

## Introduction

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### India's Coming of Age, or the Sexual Life of the Nation

In *Mother India* (1927), the notorious provocation that shook the British Empire, American journalist Katherine Mayo boldly proclaimed that one had to look no further than Indian sex habits to resolve the demographic puzzle of the subjection of 247,000,000 (the population of British India without counting the numbers that resided in the princely states) to “fewer than 200,000” (which she reckoned was the entire European population in India, “from the Viceroy down to the haberdasher’s baby”).<sup>1</sup> The most pathological aspect of this sex life was child marriage, as Mayo clarified in this description of an exemplary child wife:

Married as a *baby*, sent to her husband at *ten*, the shock of incessant use was too much for her brain. It went. After that, beat her as he would, all that she could do was to crouch in the corner, a *little twisted heap*, panting. Not worth the keep. And so at last, in despair and rage over his bad bargain, he slung her *small body* over his shoulder, carried her out to the *edge of the jungle*, cast her in among the scrub thicket, and left her there to die.

This she must have done, but that an Indian witness to the deed carried the tale to an English lady who herself went out into the jungle, found the child, and brought her in. Her mind, they said, was slow in emerging from its stupor. But under the influence of peace and gentleness and the *handling proper to a child*, she began at last to blossom into *normal* intelligence. When I first saw her, a year and four months after her abandonment, she was racing about a *pleasant*

<sup>1</sup> Katherine Mayo, *Mother India* (New York: Harcourt, Brace and Co., 1927), 20. Mayo’s text is the subject of an excellent book-length investigation that reads its publication as a historical “event” that not only reshaped the contours of the British Empire but also transformed the relationship between the social and the political in India. See Mrinalini Sinha, *Specters of Mother India: The Global Restructuring of an Empire* (Durham: Duke University Press, 2006), *passim.*, esp. pp. 4–6.

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*old garden, romping with other happy little children, and contentedly hugging a doll. Her English protectors will keep her as long as they can. After that, what?*<sup>2</sup>

The precisely selected words here and the carefully curated props of childhood make the child wife, at one and the same time, “the innocent representatives of a common humanity, able to appeal – across the boundaries of race, culture, and nation – to an underlying, essential humanity”<sup>3</sup> and the sign of India’s absolute otherness and pathology. While the piteous figure of the child helped Mayo to present her concerns as apolitical or “purely moral,” the passing comment anticipating the trauma caused for the child by a withdrawal of the “English protectors” reveals Mayo’s well-known political position on India’s demand for self-government. The contrast between the English garden and the Indian jungle clarified the stages of development of the nations in question.

I start with a close reading of the text not only because its historical effects were so massive in its time but also because its publication as a global “event” has been brought so brilliantly to our attention by the historian Mrinalini Sinha. Rereading Mayo helps me draw attention to something that has, however, remained hidden in plain sight about this historical moment, notwithstanding the work of Sinha and other historians: Mayo’s prose offers a window into the unprecedented use of childhood as moral category in politics in India during the interwar years. During these years, as this book showcases, the child was seized upon by many a political campaign and many an ideological agenda as “that space beyond conflict...as a point where ‘humanity’ aspires to an impossible escape from ‘society,’” a “universal image smooth[ing] over adult problems.”<sup>4</sup> As this book also shows, the child simultaneously emerged as the crucial axis for the regulation of Indian sex life. Indeed, as I will be arguing, to understand India’s coming of age during the interwar years, one must pay greater attention to the sex life of the nation as it was debated not only by Mayo in her provocative book but also by various members of the newly reformed Legislative Assembly who seized upon child marriage to debate India’s past, present, and future (Figure 0.1).

<sup>2</sup> Mayo, *Mother India*, 55 (my emphases). I am elaborating here on my reading of this passage from Ishita Pande, “Coming of Age: Law, Sex and Childhood in Late Colonial India,” *Gender and History* 24, no. 1 (2012): 211–12.

<sup>3</sup> Liisa Malkki, “Children, Humanity, and the Infantilization of Peace,” in *In the Name of Humanity: The Government of Threat and Care*, eds. Ilana Feldman and Miriam Ticktin (Durham: Duke University Press, 2010), 65.

<sup>4</sup> Patricia Holland, *Picturing Childhood: The Myth of the Child in Popular Imagery* (London: I. B. Tauris, 2004), 111.



