt was a central figure in establishing the significance of human
rights for women in this period. She was the chair of Delegates for the UN
Commission of Human Rights (CHR), and fought passionately for including
women’s rights as human rights in the Universal Declaration of Human Rights.
From Roosevelt’s point of view, “women should come in on an equal basis – not
even as specialized groups unless they are representing some particular objective”
(Stienstra 1994 p.82). The success of Eleanor Roosevelt’s lobby group is measured
in Article Two of the Universal Declaration of Human Rights which states,
“Everyone is entitled to all the rights and freedoms set forth in this Declaration,
without distinction of any kind, such as race, colour, sex, language, religion,
political or other opinion, national or social origin, property, birth or other status.”
The inclusion of the word “sex” meant that women had an entrée into the Human
Rights Caucus as human beings. Roosevelt argued that women needed to be
included as citizens of the world and must possess the same inalienable rights as
men.128 Roosevelt stated,

[too] often the great decisions are originated and given form in
bodies made up wholly of men, or so completely dominated by
them that whatever of special value women have to offer is
shunted aside without expression. Even in countries where for
many years women have voted and been eligible for public
office, there are still too few women serving in positions of
real leadership (Franklin and Eleanor Roosevelt Institute
2001)(26th April 2004,
http://www.udhr.org/history/frbioer.htm).

128 Article One: “discrimination against women” shall mean any distinction, exclusion or restriction
made on the basis of sex which has the effect or purpose of impairing or nullifying the
recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of
equality of men and women, of human rights and fundamental freedoms in the political,
Roosevelt, in terms of “real leadership,” wanted substantial contribution from women policy makers, not just token representation in government. In the documentation of the UN Deliberations on the Draft Convention on the Political Rights of Women and as preparation for organising the Commission on the Status of Women, she set out the ground rules that would later allow women’s agency within international activism. In her words:

I am not talking now in terms of paper parliaments and honorary appointments. Neither am I talking about any such artificial balance as would be implied in a 50-50, or a 40-60 division of public offices. What I am talking about is whether women are sharing in the direction of the policy making in their countries; whether they have opportunities to serve as chairmen of important committees and as cabinet ministers and delegates to the United Nations (Franklin and Eleanor Roosevelt Institute 2001)(26th April 2004, http://www.udhr.org/history/frbioer.htm).

The Draft Convention on the Political Rights of Women drawn up in 1959 was the result of work carried out in the Commission on the Status of Women (CSW). Eleanor Roosevelt thanked Judge Dorothy Kenyon and Olive Goldman, who were among the women responsible for working towards the inclusion of women’s rights into human rights jurisprudence. The Draft Convention on the Political Rights of Women was, to some extent, foundational for the later women’s convention, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) ratified in 1979 and which advanced the idea of women’s rights as a global phenomenon. The core of the 1958 Convention on the Political Rights of Women promoted women’s full participation in international politics, thus laying the groundwork for future feminist involvement in non-government organisational work. This premise can be seen in Article Seven of CEDAW:

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129 Part of Eleanor Roosevelt’s initiative in establishing the Commission on the Status of Women (CSW) as a functional commission of the Economic and Social Council (ECOSOC), by Council resolution 11(II) of 21 June 1946 was to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission also makes recommendations to the Council on urgent problems requiring immediate attention in the field of women's rights (26th April 2004, http://www.un.org/womenwatch/daw/csw/).
States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country (Article 7, CEDAW, quoted in Rehof 1993, p.95).

As Lars Rehof, Danish Associate Professor of public international law, in his guide to the *Travaux Préparatoires* of CEDAW has shown, Austria, in the committee discussions, noted that the paragraph on “the right to vote and be elected” was parallel with the earlier Convention on the Political Rights of Women (UN Doc. A/32/218, para. 53, and UNTS 193,135 quoted in (Rehof 1993, p.96)). The connection between the earlier CSW convention and CEDAW establishes the importance of how feminist work continued across decades, a continuity that has since enabled work against sex slavery to be carried out in international non-government organisations. Mechanisms for curtailting the sexual exploitation of women and children can be seen in the language of Article Five of the UDHR which states that adults are responsible for the well-being of children, and Article Six which is directed toward ending the trafficking of women into prostitution.

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130 The *Travaux Préparatoires* are documentary records of the drafting and negotiating processes of preparatory discussions between countries that collectively provide the background evidence of how international instruments such as CEDAW came to be agreed upon in the forum of the United Nations.

131 Article Five: “States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases” (idem).

132 Article Six: State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (idem).
It is important to note that although Eleanor Roosevelt was a central figure in the establishment of human rights for women, debates concerning correct wording of the UNDHR and establishing the CSW involved feminists from many nations. In 1946, a delegation of international women’s groups met in London to establish a joint position for women’s representation through the UN Economic and Social Council (ECOSOC) (Stienstra 1994). According to Deborah Stienstra, discussions about understanding the concept of women’s rights as human rights ranged from “whether women’s rights should be considered separately from human rights” to “whether the approach taken on women’s rights should be an equality or a social-reform approach, and the scope of women’s-rights work” (Stienstra 1994). Among these women’s organisations were the World Women’s Party, the International Alliance of Women, and Britain’s Six Point Group, whose advocacy for the inclusion of women met with initial resistance but culminated in establishing the Commission on the Status of Women (CSW).

Furthermore, according to law historian Mary Ann Glendon, Hansa Mehta of India made sure the Declaration spoke with clarity and power about equal rights for women well before they were recognized in most countries’ legal systems (Glendon 2001 p.xx). A year earlier in 1945, Hansa Mehta left the Geneva meeting, dissatisfied with the progress being made for women’s rights, and at later meetings she persisted in her efforts to make Article One more inclusive of women. As Glendon writes, “Her changes were finally accepted at the third and last meeting of the full Council in June 1948. They helped to place the Declaration far ahead of most of the world’s rights instruments in the clarity with which it affirmed women’s equality” (Glendon 2001 p.92). Hansa Mehta, having battled issues of purdah, child marriage, polygamy and unequal inheritance laws in India, before and after Swaraj (Home Rule), was highly aware of the difficulties facing women striving to achieve equality. She warned the delegation that the words “all men” would be construed literally in some countries so as to exclude women (Glendon 2001 p.90). In 1948, to argue for women’s rights within the framework of non-gendered language was not an issue nor even understood as a priority within western liberalism where the word “men” in official documents was often inaccurately assumed by women to include women. As a result of Hansa Mehta’s insistence, the wording of Article One was changed from “all men” to read “all human beings.” However, the wording “spirit of brotherhood” remained unchanged. Article One thus reads, “All human beings are born free and equal in
dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” The intensity with which these women lobbied for women’s equal rights in the UNDHR was carried over from the feminist struggle for human rights that had begun during the campaigns against sexual exploitation in the League of Nations.

Feminists acting in the male dominated international arena often carried out their work in environments hostile to women. Mary Glendon reports that Eleanor Roosevelt wrote to her daughter Anna about her fears at being the only woman delegate when the UN General Assembly opened on Jan 10, 1946.

[D]uring the entire London session of the Assembly I walked on eggs. I knew that as the only women on the delegation I was not very welcome. Moreover, if I failed to be a useful member, it would not be considered merely that I as an individual had failed, but that all women had failed and there would be little chance for others to serve in the future (Roosevelt, “On My Own” 42, quoted in (Glendon 2001, p.28).

In her pioneer role as sole female delegate Roosevelt took on the mantle of ambassador for all women, knowing that as a woman in a male domain her actions would come under close scrutiny. It is important to remember that Eleanor Roosevelt and members of the Six Point Group such as Margaret Rhondda, Winifred Holtby and Cicely Hamilton were also lesbians and had worked in international politics in one form or another throughout the interwar years. As lesbians their political commitment to ensuring human rights for women and girls was heightened. Therefore, it is not surprising that such woman-identified women made greater headway when they worked in each others’ company than when in the alien atmosphere of male dominated international delegations. Evidence of sisterly co-operation is provided by Mary Ann Glendon who writes that Eleanor found great ease and comfort in the welcoming group of sixteen women she invited to regular afternoon tea meetings at Claridge’s Hotel (Glendon 2001 p.29). Mary Glendon quotes Eleanor as saying that in such informal sessions “a group of colleagues could often make more progress in reaching an understanding on some question before the UN than we had ever been able to achieve in the formal work of our committees” (quoted in Glendon 2001 p.29). Eleanor Roosevelt’s preference for spending quality time with women, some of whom were lesbians, is
well documented in her biography written by Blanche Wiesen Cook, in which she
talks about the importance of Eleanor’s women friendships at her home, Val Kill
(Wiesen Cook 1999). While there is not enough space in this thesis to expand on
the lesbian identity of these women and their participation in the field of
international politics, I suggest that exploring the lesbian connection is an
important area for future research, particularly as such women often lived their
lives more independently of men than their heterosexual sisters and were in a more
objective position to analyse unequal power dynamics underpinning
heterosexuality. A lesbian purview enables a new and different analysis of
institutionalised power constructs that uphold the male demand of sexual access to
women and girls.

The legacy of feminist activism that had begun in the League of Nations by
international women’s organisations was carried over into the framework of the
CSW (Stienstra 1994). Eleanor Roosevelt of the United States, Vijaya Lakshmi
Pandit of India, and the British delegation recognised the danger that proposing
‘separate rights for women’ through the establishment of the CSW meant that
women’s status would be ratified as subsidiary to that of men with the result of
marginalising women as a group. With women in a socially inferior position it was
more difficult to challenge men’s sexual dominance and more difficult to eradicate
forms of sexual exploitation such as child marriage and prostitution.

In the period between 1948 and 1970, international feminism in the west was not
involved directly in issues of sex slavery with the same intensity as in the interwar
period. The interwar activism came out of an international suffrage movement
through which feminists were able to organise on a number of issues. International
feminist activism declined in the post war period until the 1970s when feminists
again became active on the issue of sexual slavery. The ‘sexual revolution’ of the
1960s/70s, however, resulted in the creation of an ideology of sexual liberalism
which has reinforced cultural relativism and served as a major obstacle to the
success of this social reform movement. During the gap between the activism of
Eleanor Rathbone’s days, and the 1970s, the ‘personal as political’ was not
connected to international feminism. In the 1970s, through consciousness-raising
groups, and books such as the Boston Women’s Health Collective’s Our Bodies

133 For a detailed discussion on the controversy over whether women’s rights should be considered
separately to human rights or included as human rights on a par with men’s rights, see Deborah
Stienstra’s 1994 publication Women’s Movements and International Organizations, Chapter Four
Ourselves, women were able to reintroduce the importance of women’s bodily integrity into the international arena (Boston-Women's-Health-Book-Collective 1973). This gap is an area needing much more research to ascertain what happened to feminism during that time.

The Sexual Revolution

The ‘sexual revolution’ has been interpreted as being a great leap forward for women’s sexual freedom by some historians of sexuality (Weeks 1989). Feminist historians have not been so positive (Dworkin 1981; Jeffreys 1990). They have shown how this supposed revolution ushered in an ideology of sexual liberalism which supported the de-censorship of pornography and a sexual relativism around sexual practice that was harmful to women’s interests. This sexual relativism made practices such as necrophilia, group sex, prostitution and pornography socially acceptable and justified under the banner of choice. Feminist critics have seen this ideology as a crucial foundation for the development of a massive international sex industry in succeeding decades. The effect of this sexual relativism was to shore up men’s right of sexual access to girls and women and make feminist campaigning against sexual exploitation more difficult. Even some women who described themselves as feminists were so influenced by this ideology that they mistook some forms of sexual exploitation as the very embodiment of their freedom (Levy 2005).

As sexual liberalism took hold in subsequent decades and any criticism of sexual practice came to be regarded by those who saw themselves as the sexually progressive as reactionary and ‘anti-sex’, a new and more extreme version of the ideology developed which was sexual libertarianism. In line with the economic libertarianism of the late twentieth century which was an extreme free market ideology which decreed that there should be no limits to the rule of the market, sexual libertarianism recognises no limits to the free marketplace of sexual exploitation (Clarke 2004). In the next section I discuss how the rise of sex liberalism and the industry of pornography became the galvanising issues uniting radical feminist international activism and the subsequent formation of non-government organisations campaigning against a form of sexual liberalism that failed to recognise forms of sexual exploitation such as prostitution, pornography,
and customary practices of arranged marriages as detrimental to girls and women.\textsuperscript{134}

\section*{Anti-pornography and the Regrouping of Radical Feminism}

The new wave of feminist campaigning against sexual exploitation was ignited by feminist activism against pornography.\textsuperscript{135} It was in these campaigns that feminists who were unaware of the earlier work of their fore sisters, developed understandings and language which enabled them to work against all forms of sexual exploitation. These campaigns were invigorated by a new breed of lesbians and passionate friends who once more directed an independent woman-centred perspective towards the practices of sexual exploitation. In this period, however, this perspective was articulated as a specific political philosophy in the form of lesbian feminism. Some of the most significant figures, such as Janice G. Raymond, Andrea Dworkin, and Sheila Jeffreys, were equally involved in the development of lesbian feminist theory and practice, and forming international activist networks against sex slavery (Raymond 1989 Jeffreys, 1993, http://www.nostatusquo.com/ACLU/dworkin/LivingWithAndrea.html). Lesbian energy and networking is as significant in contemporary activism as it was in the interwar period.

In the rapid growth of pornography that stemmed from the sexual revolution, sexual libertarian values became particularly evident. These values are recognised by radical feminists as those held by men who sexually exploit women (Hughes 1999; MacKinnon 1993)(Dworkin). Radical feminist anti-pornography campaigns emerged in the 1970s in response to an upsurge of pornography swamping the western world, particularly in the USA (Russell). Since the 1990s, internet technology has facilitated an exponential increase in the pornography industry to the extent that it is now a transnational phenomenon with increased acceptance as normal in sexual libertarian culture. In June 2005, a virtual ‘red-light’ pornography zone was created on the internet, complete with triple xxx rating, in order to fully organise and commodify existing sites by introducing a $US60 access fee. The Internet Corporation for Assigned Names (ICANN) want their share of what they define as a $US12 billion industry

\textsuperscript{134} See Chapter One where I define and further discuss sexual libertarianism.\textsuperscript{135} As already indicated in Chapters Four, Five and Six, feminists in the Fifth Committee of the League of Nations in the interwar years had established the direct connection of men’s sexual dominance behaviour to pornography and campaigned for its elimination.
Janice Raymond, co-director of the Coalition Against Trafficking in Women (CATW) has well encapsulated the perspective of radical feminist campaigners in stating that, “pornography is the public relations arm of the sex industry” because it teaches men and boys that girls and women are sexual merchandise to be used in sex and that such sex is normal.

According to US radical feminist Kathleen Barry, “political radical feminism more and more was directing its energies to the struggle against pornography, challenging sexual liberals and just plain liberals for their promotion of sexual abuse and exploitation” (Barry 1995 p.3). Sexual liberals understood pornography as a radical form of sexual freedom, and the ‘plain liberals’, operating on the basis of choice and tolerance, condoned the freedom of the sexual liberals to produce and consume pornography (MacKinnon 1989). Sexual liberals, therefore, saw themselves as a vanguard for liberating the sexually oppressed rather than as exploiters of women and girls. In opposition to the anti-pornography movement, the sexual liberals calling themselves ‘sex radicals’ mounted a campaign promoting anti-censorship laws.

