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Bakalářská práce

Women in British India

Ženy v Britské Indii

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Abstract

This paper deals with the topic of women in British India, especially in the second half of the 19th century, and the change of their situation during the British rule. With the British taking over the rule of the country in the second half of the 19th century, Indian society was more and more being exposed to European customs and different takes on women's position in society. The British introduced numerous laws which in effect improved the situation of women, such as the Hindu Widows Remarriage Act for example, and will be reviewed and assessed with regard to their historical context in this paper. Not only does this thesis give an insight into the women's situation during this period, it also illustrates what was done to change it from both British and Indian perspectives.

Abstrakt

Tato práce se zabývá tématem žen v Britské Indii, zejména ve druhé polovině devatenáctého století, a změnou jejich situace během britské nadvlády. Když Britové převzali vládu nad Indií ve druhé polovině devatenáctého století, indická společnost byla čím více vystavena evropským zvykům a jiným pohledům na postavení žen ve společnosti. Britové zavedli množství zákonů, které měly zlepšit situaci žen, jako například Hindu Widows Remarriage Act, které jsou v historickém kontextu zkoumány v této práci. Tato práce dává nejen pohled na situaci žen v daném období, ale také ukazuje jaký byl přínos pro změnu této situace ze strany jak Britů tak Indů.

Key words: British India, colonialism, gender, women's rights, legislation in British India

Klíčová slova: Britská Indie, kolonialismus, gender, práva žen, legislativa v Britské Indii

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1. Introduction

The aim of this paper is to describe how the women's rights and situation developed in British India in the second half of the 19th century and who or what contributed to its realization. The theoretical chapter will attempt to clarify the basic aspect of the paper and explain key terms of the gender studies which play an important role in understanding the whole problematics. The following chapters will give an insight into Indian women's lives in the concerned period, clarifying reasons for social change and also identifying Indian reformers who fought for the improvement of women's status.

The research question of this paper is how the situation of women in India changed or improved under the British rule in India, with focus on the period of the second half of the 19th century. Whether it was the influence of the European thought and philosophy, education or even introduction of British legislation, the social change towards a better position of women in the society had slowly started to happen in the 19th century. It was not only the British themselves who took part in this process, but also many Indian reformers who contributed greatly, albeit that many of these reformers were in fact English-educated. A chapter dedicated to these reformers' work for the well-being of women is also part of this paper as mentioned above. Last but not least, a few laws related to women and passed by the British in India have been chosen and observed.

The synchronic range of this paper is limited to the Indian subcontinent, bordering the provinces of the British Raj. However, the phenomena discussed are often not applicable to the whole of the region and specified on some of its parts only. The diachronic scope is across the 2nd half of the

19th century, a period when the power of the colonial rulers was peaking in many ways in tandem with the emergence of the influential Indian elites.

1.1. Methodology

One of the methods of research used in this paper is description and exploration of the key phenomena, the main method though is text and document analysis with the aim of achieving an integrated view of this paper's subject, i.e. the situation of women in 19th century India, including a review of the laws passed related to aspects of gender and within a historical context.

I will also employ a method of historical research, which, according to Jan Hendl, is a process of a systematic description and review of the past or a combination of events in order to report what happened in the past. Event interpretation is based on a factual interpretation of various perspectives, the objective being to answer particular questions, reveal unknown contexts or links and assess the actions of individuals, groups or institutions that contributed to understanding such unknown phenomena.¹

The sources I will use are mainly secondary like academic articles and various publications but will also use some primary sources such as legislative documents. Another source is the *Dějiny Indie*², which proved to be useful for providing a historical background, although information regarding the history of women, their development and roles were extremely scarce in the book.

2. Theoretical Basis

To understand the importance of the issue this thesis deals with, it is necessary to provide an introduction to the concepts of gender studies, feminism and to sketch out the development of

¹ Jan Hendl, *Kvalitativní výzkum: Základní teorie, metody a aplikace* (Praha: Portál, 2016), 138-139.