Figure 0.1 (a) “Photo by M. Moyca Newell. Hindu Mother and Child. She feeds it opium when it cries,” from Mayo, *Mother India*. (b) Mayo was not alone in trafficking in the image of childhood to pass off her ideology as a purely “moral” position. “The Beloved Tingalu,” posed with a doll, appeared in Carmichael, *Lotus Buds*. This book, which included fifty illustrations, bears witness to an early and powerful use of the imagery of children for ideological ends – in this case, the cause of Christianity.

Published at the height of the Indian nationalist movement and amid the devolution of administrative power under dyarchy (the system of dual government instituted in 1919), *Mother India* was a barely disguised critique of India’s quest for self-government. The evocation of the child to rationalize colonialism was not new; the attribution of a metaphorical childhood to certain races had, as we know, long been used to justify the exceptions to the principles of liberty in the colonies. To pick just one example, while J. S. Mill insisted that “the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their member, is self protection,” he also qualified this vision of unfettered liberty, as Uday Singh Mehta notes, clarifying that it was “meant to apply only to human beings in the maturity of their faculties.” The latter group, as Mehta elaborates, included not only children but also “those backward states of societies in which the race itself may be considered as in

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its nonage.”<sup>5</sup> Likewise, as Ashis Nandy points out, “Much of the pull of the ideology of colonialism and much of the power of the idea of modernity can be traced to the evolutionary implications of the concept of the child in the western worldview,” because ideas of maturity, adulthood, growth, and development are values that derive from and provide a reason for colonial domination.<sup>6</sup> The child has thus been used as both a metaphor and a cipher for stagist understandings of human development in biological and evolutionary narratives; the child’s malleability as “an entity in the making, gave it its power as a metaphor and model, subject and object of development.”<sup>7</sup> But as this book shows, with the ushering in of “the century of the child,” the discourse was changing, as the child *as such* came under unprecedented scrutiny.<sup>8</sup>

The debates over child marriage in India offer a window into what the anthropologist Didier Fassin terms the emergence of childhood as a “moral category in politics.” Since the historian Philippe Ariès’s field-defining work, historians have acknowledged that childhood is a social and cultural construct, even as they debate the precise time and place of childhood’s birth and grapple with its seeming universality as a stage of life.<sup>9</sup> But while it is now widely acknowledged that childhood, as a social category, is a phenomenon of modern history, Fassin writes, its emergence as a *moral and political category* is more recent still, and traceable to Europe and North America in the late nineteenth century, with its further globalization during the Second World War. The political uses of the child underline “the moral quality of innocence and social quality of vulnerability. The former refers to original

<sup>5</sup> John Stuart Mill, *On Liberty*, quoted in Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999), 101–02.

<sup>6</sup> Ashis Nandy, *Traditions, Tyranny, and Utopias: Essays in the Politics of Awareness* (Delhi: Oxford University Press, 1987), 56–57.

<sup>7</sup> Claudia Castañeda, *Figurations: Child, Bodies, Worlds* (Durham: Duke University Press, 2002), 1. For an analysis of theories of child development in the late nineteenth and early twentieth centuries that are relevant to my discussion here, see also Nancy Lesko, *Act Your Age! A Cultural Construction of Adolescence*, 2nd ed. (New York: Routledge, 2012).

<sup>8</sup> The phrase, often evoked in childhood studies, is a reference to a work originally published in Swedish in 1900: Ellen Key, *The Century of the Child* (New York: G. P. Putnam’s Sons, 1909).

<sup>9</sup> The field-defining work on the history of childhood remains Philippe Ariès, *Centuries of Childhood: A Social History of Family Life*, trans. Robert Baldick (New York: Knopf, 1962). For reflections on childhood in India, see Satadru Sen, *Colonial Childhoods: The Juvenile Periphery of India, 1850–1945* (London: Anthem Press, 2005); and Sarada Balogopalan, “Introduction: Children’s Lives and the Indian Context,” *Childhood* 18, no. 3 (2011): 291–97.

purity, to which adults must bear witness; the latter suggests a need for protection, for which adults must be responsible.”<sup>10</sup> Historians of India (as of other colonial contexts) are all too familiar with the political work done by evocations of the child well before the dawn of the twentieth century, but just as ideas about childhood are historically contingent, so is their political use. Mayo’s emphasis on the *childhood* of the child wife points to a wider shift in colonial discourse: while the abuse of women had been read as an index of civilization throughout the nineteenth century, the treatment of children became a measure of development in the twentieth century. The native of India was no longer simply the “metaphorical” child to be pulled along the path of civilization by the guiding strings of the empire but was represented as prone to child abuse. While the colonial state had retreated – in the face of violent protests – from intervening in the intimate lives of its native subjects, the sexual regulation of the native of India continued through, and became obfuscated as, the project of child protection. The seemingly innocuous understanding of “children as the future” opened up the sex life of the nation to unprecedented scrutiny.