In Minneapolis in 1983, radical feminists Andrea Dworkin and Catharine MacKinnon drafted an ordinance against pornography. Contra to the anti-censorship movement, Dworkin and MacKinnon argued that pornography “as a form of forced sex,” as an “institution of gender inequality,” and which “fuses the eroticisation of the dominance and submission with the social construction of the male and female,” and “which institutionalises the sexuality of male supremacy” was a breach of women’s civil rights. The ‘Dworkin-MacKinnon Ordinance’ as it came to be known, was narrowly defeated in 1984 on the grounds of free speech (MacKinnon 1989 p.197, Barry, 1995 #481 p.3). Pornographers and civil libertarians banded together in defence of pornography (Leidholdt and Raymond 1990 p xi). As a result, radical feminists who wanted to organise an international movement against sex exploitation suffered a set back, particularly when “sexual outlaws” — “lesbian sadomasochists and heterosexual women hiding behind their private pornographic sexual lives” — joined forces to promote the consumption of pornography as choice (Barry 1995 p.3). According to Barry, radical feminism, just as it had been a century earlier, was once again under siege (Barry 1995 p.3). In Britain, a parallel anti-pornography movement suffered similar defeat from the sex liberals. The feminist organisation campaigning against pornography in
Britain was the Women Against Violence Against Women (WAVAW) group of which lesbian feminist Sheila Jeffreys was a key member.\textsuperscript{136} Another far-reaching result of the liberal defence of pornography was that radical lesbian feminists, particularly those who had adopted lesbianism as a political act against heteropatriarchy, were further marginalised.

Kathleen Barry urged political radical feminists to come together in Rotterdam in 1983 to organise internationally against sex exploitation on the grounds that the United Nations were ‘conspicuously silent’ on the subject of pornography (Barry 1979 p.xxi). Despite repeated undermining and personal attacks on radical feminism by a developing pro-prostitution lobby and by western liberals, an international feminist network, comprising women from twenty-four countries, led to the formation of a coalition against sex slavery called the “International Feminist Network Against Sexual Slavery” (Barry 1995 p.3). As Barry points out, the Network emerged from a decade of work by Asian feminists from various countries who had campaigned against the post war increase in ‘sex tourism’ and ‘mail order bride traffic.’ According to Barry, the Asian Women’s Association in Japan and the Third World Movement Against the Exploitation of Women in the Philippines had carried out the “singularly most effective work” against trafficking (Barry 1979 p.xiii). In the formation of this group the women recognised that women’s sexual oppression was a global occurrence. Moreover, rather than relying “on a hierarchical international organization which dictates policy and action to the local groups, this Network is based in each world region where women are engaged in the day to day work” of ending sex exploitation (Barry 1979 p.xiii).

**International Coalition Against Female Sexual Slavery**

In 1987, at the “New York Conference on Sexual Liberals and the Attack on Feminism,” Kathleen Barry appealed to an audience of more than fifteen hundred feminists to form an international coalition against all forms of sexual exploitation (Barry 1995). She was joined by the Women Against Pornography group led by Dorchen Leidholdt, and Evelina Giobbe responsible for the group Women Hurt in Systems of Prostitution (WHISPER), who were already involved in building a movement against sex slavery. In 1988 and in collaboration with women from

\textsuperscript{136} See “Women Against Violence Against Women” (WAVA) Conference Proceedings (1985) in which revolutionary feminists Sheila Jeffreys, Sandra McNeill and dusty rhodes introduce the issue of pornography as a key contributor to sex slavery.
many nations including, “Aurora Javate DeDios, and the Philippines Organizing Team, Yayori Matsui in Japan, Jean D’Cunha in India, and Sigma Huda in Bangladesh,” who had already “mounted massive campaigns against sex industries and their consumers,” the Coalition Against Trafficking in Women (CATW) was formed. In 1989, CATW gained official status as a non-government organisation of international standing. The radical feminist analysis of sex slavery, published in 1979 in Barry’s groundbreaking book Female Sexual Slavery, became a manifesto on sex slavery that formed the basis of the CATW’s international activism against sexual exploitation. The CATW’s abolitionist stance enabled a radical feminist perspective to be introduced in human rights campaigns against sexual exploitation in the international arena. Importantly, the CATW 1994 “Proposed Convention Against Sexual Exploitation” expanded on the foundational work of earlier post-war feminists, Eleanor Roosevelt, the British women of the Six Point Group, Hansa Mehta of India and many others as discussed earlier in this chapter. The “Proposed Convention Against Sexual Exploitation” in 1994, countering sexual liberal ideology, was comprehensive in its definitions of sexual exploitation. In particular, Article 4b in part II of the Convention defines women and girls as particularly vulnerable in situations of child marriage and forced marriage. By recognising child marriage as a human rights violation, the CATW crosses the public/private divide openly challenging the male sex right of heterosexuality.

International activist organisations working to end sex slavery rarely focus on the issue of child marriage within the framework of sexual violence. Purna Sen is a feminist campaigner who considers child marriage on a continuum with violence against women, thereby helping to bring international focus to a problem that is often seen within the context of choice (Sen 1997; Sen 2000; Sen 2003). According to Sen, until the 1970s there was little discussion about violence against women, and before the growth of advocacy of women’s organisations, “What there was highlighted the extraordinariness of its forms, especially if it was viewed as primitive or backward as a result of colonial encounters (for example suttee in India)” (Sen 2003). Sen points out that the “success of the women’s movement” enabled women to seek redress for “violence suffered at the hands of men known to them,” dispelling long held myths that violence is

unusual, committed by strangers, committed by men who have psychological or personality abnormalities, prompted by some action, inaction, or appearance of women (‘she asked for it’), is accepted by women, not real violence, inevitable, culturally acceptable, and caused by poverty, alcohol, or drug use or abuse (Sen 2003, p.119).
I suggest that the long held myths Sen talks about that excuse the violent behaviour of men, are increasingly adopted by mainstream international NGOs whose platforms of action are based on western liberalism and sexual libertarianism. As Purna Sen puts it, “Anti-Slavery International, which in earlier times treated prostitution and trafficking as forms of slavery, is now more equivocal and has begun to refer to women’s engagement in the industry as ‘sex work’” (Sen 1998 p.139). I suggest that the shift in policy adopted by NGOs such as Anti-Slavery International indicates a global trend toward institutionalising sexual libertarian values in human rights instruments, making it much harder to address, by comparison, the conjugal culture in traditional practices such as child marriage, which not only exist in the private sphere, but in a wider sense are accepted in that sphere as tradition. I further suggest that NGOs advancing sexual libertarian values further uphold the male sex right. An example of sexual libertarian values is evident in NGOs that make the distinction between forced and free trafficking.

Unlike NGOs who claim that trafficking is no longer just one specific problem, but an amalgam of problems to do with migration, work, people-smuggling or poverty, CATW identifies male sexual violence as instrumental to the cause of trafficking. CATW continues in a tradition reminiscent of interwar feminists who targeted sex slavery as slavery by arguing that trafficking is driven by the male demand for sex. In opposition to CATW, NGOs such as the Global Alliance Against Trafficking in Women (GAATW), formed in 1994, make the distinction between forced trafficking and those who are ‘freely trafficked’ such as in migration for work (Kempadoo 1998). GAATW, through its newsletters and outreach work, further advances the liberal ideology of choice and consent in relation to prostitution. In its proposal that prostitution be treated as legitimate work, GAATW could be seen as a recruitment agency for the pro sex industry lobby and in adopting the euphemism of ‘women’s labour migration,’ diverts attention from the sexual exploitation experienced by women and girls who are trafficked into prostitution and marriage. The next section will examine the GAATW position and show how it is imbued with ‘sexual relativism.’ I raise the issue that in ignoring references to the role of men’s sexual demands in a continuum of sexual exploitation that includes child marriage, the GAATW position makes such demands unrecognisable and invisible, thereby contributing to the devaluation of the status of girls and women.
Devaluing Women and Girls’ Human Rights

GAATW is representative of sexual libertarian pro-prostitution NGOs whose support of the sex industry serves to further devalue the status of women and girls. GAATW, in promoting the ideology of sex workers rights in so-called third world countries such as India, advances the cause of sexual libertarianism to such an extent that the international debate around sexual exploitation has become one of international controversy. Pro-prostitution lobby groups, in order to strengthen the position of sexual libertarianism, act in opposition to abolitionist organisations such as the Norwegian Kvinnegruppen Ottar, or Prostitucio of Hungary. The GAATW’s proposal of sex workers rights brings ‘sexual exploitation versus prostitution’ into the public domain making the controversy one of women’s sexual rights rather than one of women and girls’ oppression. As such the male sex right relating to the private sphere is once again disappeared and efforts to challenge men’s sexual practices in child marriage made more difficult.

Jo Doezema is an influential sex worker activist and representative of the GAATW position. She strongly criticises the CATW abolitionist feminists as racist, imperialist, and as responsible for constructing “third world prostitutes as helpless victims in need of rescue” (Doezema 2001 p.17). She takes a cultural/sexual relativist perspective in her critique arguing that the earlier feminist campaigners against sexual exploitation were moralistic, imperialist, and exploitative of third world women and says that the current generation of activists repeat these faults. Other sex worker activists of the present also make this link between what they see as the moral panics about the white slave trade of the earlier period and contemporary feminist campaigns (refs Saunders). Doezema’s critique of CATW builds on the work of other critics of the abolitionist position including the sex liberal NGO, the Network of Sexwork Projects (NSWP) (Doezema 1998; Kempadoo and Doezema 1998). Collectively, NGOs such as GAATW and NSWP lobby the UN Caucus in direct opposition to organisations such as CATW.

Jo Doezema, in her article, “Ouch! Western Feminists’ Wounded Attachment to the Third World Prostitute,” claims that CATW, and its founder Kathleen Barry, “rely so heavily on the suffering of third world trafficking victims in their
discourses of women’s subjugation,” and construct “third world prostitutes” as “part of a wider western feminist impulse to construct a damaged other as justification for its own interventionist behaviour” (Doezema 2001 p.16).

Doezema adopts the language of postmodernism in order to advance her argument that CATW feminists, at the expense of ‘third-world women’ have appropriated the ‘prostituted body as a metaphor’ for advancing their own ends in international politics. As Doezema puts it, her central argument is “the injured body of the third world trafficking victim in international feminist debates around trafficking in women serves as a powerful metaphor for advancing certain feminist interests” and one that “cannot be assumed to be those of third world sex workers themselves” (Doezema 2001 p.17). Interestingly, there is no mention of male participants in the proposed free style of prostitution and trafficking that Doezema claims women choose. Doezema’s postmodern approach demonstrates how my theory of sexual relativism functions as a corollary of cultural relativism. In defence of the male sex right and ignoring the unequal power dynamics of existential heterosexuality she accuses feminists, rather than the procurator or trafficker, as causing harm to the so-called third world woman caught in what amounts to systemic prostitution.

In her efforts to discredit western feminists as interlopers in an industry the GAATW claims to be empowering for women, Doezema likens the CATW style feminists to imperialists, comparing them with abolitionists in the Social Purity Campaign a century earlier. She draws on Clare Midgely’s premise that “any attempt to place female anti-slavery in relation to the histories of imperialism and feminism entails the adoption of a critical perspective on existing historiography in both fields” (Midgley 1998, p.163). While quick to judge the CATW feminists as imperialists, Doezema neglects to engage with Midgley’s suggested approach to fully exploring the historiography of feminism and imperialism with the result that she implies, incorrectly, that the CATW membership is dominated by white western feminist imperialists. As I substantiated earlier, CATW began as a sorority of feminists from diverse cultures, and since the exponential increase in sexual exploitation in recent decades, has continued to attract women from many nations to its cause. This position is reiterated in their mission statement: “CATW serves as an umbrella that coordinates and takes its direction from its regional organizations and networks in its work against sexual exploitation and in support of women’s human rights” (CATW, 2005).
Doezema, in order to discredit the CATW and to validate her own organisation’s sexual libertarian position, quotes from the “Sex Workers Manifesto” of 1997, in which the claim that “sex work is also an occupation” is made by the Indian sex workers’ rights group, Durban Mahila Samanwaya Committee (DMSC) (Doezema 2001 p.30). I suggest that the majority of statistics reporting rapidly escalating cases of trafficking illustrate that the real condition is one of commodifying sexual exploitation, not of voluntary work. In making a case for sex workers rights, and lobbying for such rights in the UN Caucus, Doezema and the GAATW position contributes to increasing the male demand for the sexual usage of women and girls. For example, in March 2005, at the 4th World Congress on Family Law and Children’s Rights in South Africa, Philippine Judge Nimfa Cuesta Vilches reported the following statistics. Of four million trafficked persons, one million of them are children. On a yearly basis, the US State Department estimates the numbers of persons trafficked to be 600,000 – 800,000, seventy percent of whom are women, and fifty percent children (Vilches, 2005, http://www.lawrights.asn.au/). Judge Vilches also pointed out in her report, that the biggest factor of trafficking was creating a demand for it through fostering prostitution as a sex commodity to be bought and sold (idem).

GAATW neglects to link the sexual exploitation often experienced by those who are trafficked into sweatshop labour, domestic labour, begging and marriage, especially child marriage.

[While women and children trafficked for prostitution are the most frequently read and heard about cases, we should not forget that trafficking occurs for various other purposes – men, women and children are trafficked for sweatshop labour, domestic labour, begging, marriage and in the case of children, for legal adoptions (http://www.gaaw.org/ 2004).

In ignoring gendered power relations, that is men’s sexual dominance, the GAATW can be seen to support institutional patriarchy and defend ‘sexual relativism.’ The GAATW argues that poverty, unemployment and cultural and religious factors are the key causal factors of trafficking. Rather than targeting globalisation and transnational sex mafia organisations as contributing to poverty, or targeting laissez-faire capitalism for fuelling the commodification of women’s bodies through systems of pornography, the GAATW is gradually building
ideological support from neo-liberal development agencies, and grassroots organizations.

Current International Feminist Activism

In 2005, the CSW remains an important international body through which individual feminists and Non Government Organisations (NGOs) can address forms of sexual violence against women and girls. Concepts of sexual exploitation as sexual violence and as a breach of women’s rights as human rights are ushered into the agendas of international civil society through the Commission on the Status of Women (CSW). In the current climate of anti-feminist backlash, the CSW enables women to forcefully argue against sexual exploitation in the predominantly male and public domain of international law. Feminists attending the annual CSW conferences lobby States Parties on issues such as sexual abuse in marriage or domestic violence, issues that would otherwise be sidelined as belonging to the private sphere or defended as a cultural practice. However, while ‘domestic violence’ or ‘intimate partner violence’ is now accepted as a criminal offence and is widely discussed as a form of violence against women, child marriage, unless it is seen to be a forced marriage, is still accepted as tradition. Only within a radical framework of analysis that addresses the male demand of sexual access is it possible to investigate the sexual exploitation of child marriage. In March 2005, feminist NGOs put forward the abolitionist position defining all forms of sex slavery as violence against women and a human rights violation. In the international assembly of the UNCSW forum, activists lobbied to target men’s demand for sexual access to women and girls as the cause of sexual exploitation.