² Jaroslav Strnad, Jan Filipický, Jaroslav Holman and Stanislava Vavroušková, *Dějiny Indie* (Praha: Lidové Noviny, 2003, 2008).

rights of women and its discourse in Colonial India. I will also refer to the work of a British thinker John Stuart Mill, in particular, *The Subjection of Women* (first published in 1869), an important examination on women's rights in the 19th century in Britain and beyond.

2.1. The category of gender

Gender studies as an analytic category can be applied to various fields of study such as history, religion, education, language etc. Gender studies should be understood as a pluralist discipline as it is 'plural' within the areas it engages with as well as the opinions it interprets.³

The term gender is understood as socially constructed attitudes and models of behavior of either men or women.⁴ There is a difference between the terms sex and gender. While sex represents the biological aspect of the difference between men and women, gender stands for the differences of social, historical, psychological and cultural character.⁵ In general, what differentiates men and women, apart from sex, is their experience which depends on how the individual is treated in the society and what he or she is taught. Since childhood it is the institutions of family and school or church, that dictate men and women what are the right patterns of behavior they should adopt. Both sexes should then, under the pressure of the society, fit into their gender roles. Gender roles are social roles and terms dictating types of behaviors to the members of society.⁶ In different cultures we find men and women with the same biological differences but various gender differences.⁷ An interesting view on gender gives an American feminist Judith Butler, who declares that both gender and sex are acquired after an individual is born. One doesn't become a

³ Blanka Knotková-Čapková, *Mezi obzory* (Prague: Gender Studies, o.p.s., 2011), 11.

⁴ Claire M. Renzetti and Daniel J. Curran, *Ženy, muži a společnost* (Praha: Karolinum, 2003), 527.

⁵ Jana Valdarová, *ABC feminizmu*, ed. Lenka Formánková and Kristýna Rytířová (Brno: Nesehnutí, 2004), 21.

⁶ Claire M. Renzetti and Daniel J. Curran, *Ženy, muži a společnost* (Praha: Karolinum, 2003), 527.

⁷ Ann Oakleyová, *Pohlaví, gender a společnost* (Praha: Portál, 2000), 121.

man or a woman until tagged as one. Gender is a materialist discursive norm and the determination of gender or sex is about our interpretation of the material world around us⁸

Every society creates its own image of womanhood that combines varying expectations, prejudices and social norms. From birth, society determines the way a woman should lead her life in accordance with its notion of womanhood, compelling her to conform to a role that determines how she should look, speak etc. and being taught to be cooperative, responsive and helpful.⁹ These are traits that are likely to provide a submissive nature. Women in developing countries are victims of a double deprivation of living in a poor country and of being women in patriarchal society. Patriarchy is a sex/gender based system where women are subjugated by men and where men's attributes and actions are valued more than the women's.¹⁰

According to feminist sociology, gender is one of the core organizing principles of society, hence it should be considered a basic analytic category of social research. Researchers should be emphatic and acknowledge their personal interest but at the same time stick to the principles of scientific research. Gender research indeed proved to be a useful tool for a broader understanding of social relations.¹¹

Women globally have experienced discrimination on the basis of their gender throughout history, be it discrimination in the form of exclusion, lack of opportunities, being under male control or restricted in other ways. Due to various forms of discrimination women had little chance to evolve as individuals or indeed have any input in public life and become full-blown member of society. In India, apart from being discriminated as women, they also often faced caste discrimination and social or economic related discrimination etc.. It is not only legislation that

⁸ Blanka Knotková-Čapková, *Mezi obzory* (Prague: Gender Studies, o.p.s., 2011), 85.

⁹ Jana Valdarová, *ABC feminizmu*, ed. Lenka Formánková and Kristýna Rytířová (Brno: Nesehnutí, 2004), 10-13.

¹⁰ Claire M. Renzetti and Daniel J. Curran, *Ženy, muži a společnost* (Praha: Karolinum, 2003), 53-58.

¹¹ *Ibid.*, 29-32.

should prevent such discrimination, but it should be emphasized that discrimination is wrong pure and simple. As this paper will show, legislative steps can only improve the situation, and in turn address all the elements that cause such discrimination, if supported not just by the people who undertake such political and social reforms but also by society in general that women should be treated with the same respect as men.