Not only did Mayo represent children as the future of the race to be nurtured and protected but she also – and this is what caused the greatest scandal – homed in on the precocious sexuality of Indian boys and girls as the cause of the country’s decline. In Mayo’s rendition, it was the manner of the Hindu’s “getting into the world” (usually from the womb of a child wife who became a mother between the ages of eight and fourteen, impregnated by either “a child scarcely older than herself” or a widower of fifty with “small vitality to transmit”) and “his sex life henceforward” that explained “the whole pyramid of the Hindu’s woes, material and spiritual – poverty, sickness, ignorance, *political minority*, melancholy, ineffectiveness, not forgetting that subconscious conviction of inferiority.”<sup>11</sup> Men entered the world as “physical bankrupts out of bankrupt stock” and were brought up in sex-obsessed environments, such that “at the age when the Anglo-Saxon is just coming into full glory of manhood,” the Hindu was a “broken-nerved, low-spirited, petulant ancient.”

<sup>10</sup> Didier Fassin, *Humanitarian Reason: A Moral History of the Present Times* (Berkeley: University of California Press, 2012), 179. Whereas Fassin suggests that the globalization of this phenomenon speeded up only “after the Second World War notably with the creation of UNICEF in 1946, the adoption by the United Nations of a Declaration on the Rights of the Child in 1959, and a Convention of the Rights of the Child held in 1989” (179), Chapter 2 shows that the League of Nations’ Child Welfare Committee’s efforts during the interwar years went a considerable way in establishing childhood as a moral category of politics.

<sup>11</sup> Mayo, *Mother India*, 22 (my emphasis).

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There was no reason to “seek for other reasons why they are poor and sick and dying and why their hands are too weak, too fluttering, to seize or hold the reins of Government.”<sup>12</sup> Robbed of a normal childhood, India’s men and women could scarcely aspire to full adulthood. Conversely, Mayo appeared to be suggesting that the pathologies of Indian sex life could be fixed by tackling the sexual management of the child.

Pointing to the foundational entwinement of the modern discourses of sexuality and childhood, even as “childhood” and “sexuality” came to be constituted as domains to be kept separate from each other, Michel Foucault writes of the child as one of four key “figures” (along with the hysterical woman, the perverse adult, and the conjugal couple) or anchorage points in the modern discourse on sexuality.<sup>13</sup> The unprecedented focus on the child wife in India can be understood in terms of what Foucault identifies as the “pedagogization of children’s sex,” that is, the disciplining of the dangerous sexual potential of children, as well as a concern for the protection of children from sexual danger.<sup>14</sup> This book builds on his understanding of the child while foregrounding the colonial genealogy of this figure to ask these questions: How did a campaign for the health of the race and the nation come to rest on an understanding of precocious sexuality not only as a menace to the individuals in questions but also as a threat to the future of the entire society and even the species? In what ways did the discourses of child protection give shape to the norms and forms of modern/colonial government, national sovereignty, community identity, and individual rights? By homing in on the child as a linchpin of modern sexuality, this book moves away from the conjugal couple, which usually receives greater scholarly scrutiny in the historiography, to consider the child as a site of sexual modernization in late colonial India. It is these two factors – the use of childhood as a moral category in politics and as a linchpin of sexual modernity – that account for the universality of childhood

<sup>12</sup> Ibid., 32.

<sup>13</sup> Michel Foucault, *The History of Sexuality*, vol. 1, *Introduction*, trans. Robert Hurley (New York: Pantheon Books, 1978). James Kincaid writes of the separation of “childhood” and “sexuality” as distinct discursive domains in the modern West and the constitution of innocence as the dominant feature of childhood; see James R. Kincaid, *Child-Loving: The Erotic Child and Victorian Culture* (New York: Routledge, 1992). For an account of the comanagement of childhood and intimacy in a colonial context, see Ann Laura Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995).

<sup>14</sup> Foucault, *History of Sexuality*, 103. For a selection of essays that cross the history of sexuality and the history of childhood, see the special volume of the *Journal of Historical Sociology*, edited by R. Danielle Egan and Gail L. Hawkes (21, no. 4, 2008), and in particular their introduction to it, “Imperiled and Perilous: Exploring the History of Childhood Sexuality,” 355–67.



in modern history. At the same time, the seeming naturalness of the “child” renders invisible its central role in its regulation of sexuality and a pressure point in politics. It is against this backdrop that I locate the Child Marriage Restraint Act (CMRA) of 1929, the much-debated law restraining child marriages that is the pivot around which this book revolves and that forms the archive this book uses to explore the central place of sexuality in India’s coming of age during the interwar years.