In March 2005, the UN Commission on the Status of Women/Beijing plus 10 was co-sponsored by the Coalition Against Trafficking in Women (CATW). CATW conducted panels at the CSW focused on making visible the institutional protection of the male sex right. International feminists such as Janice Raymond, Esohe Aghatise, Laura Chavez, Sheila Jeffreys, Rachel Lloyd, Aurora Javate de Dios,

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137 See Chapter Eight for a discussion between the forced/free distinction of child marriage and multiculturalism.

138 See Chapters Two and Three for reference to the importance of abolitionist feminists, a century ago, as instrumental in addressing the male sex right as the key cause of prostitution and other forms of sex slavery.

139 CATW is an international NGO with consultative status II with ECOSOC.
Ruchira Gupta, Malka Markovich, Gunilla Ekberg and Teresa Ulloa were among speakers on the topics “Legalising Prostitution: Making States Pimps,” “The Demand for Prostituted Sex: The Challenge to Gender Equality,” and “Pornography and Patriarchy.” It is significant to note the role of lesbian activists, Janice Raymond, Sheila Jeffreys and Gunilla Ekberg, in the current international campaigns against sexual slavery.

With Sigma Huda as the new UN Special Rapporteur on Trafficking there is renewed hope that a more radical stream of analysis and forward looking strategy can address the transnational commodification of women, dispelling the sexual libertarian notion that forms of sex colonisation such as prostitution and trafficking are choice based ordinary work, or solely the result of migration. The former Rapporteur on Violence Against Women, Radhika Coomaraswamy, endorsing the ILO’s position that trafficking was a separate issue from prostitution, advanced the cause of sex liberals who argue that unlike trafficking, prostitution is choice based (Lim 1998). Coomaraswamy’s position has been taken up by the pro-prostitution lobby, who claim it as a groundbreaking position in the advancement of sex workers rights ( Doezema 1998). Sigma Huda, on the other hand, adopts the feminist position that the main purpose of trafficking is prostitution, and that both are forms of sexual exploitation, not work or choice. Huda’s position as Rapporteur of Trafficking brings a more radical framework of analysis to the international arena, strengthening the position in the UN Caucus, that trafficking and prostitution are forms of sexual exploitation. Through this lens there is more chance of addressing the male demand for sex. The abolitionist position of this delegation echoes the campaign of radical feminists a century ago.

The CATW radical feminist approach to identifying the male demand of sex-slavery as slavery echoes the work of interwar and League of Nations feminists, Nina Boyle, Eleanor Rathbone, Rachel Crowd and Alison Neilans. An important parallel linking the beliefs and work of interwar and current feminists is the understanding that pornography plays an important role in the sexual degradation of women and girls. The League of Nations’ work against pornography in the interwar years linked pornography to prostitution, and in a similar way to current debates, feminists also recognised that pornography served as the means underpinning the male sex right, instructing men in their rights of

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140 See earlier chapters for details of interwar feminist work against the sexual exploitation of girls and women.
Due to today’s technological revolution, however, pornography has expanded into a global industry that is more widely accessed than in the interwar years (Hughes 1999; Russell 1993). I therefore suggest that the cultural acceptance of sexual libertarian values have socially constructed a society tolerant of the sexual degradation of women and girls through pornography, to the extent that pornography has become another mainstream institution upholding the male sex right. The new wave of feminists campaigning against sexual exploitation has incorporated child marriage into its analysis and activism through showing the clear connections between the most exploitative forms of marriage and prostitution.

**Prostitution and Marriage / Similarities**

Historically, child marriages and child prostitution have been regarded as different practices and in moral opposition to each other (Mikhail 2002). However, while early marriages have been considered valuable within communities, prostitution has been renounced by religions as sinful (idem). The honour attached to early marriage has traditionally been linked to its most central purpose, the assurance of virginity at the time of marriage. Without the assurance of ‘virginity collateral’, girls are considered ‘damaged goods.’ Families often defend the tradition of early marriage on the basis that unless a girl is safely married, *she* will be the one who initiates sexual promiscuity.

I suggest that the sexual enslavement of victims in child pornography is on a continuum with victims in prostitution, sexual abuse and child marriage. From the viewpoint of this thesis, the most profoundly disturbing way in which ‘sexual relativism’ manifests, is in the purview that child marriage, if considered a choice or ratified as traditional custom, may become socially constructed as a preferred option rather than the increasing likelihood of being trafficked into prostitution.

Another similarity is that a girl’s virginity is sold in marriage and in prostitution. A girl’s virginity is legally sold in marriage, especially child marriage, whereas in prostitution a girl’s virginity is illegally sold. In both situations it is rape that is

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141 See Chapter Six for Katharine Furse’s reference to pornographic postcards being associated with a ‘sleazy’ type of man.
being bought (Leidholdt and Raymond 1990). Whether the virginity broker is a parent, relative, guardian or a pimp the result of the transaction is that the girl is trafficked into sexual exploitation. In this instance I define trafficking as “a scheme to remove a person from access to the rule of law in order to mistreat that person for another’s pleasure or profit” (Jackson 2002 p.476).\footnote{Suzanne Jackson, Associate Professor of Clinical Law at the George Washington University Law School, uses the above definition of trafficking in her article To Honour and Obey: Trafficking in "Mail-Order Brides." Jackson, Suzanne H. 2002. “To Honor and Obey: Trafficking in "Mail-Order Brides".” George Washington Law Review 70:475-570.} Marriage, as a culturally valued institution, or the promise of it, is often used as a lure to attract underage girls into premature sexual activity, including prostitution. The custom of men’s sexual usage of prostituted women, if not valued in the same way as marriage, is accepted in the wider community as inevitable, or as the ‘world’s oldest profession.’ The acceptance of men’s use of women in prostitution is the way sexual relativism operates to normalise men’s sexual demand of sexual access to girls and women.

Susanne Mikhail, Regional Officer for North Africa, the Middle East and Central Asia at ECPAT International has drawn attention to the growing feminist concern about the similarities of sexual exploitation existing between child marriage and child prostitution (Mikhail 2002). She argues that both child marriage and child prostitution involve economic transactions, lack of freedom, and the violation of a girl’s right to consent. Underlying her argument is that in either case the girls exist as the property of fathers or pimps. In some cases violent marriages become an unsuspecting route into prostitution. Either the woman escaped into prostitution thinking it would be less violent than her experience in marriage, or a woman can be pimped into prostitution by her husband (Maharashtra Times, 1997, quoted in Mikhail 2002).

According to Mikhail, it is increasingly argued by human rights based NGOs that the differences between child marriage and child prostitution are fewer than traditionally thought, and that both practices share a number of characteristics. Prostitution is characterised by an economic transaction, usually between the supplier and the buyer. Similarly, child marriages often involve an economic transaction between the potential sexual abuser and the supplier. In the case of dowry payments and payments for the sexual use of a child in prostitution, the payment is usually received by the broker, and not by the child herself.
Temporary Marriage – a Lucrative Business

In the case of short term or short contract marriages the similarity to prostitution is even greater. In Iran short term marriages, called *siqeh*, enable a man to marry a girl for a short period of time, ranging from hours to months (Mikhail 2002, p.45). In Egypt there is a similar phenomenon that remains relatively under-investigated due to so-called ‘sensitivity’ surrounding the issue. I suggest the sensitivity lies in the risk of exposing the male sex-right as a harmful cultural practice which can be made more visible by adopting the analysis of the concept of ‘sexual relativism.’ For example, *Siqeh* is a global phenomenon not just restricted to old men from Arab or Asian countries. Sex exploiters from Australia, UK, USA, and Europe also use rent-a-wife operations such as the *mia chow* or ‘bar-wife’ system that operates from bars in Thailand (Dapin 2004 p.33). Another form of marriage that is often temporary marriage is the system of mail order brides that provides western men with women purchased for sexual and domestic servitude. Often such marriages result in sexual violence or even serial murder performed on the women who are commodified into marriage and easily replaced if they prove unsatisfactory (Demleitner 2000; Garcia 1993; Jackson 2002).

Iranian activists are publicising the problem of temporary marriages throughout human rights organisations. They point out the ways in which temporary marriages are for the benefit of men at the expense of women, thereby qualifying as a harmful cultural practice.

In accordance with article 1075 of the [Iranian] civil code, a temporary marriage may be undertaken for a specified period from one hour to a maximum of 99 years. A temporary marriage is a contract for sexual services for a predetermined sum to be paid to the woman. Men are allowed to have an unlimited number of temporary wives. While the husband may terminate the marriage at any time, the woman may not do so under any condition. At no time is he required to make support payments (Status of Women in Iran Fact Sheet 2004).

In the last decade the phenomenon of rent-a-bride has taken on a highly commercial form, as broker markets have emerged for young girls to be contracted
into ‘marriage’ to wealthy men from Arab Gulf countries (Mikhail 2002). The agents operate under cover, introducing the families of the prospective brides to their future husbands, whereupon a contract is drawn up between the two parties. Since the marriage is illegal it is not registered, the main point of negotiation being the mahr or dowry. The economic status of the girl does not improve after marriage. They often find out that, in addition to sexually servicing their new husband, their principal role is to serve the other wives of the wealthy man. Alternatively they are left to fend for themselves (Mikhail 2002). The age of girls trafficked into marriage is decreasing and the diversity of sex colonisation increasing.

According to the Coalition Against Trafficking in Women Asia Report, there is a burgeoning market for increasingly younger girls to be consumed as sex slaves by men who believe that sexual intercourse with a virgin is a cure for sexually transmitted diseases including AIDS (CATW-AP 2004). For example, in Mumbai, children as young as nine are purchased for up to 60,000 rupees or US$2000 at auctions where Arabs bid against Indian men who believe ‘sleeping’ with a virgin cures gonorrhoea and syphilis. The examples are endless and increasingly more gruesome, for example, in one red light district in Mumbai, human growth hormones are administered to prepubescent girls in order to bring on secondary sexual characteristics in girls as young as seven and eight so that they will be sufficiently physically developed for the sexual consumption by adult men who want to claim their entitlement of sexual access.

Girls trafficked into prostitution are unable to give their consent, just as girls trafficked into marriage by their parents are unable to give consent. Once seconded into marriage or prostitution the girl experiences life in bondage, beholden to her captors or her husband and is without access to human rights. In most cases the child is seen as an object that has been bought and is therefore not entitled to liberty. The subjection of the girl to bondage is often accompanied with violence that is mostly sexual violence. In Egypt 29 percent of married adolescents are beaten by their husbands, and of these 41 percent have been beaten during pregnancy (Mikhail 2002). This custom, however, is not restricted to Egypt, as world-wide, pregnancy related deaths are a leading cause of mortality in the fifteen to nineteen age group whether the women are married or not.
Convention on the Rights of the Child

The issue of child marriage is not covered by the International Convention on the Rights of the Child, though this instrument has led to an international campaign against the sexual exploitation of children conducted by organisations such as ECPAT (End Child Prostitution, Pornography and Trafficking). The CRC, signed by most countries except the United States and Somalia who are yet to ratify the Convention, was adopted by the United Nations General Assembly on 20th November 1989. The CRC sets out civil, political, social, economical and cultural rights of the child. Article 34, aims to protect children from all forms of sexual exploitation and sexual abuse, with State Parties directed to prevent, “the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; and the exploitative use of children in pornographic performances or materials.” The increased sexual usage of children, particularly in a global economy funded by free market capitalist enterprise has resulted in the exponential growth of child trafficking for prostitution (Raymond 1995). To counteract the burgeoning global sex exploitation of children, the Optional Protocol to the CRC, drawn up specifically to end the selling of children, child prostitution and child pornography came into effect on January 18 2002.

Unfortunately the Optional Protocol has failed to curtail children being consumed in pornography because it does not propose a penalty for the perpetrators. Neither does it address the problem of men who sexually exploit children in the private sphere of marriage. The sexual commodification of children now forms a profitable sector of the international political economy. In comparison with drug traffickers and arms traffickers, sex industry traffickers too, operate in the international sphere with relative impunity. Professional sex exploiters are currently fuelling men’s demand for increasingly younger prostituted women and girls with the result that several million children are now trafficked globally on an annual basis (Hughes and Roche 1999). Computer crime research analysts claim that access to child pornography on the internet is the catalyst responsible for the sale of increasingly younger children. The researchers estimate that the consumption of child pornography in 2004 generated six billion dollars (Saytarly 2004) (http://www.crime-research.org/news/22.03.2004/146). The continuing problem of the inability to confront the sexual exploitation of children, despite the creation of such an apparently groundbreaking instrument as the Convention on the
Rights of the Child, stems, I will argue, from the hegemonic sway of sexual relativism.

**Sexual Relativism**

Sexual relativism, as I have introduced it in this thesis, is a way of analysing sexual liberalism as discriminatory against women and girls. Sexual relativism explains how the cultural milieu of civil society, especially in western nations, is underpinned by sexual liberal values based on the concept of individual choice, and the assumption that gender equality exists. Contrary to sexual liberal values, radical feminist philosopher and legal theorist Catharine MacKinnon has argued that gender, as a misunderstood concept where people confuse sex with gender, is another form of “social hierarchy (masculine over feminine), ringed with stereotype, enforced by socialization to subordinate and superior identification as well as physical force” (MacKinnon 2005 p.247). According to MacKinnon, “men, especially straight white ones live in a kind of gender-neutral universe which is a lot better than the sex-specific universe women live in” (ibid, p.262). The ‘sex-specific universe’ MacKinnon talks about is the one where women and girls are continually available for men’s sexual demands. I suggest that sexual relativism allows us to see that women and girls in pornography, prostitution and in child marriages are examples of what it is to exist in a ‘sex-specific universe,’ used as sexual objects by men who act on a sense of entitlement.

Sexological theory is another form of sexual relativism upholding the ideology of sexual liberalism. As I argued in Chapter Three, maintaining gender hierarchy as a form of social engineering serving men’s sexual needs at the expense of women is upheld by the institution of sexology (Jackson 1994). Sexological scripts of the post-war period, invested with even greater medical authority than in the interwar years, have advanced women’s acceptance of compulsory heterosexual intercourse as the preferred and normal cultural expression of sexuality. The increased medical management of heterosexual sex was and still is steadily promoted under the guise of liberating women’s repressed sexuality. In opposition to sexual liberals, radical feminists Leidholt, Jeffreys, Klein, Dworkin, Raymond and others,

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143 For an extensive analysis of the role of sexology in the social construction of heterosexual sexuality see Sheila Jeffreys, *Anticlimax*, 1990.
argue that the choice of liberal individualism is about men’s choice and sustains the power of male domination over those less powerful, and results in sexual exploitation (Leidholdt and Raymond 1990). In a socio-political and economic context sexual exploitation has become a global enterprise and is manifested across cultures by the continued existence of such practices as child marriage, mail order brides, incest, paedophilia, ‘honour’ killings, rape, prostitution, trafficking and importantly, pornography. I suggest that the aforementioned practices constitute the public face of ‘sexual relativism.’ ‘Sexual relativism,’ founded on sexual liberalism, as the harmful cultural tradition underpinning the exponentially increasing legitimisation of global exploitation, is directly linked to the international political economy.