2.2. Feminism

The so called ‘first-wave feminism’ was a global process occurring from the end of the 18th century till the beginning of the 20th as women started to claim basic rights such as the right to property, suffrage and the right to education. The essential freedom needed, however, was a freedom of self - to be an owner of oneself. Civic laws of the 19th century in countries such as France and England had still not given women such freedoms.¹² The strategy of feminists in the 19th century was to highlight the differences between men and women.¹³

Feminism has many forms, nonetheless there are several principles constant in all interpretations. Feminism addresses the problem of sexism in a society where one sex, mostly male, is considered superior to the other.¹⁴ There are certain groups of feminists such as ‘eco-feminists’ who claim that women are actually different from men in a noble way as they keep the values of life in high regard, caring about the environment etc., while men are seemingly more preoccupied with conflict, accumulation of wealth etc. According to these feminists, this should be a reason to let women have more influence in the public spheres.¹⁵

¹² Jana Valdarová, *ABC feminizmu*, ed. Lenka Formánková and Kristýna Rytířová (Brno: Nesehnutí, 2004), 169.

¹³ *Ibid.*, 144.

¹⁴ Claire M. Renzetti and Daniel J. Curran, *Ženy, muži a společnost* (Praha: Karolinum, 2003), 32.

¹⁵ Jana Valdarová, *ABC feminizmu*, ed. Lenka Formánková and Kristýna Rytířová (Brno: Nesehnutí, 2004), 50.

Feminist sociologists don't deny subjectivism as they consider social research to be of a dual character – both objective and subjective. Last but not least feminist sociologists support social change which is dependent on collective awareness. It is important to mention, that feminism doesn't exclude men's views, but only insists on including women's views as well. Above all, feminist research should spread the awareness about gender inequality in the society and promote social change.¹⁶

Although reformers in the 19th century tried improving women's status, their actual intention was more nationalist rather than feminist. Feminism as a movement in India, campaigning specifically for women's interests, via a range of interest groups, had not emerged at any time prior to the 1970's.¹⁷ Feminists in India nowadays criticize law and judicial practices as they seem to support women's subordination. Laws concerning issues such as marriage, inheritance, guardianship and divorce were observed as based on "male dominance and control of female sexuality and reproduction".¹⁸ Indian feminism also usually focuses on areas like caste, class and community stratification and many other issues, depending on the character and interest of each and every feminist group.

2.3. Ideas from The Subjection of Women

As a transitory link between theory and history in this issue stands John Stuart Mill's book *The Subjection of women*. This book was as a revolutionary piece of work regarding the position of women in society and achieved global notoriety. Its influence in India impacted around the beginning of the 20th century, when Marathi poet and translator Govind Vasudev Kanitkar not only translated the book into Marathi but took inspiration from it. Additionally, he and some of

¹⁶ Claire M. Renzetti and Daniel J. Curran, *Ženy, muži a společnost* (Praha: Karolinum, 2003), 32-35.

¹⁷ Geetanjali Gangoli, *Indian Feminisms: Law, Patriarchies and Violence in India* (Aldershot: Ashgate, 2007), 17.

¹⁸ *Ibid.*, 8.

his male Brahmin friends started to educate their child wives and subsequently extended this practice to educating other women in addition to their wives.¹⁹ This therefore is an example of Mill's book's impact on such Indian 'intellectuals' and how it generated momentum for change regarding the lack of women's rights and their respective status in Indian society.

John Stuart Mill worked for the East India Company in London for 35 years. His ideas were imperial, yet liberal. The self-development of an individual, which Mill promoted, was actually a utilitarian idea. He thought that giving rights to women would benefit not only women but the society as a whole.²⁰ His thoughts were quite revolutionary in the British social spheres and his writings got soon translated into other languages and read all around the world. The Subjection of women opened a discussion on the status of women not only in Britain in the 19th century, but also abroad - hence it should be given a mention in this thesis.