An initial version of this Act was introduced to the Central Legislative Assembly on February 1, 1927, by its author, the Arya Samaji reformer Har Bilas Sarda, under the title Hindu Child Marriage Act. The bill, if enacted, was to invalidate the marriage of any “Hindu girl ... unless she has, on the day of her marriage, completed her twelfth year” and that of any “Hindu boy ... unless he has, on the day of his marriage, completed his fifteenth year.”<sup>15</sup> As Sarda explained in the “Statement of Objects and Reasons” appended to his bill, the goal of the proposed legislation was twofold:

The main object, by declaring invalid the marriages of girls below 12 years of age, is to put a stop to such girls becoming widows. The second object, by laying down the minimum marriageable ages of boys and girls, is to prevent, so far as may be, their physical and moral deterioration by removing a principal obstacle to their physical and mental development.<sup>16</sup>

This twofold set of objectives establishes a relation of complementarity, but also tension, between a reform crucial for the rehabilitation of Hindu widows and *Hindu* society (seen as adversely affected by the customary prohibition of widow remarriage) and a more general humanitarian goal of securing the individual “development” of the youth (viewed as intimately connected to the nation’s progress).

When the bill was eventually debated, in September of that year, Sarda elaborated on the urgency of his proposed reforms, representing child marriage as one of the greatest challenges to the nation’s future. As he stressed, with outsiders like Mayo, “base traducers of fallen and subject nations,” casting untoward aspersions on India’s capacity for self-government in “contemptible” books like *Mother India*,<sup>17</sup>

<sup>15</sup> Har Bilas Sarda, “A Bill to Regulate Marriages of Children amongst the Hindus” (February 1, 1927). Serial No. 5, Legislative, C&G 333-1 (National Archives of India [henceforth NAI], 1929).

<sup>16</sup> Har Bilas Sarda, “Statement of Objects and Reasons.” Serial No. 5, Legislative, C&G 333-1 (NAI, 1929).

<sup>17</sup> Sarda likened Mayo in this speech to those “slimy creatures who burrow in dirt, eat dirt and throw out dirt” and predicted that “to future students of Indian constitutional history she will appear as one of those contemptible characters, who lend themselves to become tools in the hands of scheming opponents of a nation’s aspirations.” “Extract from the Legislative Assembly Debates” (September 15, 1927). Serial No. 11, Legislative, C&G 333-1 (NAI, 1929).

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if we are to make any advance, and the country is to come into line with, or nearly into line with the progressive countries of the West or to be completely free from their domination, a programme of social reform of a thorough going character, of which the abolition of child marriage will be a principal item, must be taken in hand along with the pursuit of political reform.<sup>18</sup>

Drawing on an entire repertoire of significations associated with the child – development, vulnerability, futurity, transcendence, humanity – Sarda insisted that if India was “to be in a position to hold our own in the international conflict of interests, the clash of colour, and the struggle for life that is raging furiously in the world,” she had to prove her humanity, by protecting innocent and helpless children. “There are certain matters of a serious nature,” he affirmed, “in which considerations of humanity and the inalienable rights of a human being – and that human being, the innocent and helpless child – call for the immediate intervention of the Legislature.”<sup>19</sup> The original quest for *Hindu* social reform was becoming elevated into a program of *nationalist* political reform through an appeal to the figure of the universal child.

This generalized intent to protect the very “essence of humanity” as it resided in the deracinated child (as opposed to the more local humanitarian concerns about widow remarriage) was only amplified when, at the behest of a select committee (which included Sarda), the original bill was significantly altered, as evident from its new title, Child Marriage Restraint Act. While the bill, in its original form, had prescribed age limits to marriage, the revised one defined its new object with precision: “‘child’ means a person who, if a male, is under eighteen years of age, and if a female, is under fourteen years of age.”<sup>20</sup> This Act now *criminalized* child marriage in any part of British India, with a more resolutely secularizing logic that no longer distinguished between Hindus and the rest of the country. No longer perceiving child marriage as harming Hindus alone, Sarda now called for the extirpation of an “evil practice” characteristic of “this sacred country of ours,” so as to resolve the *time lag* of national development: “No nation can live politically in the 20th century and socially in the 10th or 11th,” he asserted. This was a lesson already learned by “independent Asiatic nations” like Turkey, which, “in order to strengthen and stabilize their position in the hierarchy of nations, in order to keep pace with the

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> “A Bill to Restrain the Solemnisation of Child Marriages” (September 13, 1928). Serial No. 34, Legislative, C&G 333-1 (NAI, 1929).



advanced peoples ... are taking all possible means to reform society to suit modern conditions, uproot old evil customs, cast off all outworn, anti-diluvian notions, and to come abreast of the modern nations of Europe and America.”<sup>21</sup> The evocation of the universal child and its “normal development” thus served to model and naturalize historical progress and national development. After much debate, Sarda’s reform would carry the day, and the amended version of his bill would be passed into law on September 28, 1929, to come into force on April 1 of the following year.