Conclusion

In this chapter I have discussed how radical feminists internationally have acted on a continuum of activism against sexual exploitation from the interwar years until these early years of the twenty-first century. Importantly for this thesis, by introducing the work of lesbian feminist activists such as Janice Raymond and Sheila Jeffreys, who have campaigned internationally against the sexual domination of heteropatriarchy, I have drawn attention to the continued political role of lesbian involvement in international politics. Another link between the work of interwar feminists and current activists against sexual exploitation is identifying the male sex right as the key causal factor of all forms of sexual exploitation. The double standard of the male sex right is further clarified when explained within the context of my theory of sexual relativism and its ally sexual libertarianism.

I suggest that the sexism of male demand is further obscured by sexual liberals who promote the language of ‘forced’ and ‘free.’ The next and final chapter details the serious and continuing crisis for the rights of the girl child that is constituted by child marriage in the twenty-first century. It concentrates upon a new focus of activism, the existence of child marriage in western multicultural societies. It shows how this challenging new problem is vitiated by sexual/cultural relativism through the application of a forced/free distinction. The ‘forced/free’ distinction is a form of sexual relativism that suggests in the case of marriage or in
prostitution, that the girl or woman is invested with agency to control men’s sexual advances.
Chapter Eight: Child marriage in the context of multiculturalism: Bringing it all Back Home

Opposing the sexual abuse of a child even though the Islamic Republic of Iran’s court says the father was forced to abuse the child because his wife did not satisfy him, does not serve racism – just like opposing anti-Semitism doesn’t make one a Zionist. Culture for the sake of culture is not sacred. Racism and fascism also have their own cultures. A culture that cannot defend human beings to live a better life is worthless (Namazie 1998 p.2).

Introduction

At the beginning of the twenty-first century, it is increasingly difficult for state and religious leaders to ignore the burgeoning practice of child marriage and its attendant damage to girls and women. Whereas in the earlier period European feminist activism on child marriage focussed mainly upon the practice in non-western contexts, in the new century the issue has become a focus of feminist concern in multicultural western societies where cultural/sexual relativism is once again being used in its defence. In order to investigate the ways in which child marriage is dealt with in western countries, I refer to Britain, France and Australia as three examples in which governments uphold androcentric conjugal rights in applying a forced/free distinction to the problem, especially as incidences of forced marriage become more noticeable within the wider community.144 My central argument in this chapter is that governments adopting the forced/free distinction act out the sexual relativist perspective by maintaining the invisibility of men’s sexual demands in early marriage, further fostering the traffic into marriage and other forms of sexual exploitation.

In this chapter I build on the ideas of critics of cultural relativism, Susan Moller Okin and Maryam Namazie (Namazie 1998; Okin 1998; Okin 1999). I suggest

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144 It is beyond the scope of this thesis to analyse incidences of child marriage in a global sense. I selected the examples of Britain, France and Australia because they illustrate examples of
that western countries creating social policies based on cultural relativist and sexual relativist principles, serve to uphold systems of racism further underpinned by systems of hierarchical sexism. I argue that sexual relativism upholds the sexist divide between men and women. By adopting the forced/free approach to dealing with child marriage, governments are seen to be making tolerable a problem that would otherwise be intolerable. In the words of Iranian feminist activist, Maryam Namazie, the ruling capitalist classes, in order to remain successful, “must make the intolerable seem tolerable,” usually within the framework of neo-liberalism (Namazie 1998 p.2). Namazie argues that “in an era of unprecedented barbarity,” cultural relativism serves as “this era’s fascism” (Namazie 1998 p.2).

In recent decades, acts of sex-based violence against girls and women such as FGM and honour killings have been challenged in the Human Rights arena and are now understood by the wider community as Harmful Cultural Practices in need of eradication. Honour killings, barely spoken of before the late nineties, and FGM, relatively unknown in the western world during the interwar period and before the 1970s, are now not only understood as harmful cultural practices but as forms of violence against women linked to the patriarchal control of women and girls’ sexuality with little to do with religious tradition. However, child marriage has not yet received the same acknowledgement that it is a form of violence against women. Although the United Nations Convention on the Rights of the Child is ratified by all countries except the USA and Somalia, the convention does not state that early marriage is prohibited (Somerset 2000).

In order to deal with the emerging problem of child marriage in the multicultural milieu of western civil society most governments have found it convenient to adopt a forced/free distinction in their efforts to effect a human rights solution to challenges of sexual exploitation. States Parties as signatories to human rights instruments designed to end violence against women and children, such as the Convention on the Rights of the Child (UNCRC) or the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), have

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145 ‘Sex-based’ meaning the sexual control of women and girls.
146 See the 1995 booklet, “United Nations Fact Sheet No. 23,” for a list of harmful cultural practices defined as benefiting men at the expense of girls and women.
147 Since Fran Hoskens’ 1970s report to the western world publicizing the problems of FGM for girls and women, other publications such as Efua Dorkenoo’s *Cutting the Rose* have been instrumental in countering the cultural relativist position protective of FGM by focusing on the male demand for continuing the practice.
applied the forced/free terminology to distinguish between such practices as arranged or forced marriage and free or forced prostitution. In contrast to these positions I argue that adopting the forced/free distinction promotes the practice of sexual slavery and places the onus on the girl to prove she is enslaved. This is the position of the Coalition Against Trafficking in Women who argue that a forced/free distinction is an artificial distinction serving to further men’s sexual demands (Jeffreys 2000; Raymond 1995). A similar position was held by the interwar feminists whose League of Nations work against sex slavery has provided a legacy for feminists working against sexual exploitation today.

With a global focus on the HIV/AIDS crisis, statistics on child marriage are beginning to become visible, especially as child brides are among the millions contracting HIV/AIDS each year. Geeta Rao Gupta, president of the International Center for Research on Women (ICRW) based in New York, claims that child marriage increases the risk of becoming HIV positive, especially as an older husband is more likely to be affected and a young bride “is less likely to be able to negotiate protection” (Gupta 2004). Statistics collated by the ICRW suggest that child marriage is increasing rather than decreasing. The number of girls worldwide who will be married before the age of eighteen is expected to surpass 100,000,000 in the next decade.\(^{148}\) Forty percent of girls in Nepal marry before the age of fifteen, seven percent of girls in Nepal marry before the age of ten. More than 2,000,000 girls/women worldwide suffer from fistula.\(^{149}\) ICRW define ‘fistula’ as the “rupturing of the vagina and rectum causing persistent leakage of feces [sic] and urine” citing it as a “health risk commonly associated with child marriage because of the mother’s physical immaturity at the time of child birth” (ICRW 2004). I suggest the definition attributing fistula to the child/mother’s immaturity and not as a result of premature sexual intercourse is the position of sexual relativism, making the role of men’s sexual demand invisible.

In order to effectively reduce the occurrence of child marriages, international organisations need to address the problem of male demand. At present, and in order to stem the tide of HIV/AIDS, the ICRW recommends a type of harm minimisation approach that does not include targeting the male demand. Their ABC to preventing AIDS in child marriage places the responsibility for ‘safe sex’ on the girl/woman. Step one is to improve women’s and girls’ access to

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\(^{148}\) Statistics provided by the Population Council analysis of Demographic Health Surveys (DHS).
information on HIV/AIDS and ‘reproductive health’ and promote girls’ education beyond primary level. Step two advocates supplying women with “female-controlled prevention technologies such as the female condom,” and “microbicides, substances that have yet to be developed that women can apply to kill the HIV virus” (Gupta 2004). The ICRW suggests as remedies options that offer little chance for a child bride to avoid unwanted sexual advances such as marital rape. It is difficult to imagine a young girl’s efforts to insert a ‘female condom’ in addition to the sexual violation she may encounter. The ‘reproductive health’ solutions on offer do, however, further advance the economic gains of transnational drug and medical companies whose inventions, trialled on child/mother/wives, ensure the continuity of the male sex right.

The ICRW policy line, while bringing important statistics on child marriage to light in Asian and African countries, argues that educating girls is an important step in enabling them to negotiate “cross-generational” safe sex. The glaring omission from ICRW policy and from other aid agencies in partnership with industry is that education needs redesigning to teach boys from infancy social values that exclude sexual violence and instil a willingness to relinquish the need to control women. For example, Jasmine, a lawyer sums up the situation that in Kerala, “Man wants to shape the woman”(Jung 2003, p.139). “It is he who dictates what she should or should not do. Even her mother tunes her to suit a man. The man of Kerala has yet to mature and accept the emerging woman”(Jung 2003, p140). Jasmine points out that the whole community nurtures the legacy inherited by boys that necessitate a girl’s subservience. “In his imagination he still nurses her as ‘shalini sundari’, the well-bred, convent-educated female, decked in gold, that you see in the advertisements. But the woman of Kerala has changed. She knows much and has been exposed to life”(Jung 2003, p140). However, the man has not changed.

In colleges, where one sees boys and girls mix, one can tell the difference. A boy may want a modern girl, who goes with him to the cinema, as a girlfriend. But for a wife he wants a girl who is traditional, who stays at home and is content with what he brings. He designs her life and she must be at his disposal. No, she is not his friend but an instrument of his pleasure” (Jung 2003 p.140).

Several smaller countries are attempting to end the harmful practice of child marriage by changing men’s attitudes to women as sexual objects. In this case, Western countries adopting the forced/free distinction create difficulties for smaller nations who have recently adopted a human rights approach in their struggle to end customs of child marriage such as in Burkina Faso where girls as young as eight are married off to men older than their own fathers. Increased numbers of girl brides are running away to a convent offering refuge in Kaya, their only avenue of escape (IRINNEWS 2004). Whilst taking refuge in a safe house is necessary for survival it does not offer a solution to the problem of men’s continued demand for sexual access to the girls. The government of Burkina Faso is now trying to address the problem of child marriage through education programmes that include addressing the tradition of male demand for young brides (IRINNEWS 2004).

Within countries where there are high incidences of child marriage such as Pakistan, parts of India, and some African nations, laws against child marriage, if they are in existence, are mostly ignored. Indian activist and lawyer, Azir Sherwani, claims that the Child Marriage Restraint Act of 1929, and the subsequent amendments to the Act in 1949 and 1978, are still disregarded by today’s society, with, according to Sherwani, “thousands of child marriages openly being performed with pomp and show” (Sherwani 1998 p.115). According to Sherwani, practitioners of child marriage do so with relative impunity and are largely ignored by officials. As an example of transactions contravening the Child Marriage Restraint (Amendment) Act of 1978, he quotes the marriage of an eleven year old girl, Survana, a deaf mute, to a fifty year old man (Sherwani 1998)(Sherwani quoting from the Indian Express, July 13, 1990). The Act raised the age of marriage for girls to 18 from 15, but the Government does not enforce it effectively. According to one report, 50 percent of the girls in Bihar, Rajasthan, Uttar Pradesh, and Madhya Pradesh are married at or before age 16. Previously where the bride was under 18, the marriage was permitted under the Act if the consent of the guardian was obtained. However, by the Amendment Act of 1978 (Act No2 of 1978) this provision was deleted and marriage, where the bride is below the age of 18 years is no longer permitted, even if the consent of the guardian to such a marriage has been obtained. The conjugal rights of men remains central to all marriages. Under the Hindu Marriage Act of 1955 divorce is automatically granted if there is no restitution of conjugal rights for one year after a decree for restitution of conjugal rights is granted.
According to Sherwani the lack of political will to end child marriage is exacerbated by the absence of any official marriage register in the civil sector. Marriage records are usually held within religious institutions or by astrologers. Sherwani sees child marriage as the symptom of a larger societal problem, one in which the family and guests at the wedding ceremony are “abettors and should be among those perpetrators accountable for the crime” (Sherwani 1998). The ongoing practice of child marriage as a microcosm can be better understood within the macrocosm of institutional powers that uphold the male sex right.

If, as Sherwani argues, sexual violation begins in the home and extends to the community, the question needs to be raised as to why sexual violence in the form of the grooming of young girls to accept premature sexualisation can exist. In most instances, son preference and the corresponding problem of the devaluation of girls is the reason that allows the sexual commodification of girls without the protest of the wider community. For instance, the widespread practice of female feticide in India and China attests to the belief system that the girl child is a cultural liability even before birth. Conversely, the boy child is imbued with such a degree of economic value, that as he matures he develops an enormous sense of personal entitlement, an entitlement often reinforced by mothers, sisters and other female relatives who have also been constructed into thinking that boy children are of more value than girls. The granting of this sense of entitlement in boys has been a key element in creating sexism by developing the expectation among men that male sexual privilege is an inherited birthright. In this way the theory of sexual relativism can be used to explain sexism as socially constructed to the extent that the male sex right is similar when acted out in marriage or prostitution.

**Forced Arranged Marriage**

In the case of child marriage in western multicultural contexts, sexual relativism is still used in its defence but in this case through the application of the forced/free distinction. In order to discuss the problems arising from distinguishing between ‘forced’ and ‘arranged’ marriages in multicultural countries such as Britain, I suggest the term ‘forced arranged marriage,’ first used by Clare Beckett and Marie
Macey, is one that links forced marriages and arranged marriages (Beckett and Macey 2001, p.312). The practice of ‘forced arranged marriage’ usually involves teenage and often young teenage girls. The term ‘arranged marriage’ should perhaps be seen as a way of euphemising the practice of child marriage in the west. Within the socially constructed norms of heterosexuality similar cultural dynamics underpin both. Beckett and Macey argue that the social institution of marriage is a ‘closed club’ in which heterosexuality is assumed (Beckett and Macey 2001 p.312). Beckett and Macey also point out that the “[P]ressure to marry can be used to reduce homosexual and lesbian behaviour” and “the primacy of marriage, particularly in extended family forms, has major implications for freedom of sexual preference among some ethnic groups” (Beckett and Macey 2001 p.213). In Britain the customary tradition of arranging marriages is common among families who originate from the Indian subcontinent and Pakistan (idem). According to Beckett and Macey, “Arranged marriage is a practice that is deeply rooted in tradition and legitimised by reference to religion,” which makes it more difficult to address in a multicultural civil society (idem). Arranged marriages are, therefore, more difficult than forced marriages to assess as harmful cultural practices. Due to increased cases of violence against women in marriages in multicultural societies during the 1990s, feminists have largely targeted forced marriage.