"The legal subordination of one sex to another is wrong in itself"²¹ says Mill in the beginning of his book *The Subjection of women*. In this book from the 19th century he already claims that the so called "nature of women" is something that was created by unnatural stimulation and is basically a result of various repressions.²²

Mill, among other issues, talks about marriage and how unfortunate it could be for a woman when her husband was particularly despotic; not a husband as such but rather an owner, the woman being his property. It may be impossible for this woman to demand justice or seek divorce, unlikely finding a solution through legal means. On the other hand, however, if given the chance in marriage, she may attain some power and manipulate her husband's actions in order to

¹⁹ Eileen Hunt Botting and Sean Kronewitter, "Westernization and Women's Rights: Non-Western European Responses to Mill's Subjection of Women, 1869-1908," *Political Theory* 40, no. 4 (2012): 481-482.

²⁰ *Ibid.*, 470.

²¹ John Stuart Mill, *The Subjection of Women* (Mineola, New York: Dover Publications, 1997), 1.

²² *Ibid.*, 21.

gain certain advantages in the society. However, if the woman was denied knowledge of politics and understanding of the public sphere, this practice may end up being generally unfavorable.²³

Mill was convinced that inequality of men and women was vested in the concept of power. Power in history, as Mill describes, was power gained by force, mentioning the rules of kings, the church or the concepts of slavery. He points out that the rule of men over women was accepted voluntarily; hence it is not a power by force.²⁴

In his essay Mill also writes that it couldn't be expected from women alone that they would fully aim for their own emancipation, until there was a significant number of men who are willing to support their emancipation.²⁵ Emancipation of women is understood as women gaining independence and equality of rights in the civil, public, economic, sexual sphere and in the family.²⁶ However liberal and pro-women his thoughts might have appeared, he was still inclined to imperial opinions of utilitarianism.

Generally speaking, the promotion of women's rights may have been understood as an instrument of European culture to show its superiority over a different culture.²⁷

2.4. Legislation and the question of women in Colonial India

After the Rebellion (1857 - 1859) followed a period of a few decades when the British had the "space and peace" to work on fortifying the influence and authority of the empire and also promoting their interests in India. In the second half of the 19th century the British managed to establish a bureaucratic, so called "benevolent despotism" in India. All high positions in the

²³ Ibid., 36-40.

²⁴ Ibid., 13.

²⁵ Ibid., 78.

²⁶ Jana Valdarová, *ABC feminizmu*, ed. Lenka Formánková and Kristýna Rytířová (Brno: Nesehnutí, 2004), 50.

²⁷ Eileen Hunt Botting and Sean Kronewitter, "Westernization and Women's Rights: Non-Western European Responses to Mill's Subjection of Women, 1869-1908," *Political Theory* 40, no. 4 (2012): 470.

administration were occupied by the British only. They aimed to be strict and careful in the rule in order to prevent another rebellion, which they in fact managed up until the beginning of the 20th century.²⁸

Before colonial legislation, laws in India were customary and applied to each concerned community of a particular tradition. Although East India Company especially in the 19th century has provided the Indian provinces with English legislation, real changes started to happen after the British Crown took over in 1858. Subsequently there was a competition for power between the British colonial authorities and the Indian male elite.²⁹

It was considered to be a great difficulty in the Victorian Era to negotiate which spheres shall be governed by the Hindu law and which shall come under the British legislation. There were two standpoints in between which the British had to decide. On one hand they respected Indian history and knew that it is a society functioning on customary base, but on the other, it was their civilizing mission which couldn't let them leave all the aspects of private life to the customary laws completely. The civilizing mission was often opposed by the Indian elite as means to make Indian men look less like men and discredit their ability to take care of their women.³⁰

Even though the man had been considered the king of the household long before the British came, it was actually under their rule that this role was even highlighted. The fact that the British controlled the political life made Indian nationalists incline to exercising their powers in the only sphere left - the private sphere. It was the only autonomy Indian men enjoyed and it was an autonomy based on the subjugation of women. In most cases women were to be existent only in

²⁸ Jaroslav Strnad, Jan Filipický, Jaroslav Holman and Stanislava Vavroušková, *Dějiny Indie* (Praha: Lidové Noviny, 2003, 2008), 734-735.