The passage of the CMRA came at the end of a decade shaped by the transnational shifts brought about by the end of the Great War. The interwar years saw the consolidation of a new “imperial social formation” that at once enhanced and delimited the territorial and hegemonic reach of the British Empire, with new territories being transferred to British control as mandates of the League of Nations, while “white” dominions largely emerged as independent nations.<sup>22</sup> The forging of peace had repercussions for the internal politics of India. At the beginning of the decade, Muslim politics received an external impetus in the form of the Khilafat Movement, launched in the wake of the dismembering of the Ottoman Empire by the peace treaties concluded at the end of the war. While the Indian National Congress (INC), under the initiative of Gandhi, formed an anticolonial alliance with the Khilafatists in the immediate aftermath of the war, these tenuous ties were fraying by 1922. In 1921 the Hindu Mahasabha, emerging as a crucible for the collaboration between Arya Samajis and Sanatanis (or the reformist and orthodox strands of Hindu politics, respectively), convened in Hardwar to consolidate what it justified as a Hindu response to Khilafat mobilization. By the end of the decade, the anticolonial nationalist movement led by the INC acquired the character of an all-India, mass or popular movement. The same year that the CMRA was voted into law, at its annual session, the INC passed a resolution calling for complete independence from Britain. The women’s movement was thriving. Communal tensions were on the rise. This book asks, Why, in the years of intensifying nationalism, administrative restructuring, and political turbulence that characterized the interwar years did the Indian legislature spend so much time deliberating upon the child?

<sup>21</sup> “Extract from the Legislative Assembly Debates” (January 29, 1929). Serial No. 37, Legislative, C&G 333-1 (NAI, 1929).

<sup>22</sup> The term and concept are from Mrinalini Sinha, *Colonial Masculinity: The “Manly Englishman” and the “Effeminate Bengali” in the Late Nineteenth Century* (Manchester: Manchester University Press, 1995).

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The importance of the CMRA to understanding the history of India in this momentous decade is widely acknowledged. First, unlike a series of past legal interventions targeting the social uplift of women (such as the prohibition of sati in 1829, the legalization of widow remarriage in 1856, the ban on female infanticide in 1870, and the alteration of the age of consent in 1891), the CMRA was less an alien imposition than a nationalist demand. Second, it was the first law on marriage that was universally applicable across different religious communities that each had their own “personal laws” governing family affairs. Finally, the CMRA helped break women’s symbolic identification with the “inner” domain as the repository of familial honor and community identity and signified the emergence of women “as a legitimate constituency in their own right.”<sup>23</sup> In other words, one might consider the CMRA as central to (the promise of) several historical “transitions”: of India from colony to nation, of the governance of marriage from religiously based laws to a uniform code, of women from objects of protection to subjects of rights and agents in politics. In foregrounding the child, and through it the discourse of sexuality, this book offers a distinct way of comprehending these familiar narratives of transition by also problematizing the terms that undergird these narratives: “nation,” “community,” and “woman.”

*Sex, Law, and the Politics of Age* proposes that, well beyond the ethnicity of those who fought for its passage and the rhetoric of national regeneration that powered it, the CMRA’s importance to the history of India’s emergence is that it served to naturalize and disseminate the notions of time that undergird the imagining of the modern nation *as a community*. This book considers how sexual regulation – manifested, for instance, in the form of age-stratified definitions in the CMRA – served to render natural the “homogeneous, empty time” we consider so crucial to national imagining. In Benedict Anderson’s now-ubiquitous argument, which perhaps needs no repetition, the nation is “an imagined political community...both inherently limited and sovereign,” moving from an “immemorial past” toward a “limitless future.”<sup>24</sup> The sense of belonging to this community, as Anderson famously argues by drawing on Walter Benjamin, depends on the comprehension of “homogeneous, empty time,” which makes it possible to both experience “simultaneously” the events affecting

<sup>23</sup> Sinha, *Specters of Mother India*, 153.

<sup>24</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2nd ed. (London: Verso, 1991), 11–12.