In the year 2000, a network of British based non-government organisations (NGOs) with international affiliates convened in a Forum to address the problems faced by millions of girls and women in escalating occurrences of what they call ‘early’ marriage. According to the Forum group, early marriage is the practice of marriage occurring before or during adolescence which prevails across much of Africa, Asia and Latin America, and in some form or another exists throughout the world (Somerset 2000 p.6). The resulting report, “Forum on Marriage and the Rights of Women and Girls,” points out that in early marriage, [g]irls are forced to marry men they have never met before, and who are many years older than they are. Once married, they are responsible for looking after their husbands, the house, and the children they give birth to while they are still children themselves. They often have little knowledge about the responsibilities of being a wife and no information about sex or childbirth (Somerset 2000 p.5).
The inauguration of the Forum project indicates a rekindling of interest among international feminist NGOs and United Nations organisations, intent on focusing on the eradication of early marriage. UNICEF, one of several participants in and key funder of the Forum project, claims that ending early marriage had not, until recently, been on the activist’s agenda. UNICEF is the human rights organisation that grew out of the interwar organisation Save the Children Fund. The UNICEF Digest No. 7 on Early Marriage, produced by the Innocenti Research Centre in Florence in March 2001, claims that “despite efforts of reformers in the early part of the twentieth century, premature marriage has received scant attention from the modern women’s rights and children’s rights movements. There has been virtually no attempt to examine the practice as a human rights violation in itself” (Umemoto 2001 p.2). While UNICEF indicated that additional research was needed if ‘early marriage’ is to be recognised as a human rights violation, activist campaigns have become primarily focussed on forced marriage rather than looking at the broader framework of premature marriage. Maggie Black, author of an earlier UNICEF report, Girls and Women: a UNICEF Development Priority, claims that one reason early marriage has been overlooked is that children become statistically invisible as ‘children’ when they are married at ages well below the legal minimum (Black 1993 p.3). Once children are married, they are classed as adults and no longer counted in statistics counting children. As Maggie Black puts it: “not one women’s or child rights campaigner has made a loud noise about this. Not one” and “no-one goes to help a girl of 10 when they hear her screaming in the night” (Black 2001 p.1). Maggie Black goes on to criticise “Amartya Sen, the renowned economist,” who “notices ‘60 million women missing’ because of girl neglect,” but who doesn’t once mention the girls who go missing because of child marriage (Black 2001 p.1). In drawing attention to child marriage as a western phenomenon, Black quotes from a case in Maryland USA:

In 1998 a court in Maryland in the US gave permission for a 29-year-old man to marry his 13-year-old girlfriend because she was pregnant. So, it’s pregnancy that is dreadful. Not sex with a minor, not loss of freedom, not loss of education and of the chance to become an independent person able to say ‘no’. Marriage is fine whatever it does to the girl or woman” (Black 2001 p.2).

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150 Refer to Chapter Four for discussion on the Save the Children Fund, their work against the sexual exploitation of children, and the formulation of a human rights charter for children’s rights.
In order to address this ‘invisibility,’ the British based international feminist non-government organisation, CHANGE, challenged the widespread reluctance of States Parties to realise women’s rights as human rights within marriage traditions. In this way, CHANGE and UNICEF have similar objectives. Both CHANGE and UNICEF address the problem of early marriage as a problem related to non-consensual sex in marriage. Purna Sen, the former director of CHANGE is currently conducting an international survey programme addressing the relationship between ‘early marriage’ and ‘Non-Consensual Sex in Marriage,’ (NSCM) (Sen 2000). Purna Sen, in her role as director of CHANGE in the year 2000, claimed that, “worldwide, non-consensual sex in marriage is conducted in societies’ cultures, customs and religious practices and then accepted in social policy framework and laws” (Sen 2000). She argues that consensual sex is mainly about power, and that child marriage cannot be interpreted as an “exercise of consent from the child” (Sen 2000). According to Sen, CHANGE aims to challenge the assumption that upon marriage a girl or woman has “forever consented to sexual relations with her husband” (Sen 2000).

The NCSM survey report, in their groundbreaking approach to the problem of sexual violence within early marriage, reveals several obstacles retarding the progress in questioning traditional practices as harmful. One of the many reasons cited for lack of progress when sexual abuse does occur, is that women, especially girls, have great difficulty in speaking about this violence (Sen 2000). The shame attached to speaking out about their violation is suggested as one reason for silencing, as girls often feel embarrassed, or fear bringing dishonour to the marriage. Another reason given by CHANGE for unreported sexual abuse is that girls in many environments do not customarily use the language of sexuality so they do not have the words to explain their violation (Sen 2000). Girls’ and women’s accounts affirm how invisibility of non-consensual sex in marriage occurs.

[sex with my husband] was very bad, very difficult. I had a lot of pain. I used to be scared when he came to get me and carry me to his bed. When I came to visit my family I didn’t want to go back. I only told you because you asked. I have never told anyone before (Gita’s story in Sen 1998).
Purna Sen’s Ph.D. research into ‘marriage arrangements’ in Calcutta revealed that women were reluctant to talk about sexual violence, but that women with arranged marriages reported higher levels of sexual violence than other women (Sen 1997). In focusing on sexual violence within the conjugal rights of marriage, Sen makes visible the harm of men’s demand for sex despite the age of the girl. Purna Sen’s unpublished Ph.D. thesis provides original research material that gives insight into understanding marriage arrangements that occur within multicultural Britain.

The forced/free distinction on child marriage is the official position adopted by the British Government. In applying a forced/free distinction the British government and other countries such as France and Australia counter important current efforts and projects aimed at ending child marriage in countries where it is traditionally practiced. For example, a survey funded by the Grameen Bank and conducted in a Bangladeshi village by Farah Chowdhury in 2004 was successful in raising awareness of men’s role in child marriage. Chowdhury argues that in addition to the economic motive driving child marriages, case studies have shown that “female sexuality is controlled through early marriage and the custom of purdah, which limits the social interactions between men and women” (Chowdhury 2004). Chowdhury adopts the cost-benefit analysis of ‘social exchange theory’ in order to analyse the imbalance of power in child marriage where, “the weaker party gives up some of its will to the stronger and becomes subordinate” (Chowdhury 2004 p.246). The subordination of the less powerful partner, in this case the girl, is an example of how the “unbalanced exchange” results in a “kind of credit to the superior partner” (idem). The transfer of power is involuntary and irrevocable. In the eyes of the community, the husband of the girl gains status and wealth in his acquisition of a wife as property. As Chowdhury explains, “it credits him in the sense that his position becomes well known in settings where exchanges occur in public” (idem). Chowdhury’s research identifies men’s sexual and economic power as prime causal factors in perpetrating the custom of child marriage.

Research such as Chowdhury’s points to a way of addressing the problem of child marriage by addressing and understanding the causal factor of a socially

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151 The Grameen Bank was set up in 1976 to lend money to women. Grameen Bank funding, with over 1.8 million borrowers, is currently held up as a model of poverty alleviation particularly for women in Bangladesh. Undoubtedly the Grameen Bank’s small loans programmes have benefited many women financially. However, activist Farida Akhter of UBINIG in Bangladesh cautions us that the system of money-lending often results in borrowers ending up in a permanent form of debt bondage (personal conversation in Bangladesh in October 2005). Also see Sylvia Tamale’s article “Between a Rock and a Hard Place: Women’s Self-Mobilization to Overcome Poverty in Uganda,” for a discussion on the difficulties faced by women who participate in micro-
constructed male need to continue the custom. Chowdhury’s position is in
contradiction to the cultural relativist position demonstrated by western
governments faced with similar problems in a cross-cultural milieu. In the UK, for
instance, the Home Office recognises the harms resulting from the ‘forced’
marriage of young girls but seek to differentiate such ‘forced’ marriage from the
cultural practice of ‘arranged marriage’ in order to smooth the functioning of
multiculturalism. The creation of this distinction can be understood as a form of
cultural/sexual relativism.

‘A choice by right’
In 2000, the British Home Office released a report on the problem of “forced
marriage” and what should be done to eradicate it. The report entitled, “A choice
by right,” is the British Government’s attempt to deal with the controversy about
child marriage that, due to Britain’s uneasy alliance with multiculturalism, could
no longer be ignored. According to the Forum group, “Although the Government’s
response to the problem may seem admirable this has come only after years of
lobbying and many of the government agencies are still reluctant to get involved
with the issue or to act” (Somerset 2000 p.30). The Forum group claims that
Baroness Scotland, in a speech in 2000, reported that the Foreign and
Commonwealth Office (FCO) and the Home Office had to deal with at least two
victims per week, and that hundreds of women and men were involved (Somerset
2000 p.29). According to the Forum group hundreds of girls were taken abroad to
be married off to unwanted husbands, but, “very few have been ‘rescued.’
Historically the Government has been reluctant to involve their overseas missions,
even though the individuals are British passport holders” (Somerset 2000 p.30).
Another reason for the government’s reluctance to tackle the problem has,
according to Forum, been “hidden behind cultural relativism and the idea that other
people’s traditions should be left alone” which results in the girls being left
without protection from the “social services or the State” (Somerset 2000 p.30).

The Southall Black Sisters (SBS), prior to the government’s release of “A choice
by right”, had already worked for several years on the complex problem of forced
marriage within the context of violence against women in multicultural Britain.152

152 I introduced the Southall Black Sisters and their work against violence against women in a
multicultural environment in Chapter One.
SBS claimed that “interest in and awareness of the issue in the media and government circles” was sparked off by the murder of Rukshana Naz in 1998 by her family. According to SBS,

Rukshana Naz, a 19-year old Asian woman, was killed by her mother and brother in 1998 in Derby after she refused to stay in a forced marriage to a cousin in Pakistan and had become pregnant by her lover in the UK. Her mother and brother were convicted of her murder in 1999 (Southall Black Sisters 2002).

The killing of Rukshana Naz was an honour killing in which her brother strangled her while her mother held her down by her feet. According to the SBS, her mother said “It was written in her kismet” (Southall Black Sisters 1999). The honour killing of Rukshana Naz brought the violent actions, usually hidden in the private sphere of family and marriage, starkly into the public arena, and in August 1999, the Home Office established a Working Group to examine and report on the issue of forced marriage (Southall Black Sisters 1999). Prior to the honour killing and associated media publicity, the British government had not intervened in what they saw to be traditional marriage customs. The government invited the Southall Black Sisters along with a number of other groups and individuals to participate in the Working Group. However, SBS resigned from the Working Group when the Group insisted on “offering mediation and reconciliation as options to women in this situation” (Southall Black Sisters 1999). In SBS’s words,

We felt that women usually come to organisations like ours as a last resort, having attempted reconciliation through the traditional community mechanisms of family elders and community leaders. We felt that a woman’s safety is paramount and that her safety could not be monitored or guaranteed when she was reconciled into the home (Southall Black Sisters 1999).

It is evident that a key policy favoured by the Working Group was directed at keeping the heterosexual family unit together despite the prospect that “mediation” or “reconciliation” could send the girl or woman back into a dangerous or violent situation. Upholding “mediation” and “reconciliation” also maintains unequal power dynamics, keeping the girl in a subordinated position and allowing and
condoning the possibility that the girl might be subjected to further sexual violence. The manifestation of sexual relativism can be seen in the acceptance of overlooking sexual violence as long as the tradition of marriage stayed intact.

The Southall Black Sisters, as a response to the government report “Choice by Right,” have since produced their own report entitled “Forced Marriage: a Human Rights Violation” (Southall Black Sisters 2002). Most of their work is making recommendations to the various authorities on establishing minimum standards when dealing with women and girls who face the possibility of forced marriage and abduction (Southall Black Sisters 1999). One of their main concerns is that statutory agencies are reluctant to intervene in such cases, deeming forced marriages to be cultural practices and “believing that it would be racist to intervene” (Southall Black Sisters 1999). The Southall Black Sisters have been and are currently opposed to cultural relativist policies. In countering the claim that it is racist to intervene in preventing forced marriages SBS are, “campaigning for a widespread acceptance of the view that it is racist not to intervene and that it is the human right of all women to expect and be afforded state protection against violence” (Southall Black Sisters 2002). By not intervening in the analysis, the Government can be seen to be upholding the cultural relativist perspective.

The Home Office Report “A choice by right,” states that a “clear distinction must be made between forced and arranged marriages” (Home Office 2000, p.10). Only “forced marriage,” defined as, “A marriage conducted without the valid consent of both parties,” and “where duress is a factor” is considered unacceptable (Home Office 2000 p.4). The report implies that the Working Group who compiled the report defended “arranged marriage” as a cultural tradition to be respected. The report states that because the family takes the “leading role in arranging the marriage,” this is not force claiming that, “the choice whether to solemnize the marriage remains with the spouses and can be exercised at any time” (Home Office 2000 p.10). The British Home Office, keen to promote multicultural harmony, proposes that religious beliefs and customary law are prime reasons to justify condoning arranged marriages.

153 I suggest an area of further research would be to access the minutes of the Working Group, which were not available in 2002 when I carried out my research in London. The minutes may be useful in ascertaining how discussions arose around the issue of reconciliation in cases of forced marriage.
The report “A choice by right” claims that forced marriage “is a violation of internationally recognised human rights standards and cannot be justified on religious or cultural grounds” (Home Office 2000 p.6). In order to give credence to a legitimate demarcation between forced and arranged marriages the working group drew on the words of a “young girl from Leicester” who claimed, “A person knows when they are being forced into a marriage against their will — that must be the starting point” (Home Office 2000, p.6). It can be argued that adopting the girl’s claim as a starting point for investigating child marriage sets up a dynamic similar to the one that maintains the status quo of community silence around cases of sexual abuse in families. The assumption by the group that the girl will know if force is involved assumes the girl has a choice in the first place and is in some way able to consent to an arrangement made by her parents. The potential for any occurrence of violence toward the girl, should she be too afraid to rebel against the kismet of her impending marriage, is silenced or overlooked. British feminists and activists against sexual violence, Liz Kelly and Jill Radford, have written about the degrees of violation that are carried out on girls and are interpreted and trivialised by the wider community as incidents where “nothing really happens” (Kelly and Radford 1996). The Working Group, in relying on the words of the young girl from Leicester to alert authorities if she encounters coercion, discounts the socially constructed forces amounting to “nothing really happening,” such as the forces of religious indoctrination, or the forces of patriarchal domination. Moreover, such a situation opens the way for the type of negotiations of “mediation” and “reconciliation” the Southall Black Sisters were so opposed to.

The quote from the “young girl from Leicester” is used in the report as the basis on which to justify forced marriage as a human rights violation, contravening Article 16 (2) of the Universal Declaration of Human Rights which states “Marriage shall be entered into only with free and full consent of the intending spouses” and the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), Article 16 (1) (b) which states “State parties shall ensure on a basis of equality of men and women… the same right freely to choose a spouse and to enter into marriage only with their full and free consent”; and General Recommendation No. 21 of the UN Committee of CEDAW which states, “A woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being” (Home Office 2000, p.6). While ‘a person’ may recognise overt force, as is apparent in the case of the young girl from Leicester, I suggest that children and their parents indoctrinated into community acceptance of
early marriage would not recognise many of the subtler forms of force in use that pass as acceptable marital arrangements. The government focuses on forced marriages but the voices of child brides throughout India, interviewed by Annes Jung in her book, Beyond the Courtyard, demonstrate that most child marriages are arranged by adults. ‘‘I was married when I was that high,’’ says the girl raising her hand a little above the ground, looking bemused. ‘‘I don’t even know when I was married,’’ laughs another” (Jung 2003, p.35).