²⁹ Varsha Chitnis and Danaya C. Wright, "The Legacy of Colonialism - Law and Women's Rights in India" (*faculty publications*, University of Florida Levin College of Law, 2007), 1317.

³⁰ *Ibid.*, 1318.

private sphere of life. Private sphere meant life within the house, where the husband had ultimate control and power over her. In the private sphere, compared to the public sphere, man had freedom to exercise his power in any way, whereas in the public sphere his actions were regulated due to him being among equals or superiors. The difference between public and private sphere is also understood as a sphere regulated by law and sphere where law doesn't apply.³¹

The British had to keep control over India and with all its diversity it was a difficult task. To keep control, they redefined the society according to religion and caste, regardless community. They labeled as Hindu even those who had not been under Hindu law before, such as communities outside the Varna system. In reaction to that, Muslim community consolidated and as compared to the Hindus who followed the Hindu law, they followed Shariat law and earned a distinct consideration. All the communities who did not belong to either Muslim or Hindu groups such as Parsis, Jews or Christians were left to the English laws in their private matters as well. By leaving the private matters to the Hindu and Muslim laws, the British thought it would benefit to maintain their power. However, they would still try to have their word in the private sphere of lives of the Indians and via much legislation attempted to abolish the practices which oppressed Indian women.³²

It was also British feminists who called for more rights for Indian women, even though they themselves had few rights in Britain. Therefore, they had to gain more rights for themselves, most importantly - the right to vote - in order to be capable of helping Indian women in a more efficient way.³³ British feminists were highlighting the need of "saving" Indian women in order to manipulate British men into granting them, among other things, the right to vote. In a way,

³¹ Martha Craven Nussbaum, *Essays on Gender and Governance* (New Delhi: Human Development Resource Centre, United Nations Development Programme, 2003), 6-7.

³² Varsha Chitnis and Danaya C. Wright, "The Legacy of Colonialism - Law and Women's Rights in India" (*faculty publications*, University of Florida Levin College of Law, 2007), 1321-1324.

³³ *Ibid.*, 1319.

British feminists helped in creating the image of a suffering and victimized Indian woman. Campaigning for the rights of the Indian women, they were in turn fighting the same battle for themselves. These feminists were not the typical ‘good women’ of the Victorian Era and were considered even masculine. To oppose this notion they came up with being the promoters and supporters of the civilizing mission. They imagined Indian women to be like good middle class English wives, not emancipated women like they themselves wanted to be.³⁴

“Women’s rights, ironically, can become a means for justifying cultural imperialism, even though the concept’s aim is to liberate all women from conditions of domination.”³⁵ If the improvement of the women’s situation in India was indeed a contribution of the British Empire in India, there comes yet another question and that is, whether everything that has been done by the British in general was done with clear intentions or it was only side effects of their deeds carried out in their sole interest of consolidating the empire. Even though the latter is more likely to be true, it still seems to have brought beneficial results.

³⁴ Ibid., 1324-1326.

³⁵ Eileen Hunt Botting and Sean Kronewitter, “Westernization and Women’s Rights: Non-Western European Responses to Mill’s Subjection of Women, 1869-1908,” *Political Theory* 40, no. 4 (2012): 470.

3. Women in the 19th century's Colonial India

The first half of the 19th century, it was The East India Company that was appointed with the administration of India. After the unsuccessful Indian Rebellion of 1857 the rule fell directly into the hands of the British Crown in 1858. Although the general policy of the British was not to interfere into the local traditions, which distinguished them from other colonialists, they made significant changes in the legislature which affected lives of Indian people in many ways.

In the 19th century the “question of women” became one of the major concerns of the colonial government as well as of the Indian reformers. The lifestyles of Indian women in the 19th century were limited, but with the modernization most of its aspects were to change.

Both colonial officers and missionaries were filled with resentment by the customs of Indians, particularly those regarding women. It was not only the sati that disturbed the Europeans initially, but also observations of the women's daily life that exposed the often alarming conditions of their existence with minimum rights whatsoever.³⁶

This chapter shows the essential spheres of women's life in the 19th century India as it is important to understand their situation in the society at that time and the reasons for the social change that was going to happen.