Despite the report’s claim that “forced marriage” breaches human rights instruments there is no particular law in existence criminalizing “forced marriage” in England or in Wales. Nor did the Working Group support the creation of a specific offence of ‘forcing a person to marry’ which means that perpetrators can only be arrested for ancillary events related to carrying out the marriage but not the actual marriage (Home Office 2000, p.9). For instance, laws that address actions related to acting out “forced marriage” such as kidnapping, abduction, rape or non-consensual sex with a minor are seen by the Government as offering some protection for the victim. In September 2005, the British Government began a three month consultation period in order to decide whether to strengthen the law by making forced marriage a criminal offence. In reality, very little protection, if any, is afforded to the young girls in their early teens or whatever age puberty occurs. Perpetrators can be warned that if they carry out a marriage by force they are likely to commit crimes of a serious nature around the marriage but will not actually be prosecuted for the marriage. In 2000 the Government was reviewing whether its laws on abduction could “be related to a forced marriage within its review of sex offences generally” (Home Office 2000, p.9). In contextualising ‘forced marriage,’ which usually involves young teenage girls, within laws on general sex offences, the Government demonstrated a clear reluctance to bring attention to the institution of marriage, particularly the male sex right, as the key criteria on maintaining the subordination of women.

Although the Working Group gathered most evidence from families with cultural backgrounds from the Indian sub-continent, they found “forced marriage” was not solely an “Asian” problem. Cases involved families from East Asia, the Middle East, Europe and Africa. The Group worked with the Norwegian government who was also in the process of implementing an “action plan to tackle forced marriage” (Home Office 2000 p.12). The Working Group argued that “forced marriage,” as distinct from “arranged marriages,” must be “primarily seen as a form of violence
against women” (Home Office 2000, p.11). They found that in addition to physical forces such as threatening behaviour, abduction, imprisonment, physical violence, rape and murder, many cases of marriage occurred because parents genuinely believed they were acting in their children’s and families’ best interests. The Working Group coined the term “loving manipulation” to explain how forms of emotional and psychological blackmail were used to force their daughters into marriage. As one girl from Leeds explained, she had little choice in the matter, “My parents said that I could go to University, but only if I agreed to marry a cousin from back home once I’d graduated” (Home Office 2000, p.11). Often such marriages of persuasion turned into abusive relationships with little chance of escape for the girl. Many women sought help only after years of enduring the marriage due to “family, social and economic pressures” (Home Office 2000, p.11).

With government emphasis on whether a young girl is ‘forced’ into marriage, or whether she has supposedly given her ‘consent,’ the tradition of marriage becomes depoliticised, and the focus removed from unequal power dynamics, further absolving the male sex right/rite as having any bearing on continuing the practice. Authorities are more able to recognise and address actions of physical force if they occur and are acknowledged in the public sphere, but often the force is hidden within heterosexual family units and considered ‘family business’ with little concern for the frequent occurrence of marital rape that accompanies the marriage. Marital rape is often the ‘force’ of the marriage usually exonerated because consent is assumed. As Sherwani pointed out, girls across cultures are prepared at a young age to desire and accept being under control of their husbands. Whether the experience is in the UK or elsewhere, the outcome for the girl is similar. As Purna Sen has argued, girls married at a young age do not have the language or and are often ignorant of the fact that having a husband means ‘sex.’ The following quote from Phoolan Devi, as a child bride in India, is an example of sexual violation. In Phoolan Devi’s words:

I did not understand the meaning of ‘husband’ and when he made passes at me I would scream and shout, not knowing the meaning of these gestures. My fear angered him and he would hit me. He treated me like an animal. He would touch my breasts and say that I was like a baby (partridge) and asked when I would mature. He was a pervert, in my eyes, and I soon learned that his first wife had died in childbirth at the age
of fourteen… when he took me to his home I was eleven (Phoolan Devi quoted in Sen 1997).  

Even though a girl from infancy may be inducted into the idea that she will have a husband, we see from Phoolan Devi’s words, that she was not prepared for sexual advances, let alone, sexual violence. When girls are married off at a young age violence is a common experience accompanying daily sex rituals. Social theorist Martha Nussbaum reported from her visit to the organisation Vishaka in Rajasthan, that girls were already married by eight or nine, and that the “awareness of themselves as small wives shaped their future” restricting their attitude to education, dress and play (Nussbaum, 2000, p30). As they prepared to enter their husbands’ house they were ill-prepared for the spectre of rape and high incidences of domestic violence that remain uninvestigated. The lack of political will to end child marriage is also explained by Shoba Saxena, researcher on child marriage in Rajasthan, and who writes, “people are too callous and orthodox to change” (Saxena 1999). According to Saxena, girls married as children in Rajasthan suffer additional health problems as a result of their premature induction in to motherhood. The “greater reproductive span” ensures that not only their childhood, but often their lives are cut short (Saxena 1999).

The perceived compliance of girls experiencing both child marriage in non-western societies and arranged marriage in western societies can be explained through the concept of ‘Stockholm syndrome’. In the next section I introduce Dee Graham, Edna Rawlings and Roberta Rigsbys’ “Societal Stockholm Syndrome” theory in order to investigate the phenomenon of how young girls cross culturally are socially conditioned into roles of sexual subservience.

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154 Phoolan Devi (1963-2001) was an Indian low caste woman who was kidnapped by and joined forces with local ‘dacoits’ (an itinerant band of robbers). She became notorious for allegedly killing high caste Hindus in revenge for those who raped her. She was arrested and imprisoned and upon her release became a politician. Phoolan Devi was assassinated in New Delhi in 2001.

155 The term “Stockholm Syndrome” was first coined in 1973 to describe the relationship between the captor and captives that developed over the period of captivity during a bank hold-up in Sweden that lasted several days. Dee Graham gives as examples of hostages who have bonded with their captors, Patty Hearst who was captured and raped by members of the Symbionese Liberation Army in the 1970s and Linda Marchiano who was forced at gunpoint to perform pornography in the 1970s by her partner Chuck Traynor. Lovelace, Linda, and Mike McGrady. 1980. Ordeal. Secausus N.J.: Citadel Press.
‘Loving to Survive’

The experience of girls and young women who ‘agree’ to marry at their family’s behest, as cited in the British report, can be compared with the experiences of girls’ experiences exhibiting what psychologist, Dee Graham, has called the “Societal Stockholm Syndrome.” Graham, Rawlings and Rigsby believe “Stockholm Syndrome” to be a “universal law of behaviour, which operates when a person existing under conditions of isolation and inescapable violence perceives some kindness on the part of the captor” (Graham, Rawlings and Rigsby 1994 p.xv). Girls who enter into such marriages, ostensibly of their own free will, experience the conditions of isolation Graham writes about, and are likely to develop subservient modes of behaviour in order to please their husbands. Graham argues that girls who are disempowered through being subordinated can develop feelings of despair and self blame at their inability to stop the violent behaviour. It could be argued that young girls who are subjected to violence from their husbands could develop similar feelings of despair. In such cases, the “influence of the law” of behaviour is often “outside the awareness of those whose behaviour and emotions it drives” (idem). For instance, Graham asks, “To what extent does a culture run by males ask females to sacrifice their lives and happiness for others’ sake, especially men’s sake” (Graham, Rawlings and Rigsby 1994 p.65)? And, “To what extent does the culture communicate the message to females that their minds and bodies belong to men (for instance, through laws, rape, rituals, tradition, popular entertainment, religion)” (Graham, Rawlings and Rigsby 1994 p.65)? The culture of child marriage is a prime example of one in which girls are taught from a young age that their minds and bodies belong to their husbands.

Stockholm Syndrome theory evolves from Dee Graham’s, Edna Rawlings’ and Roberta Rigsby’s research, and explains how hostages bond to their captors by responding gratefuly for small favours. Similarities can be ascertained where children are held in hostage type situations by their husbands who often qualify as captors, thereby exhibiting the characteristics evaluated in Graham’s Stockholm Syndrome theory. Usually there is no refuge for girls are prevented from leaving their captors/husbands by the culture of tradition that informs the whole community. Within multicultural societies, safe houses can be provided but this is
not a satisfactory solution. As the Southall Black Sisters have suggested, the girl receives multiple messages from her community that isolate her in the powerlessness of her marriage. Even when she is threatened with or experiences violence she cannot return to her family as they say her place is with her husband. In many cases where violence occurs, her life can be at stake.

Girls who refuse to marry, or want to escape from an arranged forced marriage, can be murdered by their families. However, wife murder is a cross-cultural phenomenon not limited to honour killings within so-called ethnic minority communities. According to the research of feminist legal theorist Catharine MacKinnon, most murdered women live in households with their murderers who are often their husbands. In western societies “four out of five murdered women are killed by men; between one third and one half (of murdered women) are married to their murderers. When you add boyfriends and former spouses, the figures rise” (MacKinnon quoted in Graham, Rawlings and Rigsby 1994 p.71). In western societies there is little sympathy for a woman in an unhappy liaison who is often told, “you have made your bed, now lie in it,” and lie in it she must if a violent husband is intent on keeping her in her place. As a result of her inability to escape, not only is her sense of isolation compounded, but in many cases the victim bonds with her abuser in order to survive (Graham, Rawlings and Rigsby 1994 p.65).

While the British report discusses ‘domestic violence’ within forced marriages, they do not mention violence against women existing in association with arranged marriages. The report, in creating a demarcation between forced and arranged marriages, creates a forced/free distinction similar to the argument used to defend other forms of sexual exploitation such as prostitution as choice. As Janice Raymond has argued, “[T]he distinction between ‘forced’ and ‘free’ prostitution is precisely what the sex industry wants” because it maintains the credibility and stability of the sex industry (Raymond 1995 p.6). In a similar way, by establishing a forced/free distinction between arranged and forced marriages, the credibility and stability of the institution of marriage is maintained. In multicultural communities, such a distinction creates double jeopardy for girls and women. According to Janice Raymond, “It will be virtually impossible for women, especially women from developing countries, to prove that they were coerced into prostitution or sexually exploited against their will, if the definition of coercion is narrowed and we begin only to speak about ‘forced prostitution’”
(Raymond 1995 p.6). In a similar way I suggest that the “definition of coercion is narrowed” if we continue only to speak about “forced marriage.” Such a distinction makes it difficult, if not impossible, for young girls and women to exercise their own agency and self-determination in a situation of inequality ratified in law.

The protection of a girl’s ‘virginity’ is often cited as a reason for arranging marriages, and the father is the ultimate power broker of her virginity (Sherwani 1998; Umemoto 2001). Whether or not the marriage is forced or free, she is passed over as property from the father to the husband, and in those cases where a girl is underage, becomes the victim of statutory rape. I suggest that the earlier quote from the young girl from Leeds, stating that a person knows whether or not she is being forced into marriage might accurately apply to the more obvious cases of girls trafficked into marriages, such as an Ethiopian bride-to-be captured on horseback, but clearly falls short of dealing with the complexities of what happens to girls within intra-familial transactions under the banner of “arrangements” (IRINNEWS 2004). Such arrangements are a form of social construction that inform the girl from a young age of her expected familial duties and her understanding of what constitutes bringing “shame” upon the family. If a young woman is bodily kidnapped the force is obvious but when a marriage is “arranged” by her relatives’ trickery and stealth, a young girl does not realise, often until it is too late, that an arranged and forced marriage amounts to much the same thing.

An example of the difficulty in discerning between an arranged or forced marriage is the case study of a young girl who unsuccessfully attempted suicide after being forced to marry a cousin against her will (Home Office 2000). She had internalised the compliance expected of her in the marriage her parents arranged for her and did not want to go against their wishes. She saw suicide as the only way to avoid bringing shame upon her family. Once married, leaving her husband was not an option and despite friends urging her to take a stand, she remained in the relationship (Home Office 2000, p.9). In a manner similar to occurrences of forced marriage, many arranged marriages are agreements between adult family members and daughters have little say in keeping the conjugal culture of tradition at bay and no choice other than to capitulate to emotional, psychological, physical, economical and ultimately, sexual violence. Feminist advisors to the Working Group said that despite reasons given for marriage such as upholding the family honour, controlling female sexuality and behaviour, honouring long-standing
family commitments, preventing exogamy or protecting religious ideals, “forced marriage is a tool used to control female behaviour and sexuality — a means of oppressing women” (Home Office 2000, p.14). In the next section I suggest how the trafficking of girls into marriage resembles the trafficking of girls into prostitution, and that within the framework of multicultural societies, early marriage as a traditional custom is gradually being challenged by a new generation of young women unwilling to be sold into what Maggie Black calls sexual slavery (Black 2001 p.2).

**Trafficking into Marriage**

The practice of ‘arranged forced’ marriages should perhaps be understood as a form of trafficking in girls. It would then come under the “United Nations Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” adopted in 2000. In order to compare trafficking for marriage and trafficking for prostitution as forms of exploitation, I begin by defining “trafficking” according to the Protocol:

For the purposes of this Protocol: (a) “Trafficking of persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used. (Article 3 (a) UN Protocol on Trafficking).

Trafficking girls into marriages is a practice that is becoming increasingly visible in multicultural societies such as Britain, France, the Netherlands, Norway and many other western nations. Often girls whose families have emigrated to western nations are trafficked by their parents to their countries of origin. Zana Muhsen, in
the following account, tells how she and her sister Nadia were trafficked from Birmingham to Yemen by their father Muthana Muhsen, where they were forced into unwanted marriages (Muhsen and Crofts 1991). Zana was fifteen years old and her sister Nadia, fourteen. Zana’s book, Sold: A Story of Modern Day Slavery (1991) is among a growing number of stories emerging from girls who eventually manage to escape their enslavement. Cultural practices of son-preference mean that an educated boy accrues value in the eyes of the family, but educating a girl holds less value, particularly as the more independent she becomes through education, the more likely it is that she will rebel against customary marriage rituals. The following account by Zana indicates how having received an education contributed to her ability to escape. However, for every story that comes to public attention, there are thousands that remain undiscovered.

Olivia O’Leary interviewed Zana in her programme “Between Ourselves” on BBC Radio on August 9 2002. Zana was thirty-eight years old at the time of interview (O’Leary 2002). Zana’s retelling of her experience provides important insight into the ruthless actions of fathers who traffic their daughters into marriages (O’Leary 2002). Muthana Muhsen sold his daughters to Abdul Khada without their knowledge. He lied to Nadia and Zana telling them they were going on a holiday to Yemen to stay with family members they had never previously met. Once there Zana was told she was the wife of Abdul Khada’s son Abdullah, and was forced have sexual intercourse with Abdullah. She later found out that her father had sold her for one thousand, three hundred pounds. Zana, as a result of repeated marital rape, gave birth to a son and was told, “now we have our souvenir we don’t need you any more” (Muhsen and Crofts 1991 p.134). At that point she realised she had to get out and began planning her escape. Nadia promised to look after Zana’s son Marcus until her escape could also be arranged. Zana learnt to speak Arabic very quickly while in captivity and soon realised that many other girls from Birmingham ended up in Yemen, so much so that it was known as “Little Birmingham.” One English girl had come and been sold off at such a young age she no longer remembered English. Zana was regularly beaten until she “allowed her body to be raped by her husband.” When she complained and said she wanted to go home to England, she was beaten by her husband. She was forced into working long hours at arduous tasks and would have remained enslaved had she not escaped. Subsequent efforts to rescue Nadia have so far been unsuccessful. Zana said her father did it “for spite” and to “show Mum he could” and to “show he was macho.” She said it was not for poverty as they had a fish and chip shop
and were quite well off. Control over the whole family by the father emerged as a way for the father to have increased status in a new community.

In January 2005, the Home Office and Foreign and Commonwealth Office launched a joint Forced Marriage Unit, which reiterated a definition of forced marriage as a human rights violation and a form of domestic violence. In cases where Pakistani, Indian and Bangladeshi men travel from Britain to visit their countries in order to bring back child brides, the British government has raised the minimum age for marriage clearance from 16 to 18. According to the Forced Marriage Unit, “[T]his is to give those who face forced marriage extra time in which to mature and resist familial pressure to enter a marriage they do not want” (Forced Marriage Unit, 2005). And, despite the problem that several hundred girls are recorded as being trafficked each year from Britain into Pakistan in order to undergo unwanted marriages, as yet, forcing a girl or woman into marriage is not a specific criminal offence under British law. By maintaining heterosexual marriage as untouchable by law, whether forced or free, the British government retains a cultural/sexual relativist position in its approach to the issue. In the next section I discuss how the French government adopts a similarly patriarchal approach to the problem, but one in which the onus is more clearly on the girl to prove the force of marriage.

**Proving Force in France**
The distinction between forced and free is now recognised by an increasing number of countries who are faced with assessing the legitimacy of early, customary or unwanted marriages. Sociologist Nacira Guérif, commenting on ‘customary marriages’ in France, claims that the focus on forced marriage as a non-western phenomenon is a “Euro-centric way of looking at things” and that “one should remember that such marriages existed in France until not very long ago” (Guerif quoted in Subtil 2000 p.26). Furthermore, “they enable immigrants to exploit the limited resources at their disposal … a French educated boy or girl has a certain value” (Guerif quoted in Subtil 2000 p.26). It is usually boys who are educated to a higher level than girls. A girl is usually educated until she is considered old enough to be married.

Generally, government bodies are slow to record or accumulate statistics related to the global sexual exploitation of girls and women in early marriages. According to
social activist Azim Sherwani, the extent of child marriage is impossible to estimate, particularly as in many countries of origin, births, marriages and deaths are not officially recorded (Sherwani 1998). In France, the number of girls trafficked into marriage is also difficult to ascertain, with cases coming to light only after the girl has found a way to escape and her plight made public in some way. Statistics emerge from sources such as the French feminist organisation, GAMS (Women’s Group Against Sexual Mutilation), a group who campaigns against the harmful cultural practice of Female Genital Mutilation (FGM). GAMS, founded in 1980 and dealing mainly with people of African origin, estimated in the year 2000 that more than twenty thousand teenage girls had been threatened with or had already undergone forced marriages (Subtil 2000). GAMS based the figure on its experience in France with families that practiced FGM and who were also likely to force their girls to marry (Subtil 2000 p.26). GAMS claim the phenomenon began in the nineties when the children of families who entered France in the seventies approached adolescence and has escalated ever since. According to demographer, Michèle Tribalat, 34 percent of boys and 40 percent of girls who were under sixteen and had recently migrated from Turkey, said in 1992 they had undergone arranged marriages (Subtil 2000 p.26). One of the founders of the GAMS group, Luce Sirkis pointed out that the difficulty in preventing the problem lay with the parents, particularly the father.

Parents organise a customary marriage. The teenage girls, who continue to live with their family, have red eyes at the beginning of the week: they have been forced to spend the weekend with the man concerned and their parents give up their bedroom to the couple. What can we do? Denounce the father for aiding and abetting rape (Subtil 2000 p.26)?

According to the GAMS report, customary marriage is a “taboo subject”. The marriages are performed in secret, “and if such a marriage comes to light it almost always happens in the same way: a teenage girl who is doing well at her lycée suddenly starts getting lower marks and behaving differently (Subtil 2000 p.26). The onus then falls to the teachers to notice behavioural changes. GAMS tells the father he is breaking the law and explains that the consequences of such marriages include teenage pregnancies, interrupted education, depression and suicide (idem). The failure rate of such marriages is estimated at two out of three at least. Nadia Aboud, a thirty-five year old Algerian woman living in France escaped from a forced marriage and is now president of the protest group, “Voix de Femmes”
Activists such as Aboud inform authorities that girls escaping from marriages are in danger and must be believed.

One public prosecutor at Grenoble, Raphaël Grandfils, reported that large numbers of girls come to police for assistance but are often turned away.

We’ve all had girls of 16 and 17 knocking on our door. The problem is finding out if there’s a real danger. There are customs which are different from those practiced in France, but it’s not our job to pass judgement on them unless the young women are in physical danger. And even then we need proof. Often it’s a case of their word against their parents (Raphaël Grandfils quoted by Subtil 2000 p.26).

Grandfils’ cultural relativist and sexual relativist position is the position of the French judiciary. To date, the French court cannot act if marriage is performed under customary law, and can only annul a marriage if absence of consent is proven (Subtil 2000). The patriarchal position adopted by the French judiciary reflects a long tradition in which murder as a ‘crime of passion’ was tolerated (idem). Leniency for murder as a ‘crime of passion’ reflects the belief that it is a matter of honour to sustain sexual ownership of women and girls. In systems condoning a ‘crime of passion’ as a defence for murder, it is usually women and girls who are killed. The similarity is akin to honour killings usually critiqued by western societies. Grandfils’ statement also demonstrates the cross-cultural problem that girls and women face when reporting marital rape or domestic violence. They are usually subject to disbelief when it comes to matters of escaping sexual violence committed by men.

It is easier for Governments of dominant cultures to comply with systems in which men sexually colonise women rather than criticise the private sphere of traditional marriage. The forced/free distinction functions to avert state involvement in customary marriage laws of ethnic minority communities. Such avoidance maintains hierarchical patriarchal control of women, or as Kathleen Barry has argued:

When the colonized internalize the values of the colonizer, colonization is completed through self-enforcement and the colonizer can sit back and accept the fruits of his labor. Across
male national boundaries, women strongly defend veiling, seclusion, genital mutilation, forced prostitution, and marital enslavement. Consequently, even when rebellion against national colonization occurs, sex colonization continues (Barry 1979).

Forced arranged marriages in multicultural Britain and France are linked with migrant communities and have come to government attention largely when violence has occurred, such as in the form of honour killings, or when girls and women have managed to escape capture from unwanted marriages. Feminist groups such as the Southall-Black-Sisters in Britain and GAMS in France, in their groundbreaking work against forced marriage, have educated authorities in the importance of creating support systems to enable girls and women to stay out of unwanted marriages. In both countries the governments adopt the sexual relativist position and remain reluctant to intervene in what they claim to be the private sector of marriage. In the next section I discuss the complex problem of child marriage in Indigenous communities within multicultural Australia.

‘Promising’ Marriage
In Australia sexual relativism supports violence in customary child marriage. The predominantly white male judiciary in Australia has a history of condoning cases of child marriage in Indigenous communities that come before the courts on the grounds that such a marriage is traditional and therefore falls under customary law. The term ‘promised marriage’ used to defend such marriages as customary could be seen as a euphemism for a harmful cultural practice. The occurrence of sexual violence in Indigenous communities has been difficult for women and feminists to address because of Government indifference to the problem. Sexual violence is further exacerbated by official disempowerment of the Aboriginal people. A long history of xenophobic attitudes, reflected in the “White Australia Policy” and combined with deliberate ‘social welfare’ practices of miscegenation, has resulted in the near decimation of the Aboriginal peoples. The Australian Government’s long-term non-recognition of Aboriginal people as citizens is a key causal factor to their status as ‘fourth world.’ The notion of ‘fourth world’ emerged in the 1970s as a way of making visible the inequality of power existing

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156 See Chapter One for a discussion on the problems created for Indigenous Australians and other ethnic minority groups when key policies are decided by a predominantly monoculture of Anglo-Celtic men.
157 The ‘White Australia Policy’ began as an Anglo-Celtic immigration in the 1890s and lasted until it was dissolved under the Whitlam led Labor Government of 1973.
between first nation people and their colonisers such as the definition determined by Shuswap Indian Chief George Manuel in his 1974 publication “The Fourth World: An Indian Reality.” He defines the ‘fourth world’ in terms of national identity as understood between men, “Nations forcefully incorporated into states which maintain a distinct political culture but are internationally unrecognized” (Manuel, 1974). If we take the national identity definition one step further and incorporate women into the equation by replacing the word ‘nations’ with ‘girls’ and ‘states’ with ‘marriages’ then perhaps we can gain some measure of the extreme marginalisation and disempowerment of girls and women who experience sexual violence and who disappear into customary marriages.

As part of her activist work against child marriage and other forms of sexual exploitation, Kathleen Barry, in 1971, joined with several other women to issue ‘The Fourth World Manifesto,’ in order to illustrate how hierarchical colonisation leads to women’s subordination and sexual enslavement:

Women set apart by physical differences between them [sic] and men, were the first colonized group, and this territory colonized was and remain our women’s bodies. We declared further that, “Most males have an individual colonial relationship to an individual female and most males identify with and act on the group colonization of women” (Barry 1979 p.194).

Barry argues that the colonisation of people is often not seen by the coloniser as a destructive act; “it is useless and destructive for women to compare the relative advantages of one form of sexual slavery over another, in an allegiance to a particular national culture” because sex colonisation is enforced in one way or another in every patriarchal society (Barry, 1979, p195). Barry cites, “Forced prostitution, and forced marriage, which includes wife battery, veiling, arranged marriages, and polygyny,” as confirming “the subordination of all colonized women” (Barry 1979 p.197). She is arguing that women have been trained to recognise the colonisers as governments instead of individual people making it more difficult to understand that sex colonisation relies on sex colonisers who act in private (Barry 1979 p.195).

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In Australia, cultural relativist and sexual relativist ideology has had such a stronghold on the public and private colonisers, that it has been difficult for anybody, whether Indigenous or non-indigenous, to speak of sexual violence within Indigenous communities. In 1992, Jane Lloyd of the Pitjantjatjara Council at Alice Springs and Nanette Rogers of the Central Australian Aboriginal Legal Aid Service Northern Territory presented a paper at an Australian Institute of Criminology conference confronting adult sexual violence. In their paper, “Crossing the Last Frontier: Problems Facing Aboriginal Women Victims of Rape in Central Australia,” they argued that “the subject of intra-racial rape is still prone to accusations of interference in Aboriginal ‘business’ and white feminists playing out their politics on Aboriginal territory” (Huggins, Willmott and Tarrago 1991 p.542; Lloyd 1992 p.149). Lloyd and Rogers point out that the debate “over the publication [in 1989] of an article on intra-racial rape by anthropologist Diane Bell and her friend Topsy [Napurrula] Nelson, an Aboriginal woman from Tennant Creek (Northern Territory), was reduced to criticisms of their right to speak out about sexual assault within the Aboriginal community” (Lloyd 1992 p.149). According to Lloyd and Rogers, none of the critics realised at the time that “Topsy had assisted in bringing a criminal injuries compensation claim to court for a young Warlpiri woman who had been sexually assaulted” and had given evidence before a Magistrate’s court, therefore, “It was her ‘business’ to talk about rape” (Lloyd 1992 p.150).

Importantly for the discussion on traditional practices in this thesis, Lloyd and Rogers established that Aboriginal women, when given the chance to explain Aboriginal customs, pointed out that no form of sexual assault was in accord with any Aboriginal traditions or laws (Lloyd 1992 p.150). Moreover, Lloyd and Rogers established that male violence towards women increased due to “Pornographic films and videos” frequently shown in Aboriginal communities and which “endorse violent and sexually exploitative acts against women as normal”

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159 Lloyd and Rogers’ paper has the full support of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women’s Council, the Aboriginal woman Director of the Central Australian Aboriginal Legal Aid Service (CAALAS), and the views expressed are endorsed by all Aboriginal staff of that service. The President of Tangentyere’s Four Corners Council, Renten Rubjuntja, has also given support to this paper.

160 See “Speaking of Things that Shouldn’t Be Written: Cross-cultural Excursions into the Land of Misrepresentations” in Radically Speaking 1996 for a detailed explanation on criticisms of the original article “Speaking about rape is everybody’s business” by Diane Bell and Topsy Napurrula Nelson

(Lloyd 1992 p.152). The long term denigration of Aboriginal customs by white colonisers and the introduction of pornography and alcohol into Aboriginal communities has resulted in the escalation of violence. Aboriginal lawyer Cleonie Quayle has pointed out that during early colonisation years, Indigenous women, men and children were subjected to horrendous atrocities and at no stage did the law offer protection to Indigenous women and children who were victims of rape, violence and murder. The traffic in and subsequent rape of children by white settlers caused even deeper anger (Quayle 2003 p.2). In reflecting on the impact of the introduced Australian legal system on Indigenous people, Quayle notes that, “the colonizers broke every one of their own laws by the violence they visited upon Indigenous people” (Quayle 2003 p.2).

In the year 2000 the first task force of Indigenous women formed a working group reporting on violence in the Aboriginal community. The groundbreaking report entitled, “The Aboriginal and Torres Strait Islander Women’s Task Force on Violence Report,” is of immense importance because it is the first detailed survey of comprehensive proportion reporting on violence in Indigenous communities to be published. (Robertson 2001). In most cases, the knowledge of violence against Indigenous girls and women only crosses over into the white community when the damage is serious enough to require medical attention. For example, the murder of an Aboriginal woman in Katherine in 2001 drew attention to the violence that accompanies the sense of hopelessness and frustration prevailing in many communities. Kathy Marks, a journalist reporting on the incident said that violence in Aboriginal communities had reached epidemic proportions and that the murder in the town of Katherine “barely caused a ripple” (Marks, 2001). As she reported:

White sensitivities have been heightened because men often claim to be acting in the name of tribal law and culture. Rape, which is now commonplace in some Aboriginal settlements, is portrayed as a traditional punishment for infidelity. The same pretext is given for “fire stick”, a particularly shocking custom that has just come to light: a stick is plunged into a fire and used to penetrate a woman (vaginally) suspected of being unfaithful. “They tell us that it’s none of our business, it’s their cultural way,” said one white domestic violence counsellor. “But the elders have told me that these things were never part of their culture. We have to get rid of the romantic
view of the Aboriginal way of life, because they don’t believe it themselves. It’s just white do-gooders being politically correct” (Marks, 2001, http://news.independent.co.uk/australia/story.jsp?story-68039 22/4/1)

Marie Allen, a member of the Aboriginal and Torres Strait Islander Commission (ATSIC), has spoken about the normalisation of sexual violence towards women and girls and the danger of death if they speak out about rape (Marks, 2001). According to Kathy Marks, health workers are encountering ‘fire stick’ victims with increasing frequency. In the following account a young girl tells us of her violation in marriage.

In one case, a 12-year-old-girl was “promised” in marriage to an elderly man, a friend of her stepfather. She did not like him and ran home to her mother and sisters. “That caused big shame for my step dad and he sent me back, … the old man thought I had been playing up and he started jealously of me all the time. One night, when he and all his mates got drunk, they held me down and raped me. The old man put a fire stick in me and burned me bad. I had to go to the hospital. That’s when I found out I was having a baby (Marks, 2001).

The “ATSIC Women’s Task Force on Violence Report,” tabled in the Queensland Parliament in 2000 by Boni Robertson, Chairperson of the Task Force and MP, has created a way forward in analysing causes of violence, including sexual violence. Prior to publicising the report, a long history of injustice in the courts helped to perpetuate the continuity of violence and went unnoticed. Since the report was published, contention between the white judiciary’s interpretation of customary law and Australian law has become more visible, and in many cases highlighting men’s cross cultural support for conjugal rights.

An example of how the male sex right in relation to child marriage is upheld is seen in an Appeal against sentencing by Jackie Pascoe Jamilmira in the Northern Territory Supreme Court in October 2002, with Justice Gallop presiding. Jackie Pascoe Jamilmira appealed against a sentence of 13 months’ imprisonment, to be suspended after four months, for sexual intercourse with a female under the age of 16 years, and in respect of the charge of discharging a firearm, the sentence of four
months. Jackie Pascoe Jamilmira defended his entitlement to sexual intercourse with his fifteen year old “promised wife.” When the girl tried to escape after being raped by Pascoe, he threatened her by firing a shotgun into the air. In the Appeal, acting Supreme Court Judge, John Gallop, remarked that the girl “knew what was expected of her” as a tribal wife and she “didn’t need the protection of white law.” Gallop upheld Pascoe’s claim to conjugal rights and repealed the sentence of 13 months to one of twenty-four hours in prison and said if Jackie hadn’t fired a gun the case wouldn’t have come to the attention of the law in the first place. Gallop’s judgement denied any existence of a crime of rape, and trivialized the sexual violation and terror suffered by the girl. A further demonstration of the male sex right in action was that Gallop found the magistrate who gave Pascoe a longer prison term had “erred in law,” by “treating Pascoe more as a rapist than a man rightly ‘exercising his conjugal rights’” (Toohey 2002b p.2). The first ground argued on appeal was that the sentence was excessive. The second ground argued was that the magistrate, a) erred in assessing the gravity of the situation because none of the offences involved actual violence, b) the victim consented to the relationship and, c) the use of the firearm was separate and distinct in time on the facts of the carnal knowledge (Jackie Pascoe and Peter William Hales). The girl’s account of her rape by Pascoe contradicted Justice Gallop’s findings.

Part of the girl’s statement to the police described the sexual violence that accompanied Pascoe ‘exercising his conjugal rights.’

…”[h]e put his foot on to my neck and he was pushing me down on that mattress. He had my right arm and he was twisting it – it felt like he would break it. Jackie was wearing a long-sleeved jacket, that grey one, it had blood on the back of it, the blood came from my nose. He was on top of me and he forced me, and I was laying down and I was trying to cross my legs (child-bride quoted in Toohey 2002a p.21).

The case of Jackie Pascoe Jamilmira is one of the first cases of sexual violation occurring in child marriage within Indigenous communities to be made public in Australia.¹⁶¹ Dawn Lawrie, former Northern Territory Human Rights

¹⁶¹ Note similarities between the Jackie Pascoe Jamilmira case and the Rukhimbai case discussed in Chapter Two. In both instances conjugal rights of men are at stake and both cases are carried out under colonial legal systems.
Commissioner and Anti-Discrimination Officer, who was interviewed in relation to the case by Julie McCrossin in the Australian Broadcasting Commission’s programme Life Matters, was outraged at the one day’s sentence imposed on Pascoe. She said that in addition to committing crimes of rape and kidnapping, Pascoe had broken the law of trafficking an underage girl for sexual purposes (McCrossin 2002). Lawrie argued that the girl was denied not only her human rights, but suffered sex discrimination and discrimination as a citizen. She said that in Australia sexual violence in child marriage had gone on for years but had been largely ignored by the judiciary and by Government departments.

The claim of rape as a customary law was challenged in the Pascoe case, exposing Gallop’s inadequate investigation into Pascoe’s past where it was revealed that in 1979 he had murdered his first wife from a “culturally arranged” marriage, and for which he was sentenced to seven and a half years jail (Hales v Jamilmira 142 NTR 1, p.5). Subsequently, the Criminal Code Amendment Bill (NO. 2) Serial 165, was passed by the Northern Territory Government, and seeks to amend the definition of husband and wife to ensure that Aboriginal women under the age of 16 are accorded the same rights and protection as non-Aboriginal women of the same age. However, as the court transcripts have proven, the real gaffes are revealed by the judges who collude across class and race to protect the male sex right. In the difficult and sensitive interface between colonised peoples and their colonisers I suggest the framework of ‘sexual relativism’ that I introduce in this thesis becomes a useful tool of analysis to clearly demonstrate how the law upholds the male sex right across cultural boundaries, particularly through condoning the culture of rape.

**Conclusion**

In this chapter I have argued that multiculturalism reinforces patriarchal hegemony across cultures by preserving the conjugal rights of men in traditional marriage systems. International feminist activists have continued in a radical sense and in the vein of their interwar sisters to address the male demand of sex slavery. At odds with the feminist position, governments adopting the cultural/sexual relativist approach defend the sex slavery of marriage on the grounds that it is racist to intervene in customary law. As with the interwar years, feminist activist groups, such as the Southall Black Sisters in Britain, have been responsible for lobbying governments to take notice of the sexual subordination of and violence against women. Western governments, slow to address the harm of the male sex right,
have adopted a forced/free approach to the problems of violence arising from continuing practices of early marriage.

Conclusion: Making the Male Sex Right Visible

This thesis has filled a significant gap in the knowledge base on the history of international feminist activism from the late nineteenth century to the present. In particular it has documented the ideas and methods of international feminist campaigns against sexual slavery, focusing on child marriage. This is the first time that such a study has been undertaken. Whereas some aspects of the activism covered in this thesis has been covered elsewhere, such as research into feminist work in the UK (Jackson 1994; Jeffreys 1985), the international arena has not been researched and the entire sweep of ideas, methods and women involved has not been brought together in this way. As a result the breadth and significance of the campaigns before the Second World War have been revealed. This thesis has given a voice to these early feminist campaigners which I hope will inspire and illuminate contemporary campaigns and help current feminist activists in their contributions to policy formation.

I have sought to explain the difficulties experienced by campaigners against child marriage by revealing the power of the male sex right. I argue that the defence of child marriage by governments and civil society throughout the last century has been based upon the determination to defend the institution of marriage itself as a foundation of male dominance. I have made visible the male sex right as the major cause of sexual exploitation and have suggested that similarities between trafficking children into the institutions of marriage and prostitution reflect the power of heteropatriarchy in governing the social model of heterosexuality and the ensuing subordination of women and girls.
This thesis has contributed to documenting the importance of lesbian experience in
the lives and networks of the international activists. In doing so a gap in the
historical record has been filled and scholarship has been enhanced. Not only has
there been little prior research on the activism of these international feminists, but,
that which has been available has suffered from a heterosexist bias and sidestepped
the issue of lesbianism. This research has shown how the independence of these
women from the encumbrances of marriage, child bearing and the sexual servicing
of husbands has enabled them to direct their energies toward social justice
campaigns and to develop radical new understandings from their very different
perspective. Challenging the male sex right was possible for women whose vision
was not impaired by the need to accommodate male dominant perspectives in their
personal lives. Their efforts in campaigns against sexual exploitation have focused
on human rights, gaining more freedom of movement and improved health for
women and girls. This thesis has restored the woman-centred networks of these
women, and where possible, their friendships and relationships to history. The
thesis has shown the crucial importance of these networks in sustaining their
activism.

In this thesis I have developed the new concept of sexual relativism to explain how
cultural relativism works in relation to child marriage. In terms of rebutting the
post-modern cultural relativist defence of the male sex right, I have introduced the
concept of criticising sexual relativism as the underlying subtext of cultural
relativism. My hypothesis, that sexual relativism is a corollary to cultural
relativism, thereby augments the theoretical model of cultural relativism in a way
that reveals the actions of men’s sexual business. The idea of sexual relativism as a
theoretical construction reveals the unspoken side of cultural relativism by
bringing the male sex right into the debate on customary law and tradition. Use of
this concept reveals that cultural practices that are defended by tradition are not
gender neutral. It brings into the picture the fact that many such practices exist
specifically to organise women’s subordination. Moreover, in the context of this
thesis, it shows how sexual practices defended by tradition such as child marriage,
temporary marriage and arranged marriage, are not gender neutral but serve to
uphold the male sex right and male dominance. The idea of cultural relativism is
fraught with controversy, because those practices that are gender neutral and may
be beneficial for the whole community, such as agricultural practices around
biodiversity or musical traditions, are not always clearly differentiated from those
practices that subordinate women. The concept of sexual relativism enables this to be done.

I have argued that sexual liberalism reinforces women’s and girls’ sexual subordination, and serves to limit girls’ and women’s choices in deciding their own sexual, economic, emotional or psychological future. The cultural reinforcement of child marriage traditions, whether forced or arranged, prevent the girl from developing a critique of marriage and preclude her the opportunity to choose a lesbian existence, or to decide not to marry.

I have also argued that the premature sexualisation of children is a global phenomenon and a form of sexual exploitation perpetuated by harmful cultural practices such as child marriage and child prostitution. By creating a definition of harmful cultural practices that includes early marriage, the United Nations has made some progress in gaining recognition that long standing traditions of son preference establish and maintain a masculinist culture based on male dominance. While the UN states that child marriage, son preference and female genital mutilation are among harmful traditions performed for the benefit of men at the expense of women and girls, I have argued that the classification does not go far enough in addressing the male sex right. The United Nations, in concentrating on the harmful cultural practices of non-western countries exhibits a western bias, and I suggest, a sexual relativist stance in its omission of the premature sexual exploitation of children resulting from the sexual liberal approach to pornography and prostitution in the west.

This thesis has shown how the concept of women’s rights as human rights developed from the work of interwar feminists. It has explained how feminist activists have placed on the international agenda the importance of recognising sexual slavery and child marriage as violations of the rights of women and girl children to be free of sexual exploitation. The trafficking of women and children into marriage, as long as the marriage is seen to be forced, is now recognised by the UN as a component of sexual exploitation along with the sale of children, child prostitution and child pornography. In addition to intra-familial marriage arrangements, which often culminate in early marriage and marital rape, girls and women are increasingly trafficked through marriage brokerage businesses into temporary marriage contracts and as mail-order-brides (Jackson 2002; Mikhail 2002). In March, 2005, the United Nations Commission on the Status of Women,
in their proposal “Eliminating Demand for Trafficked Women and Girls for all Forms of Exploitation,” called upon governments and civil society to advance women’s and girls’ human rights by addressing the “root factors” toward ending the trafficking of women and girls into “forced marriage” (CSW, OP1b). In order to “address the root factors” it is necessary to identify and include a solution to the male demand of sexual access to girls. Although various countries mentioned the male demand in their drafts, the final draft presented at the UN shied away from specifying the male demand. In denying the male demand is responsible for sexual access to girls and women, ways to end sex exploitation remain difficult for feminist activists.

Throughout this thesis I have set out ways in which girls and women are set up as cultural icons to serve men’s honour. In arguing that the patriarchal institutions of state, law and religion combine to govern and contain women’s virtue through the endorsement of heterosexual marriage, I challenge the current compulsory nature of the heterosexual paradigm. By selecting child marriage as the focus of my discussion on sexual exploitation, I have drawn attention to the male sex right as one that compounds the sexual conventions of marriage as advantageous for men without regard for the bodily integrity of girls or women.

In terms of creating a vision for future activism there are several issues, which require consideration. There is much more research that needs to be done on the issue of child marriage today both in the west and in the non-west to provide a more substantial knowledge base for feminist campaigns against it. This thesis mainly concentrated upon the interwar period so there was not space to cover the contemporary period in detail. Such research will make it easier to develop a strong feminist human rights approach towards ending sexual slavery, and in order to cross the public/private divide that protects the male sex right, child marriage needs to be prominently included within the framework of trafficking.

Another important issue to emerge from this thesis is the need to develop education programmes against early marriage and the harmful traditional practice

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162 UNCSW, OP1b: Take appropriate measures to address the root factors, including poverty and gender inequality, as well as external factors that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriage and forced labor, in order to eliminate such trafficking, including by strengthening existing legislation with a view to providing better protection for the rights of women and girls and to punishing perpetrators, through both criminal and civil measures.
of son preference. Purna Sen suggests in her work against child marriage that boys need to be retrained from infancy to respect girls and women as equals (Sen 1997). Jean Enriquez, the executive director of the Coalition Against Trafficking in Women – Asia Pacific, has created a programme designed to change the sexual attitudes and practices of young men who purchase or are potential purchasers of women in prostitution. The programme, entitled, “Rethinking Masculinities: Educating Young Men to Reduce the Demand Side of Trafficking,” aims to critique gender roles and facilitate self-reflection on the male construction of sexuality as it relates to the male demand for prostitution, that promotes trafficking; to deepen young men’s understanding of the harm of trafficking and prostitution to the women, to themselves and to society; and to provide young men with a critical understanding of violence against women, particularly of prostitution, towards a change of attitude and treatment to women (Enriquez 2005). Such a programme, if applied to re-educate young men to recognise the similarities in trafficking girls into marriage as into prostitution, the peer group behaviour of men and boys in the private sphere would also be addressed. A vision for the future could include the beginnings of real rights for girls and women, creating the opportunity for girls to choose not to marry.

In order to address the increasing cases of child marriage in multicultural societies, more work needs to be carried out to end the false distinction between forced and arranged marriages. There is a need to inform policy makers of the necessity to curtail the prerogative of men’s sexual privilege in the private sphere of marriage in order to end marriages of pre-pubescent or adolescent girls. Feminists who now have access to international political structures can engage in public debates and initiate media discussions on early marriage in order to counter the elite discourses of male dominance.

Another area of research which needs more work is the development of more feminist historiography both on the earlier period and on the contemporary period for which such work has barely begun. There is still much work to be done on the feminist campaigns of the interwar period. There is still more to be done to document the campaigns that have taken place since the 1970s against sexual slavery. Feminist campaigners in the 1970s and subsequent decades have mostly worked in ignorance of the groundbreaking work of their foresisters, the ideas they created, the tactics they developed, the supportive networks they formed. The gap in campaigning between the second world war and the 1970s enabled that to
happen. But this was accompanied by a failure or determination not to recognise
the importance of these campaigns on the part of mainstream and even feminist
history, and a tendency to distort their meaning and significance through
accusations of anti-sex backwardness.

Similarly lesbian historiography needs to be developed so that more work will be
done both on the earlier period and the contemporary one. I have argued that
earlier feminists such as Eleanor Rathbone, Nina Boyle and Cicely Hamilton, who
lived a lesbian existence, were not prudes or puritans as the heterosexist bias of
history has made them out to be. The lesbian existence of the women involved in
these past campaigns against sex slavery is evidence in support of the political
significance of lesbianism as a form of resistance to heteropatriarchy (Raymond
1989a). The dearth of information on lesbian networks of the past indicates the
importance of documenting lesbian existence in the current wave of activism so
that such archaeological excavation does not need doing again. The lesbian
existence, friendships and networks of today’s campaigners against sexual slavery
should be written about before this information is lost or buried as happened for a
previous generation of campaigners. If this work is carried out the pitfalls of lost
information of the past will be avoided. Knowledge of the feminist and lesbian
feminist past is of immeasurable importance to give strength and support to the
campaigners of the present as well as to aid their efforts by example and
inspiration.
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