3.1. Purdah and Izzat

In India, the social thoughts and practices of purdah and izzat, in the 19th century could be found in the western, central, north India and in Bengal. It was usually adopted by the Muslims but also enjoyed popularity among Hindu families, especially those of the Rajputs. The system was

³⁶ Partha Chatterjee, “Colonialism, Nationalism, and Colonized Women: The Contest in India,” *American Ethnologist* 16, no. 4 (1989): 622-623.

scarcely seen among the Dravidians in the south due to their strong Brahmanic tradition and lesser influence of Islam.³⁷

Purdah and all its rules were thought as necessary in order to prevent women from any contact with other men, be it even their father's brother or other relative. Woman was supposed to be kept at home, secluded from the outside society. Behind this rule there was a fear that the woman might take to liking another man.³⁸

Izzat is a word of Arabic origin and translates as "honor". How a person keeps and demonstrates a certain package of values of his/her community and rank can be referred to as izzat. Even though this term is connected mostly with men, the izzat of a family often depends on the conduct of its women. Should a woman violate traditional standards, izzat of her parents' and husband's family will be hurt. Once a woman leaves her family, she has no izzat of her own. The assessment of family's honor is made by local public opinion.³⁹

Izzat can be considered as an achievement; applying primarily to men, it could be acquired by piety, gathering wealth, victory over enemy or keeping their women's conduct proper etc. This kind of honor may also be attained by a woman if she has and raises many well-mannered children. A self-immolated Hindu widow would increase the izzat of her family, similar to a Muslim woman accompanying her husband or son on the pilgrimage to Mecca.⁴⁰

³⁷ David G. Mandelbaum, *Women's Seclusion and Men's Honor: Sex Roles in North India, Bangladesh and Pakistan* (Tucson: University of Arizona Press, 1993), 27-28.

³⁸ Dagmar Marková, "Co chce od svých žen hinduistická a muslimská ortodoxie v Indii," *Nový Orient* 61, no. 1 (2006): 12-13.

³⁹ David G. Mandelbaum, *Women's Seclusion and Men's Honor: Sex Roles in North India, Bangladesh and Pakistan* (Tucson: University of Arizona Press, 1993), 20-22.

⁴⁰ *Ibid.*, 23.

In contrast with izzat, which says what a man should do, purdah restricts women and says what they shouldn't do. Purdah stands for the seclusion of women in many ways of life and practices vary, depending on age, caste and religion.

3.2. Women in other than Hindu and Muslim communities

Apart from the majority of Hindu and Muslim population, there were other minorities living in India and although little in number, even they were part of the British India, facing social changes just like the rest.

In Jainism, the ideal woman was an educated nun. In Jain mythology we see that there is not much emphasis on different roles of men and women. In grave situations Jain religious literature even allows women to divorce and marry again. However, more common than divorce was that the woman became a nun, which caused the annulment of the marriage and any husband's objections or attempts to stop her were looked upon negatively. To become a nun, she needed her parents' permission, but in fact there were more widows becoming nuns rather than women seeking refuge from the husband. In Jainism, restraining woman and violence against women was considered wrong.⁴¹

The attitude towards women in Buddhism is rather ambivalent. On the spiritual grounds a woman could reach awakening as well as a man, but on the ethical grounds men should beware women as they are the embodiment of temptation, lust, they are unreliable and vain.⁴² Buddha himself was said to have advised his disciples to avoid looking at women; if they had to look at them

⁴¹ Blanka Knotková-Čapková a kolektiv, *Základy asijských náboženství, 1. díl, judaismus, islám, hinduismus, džinismus, buddhismus, sikhismus, pársismus* (Praha: Karolinum, 2004), 180.

⁴² Ibid., 207.

they'd better not speak to them and if the woman started speaking to them, they should be careful.⁴³

Contrasting the unequal view on women and men in Hinduism and Islam, Sikhism sees the status of women as rather equal, based on the core ideas of Sikhism itself.

3.3. Life within the house

The households of the Indians in the 19th century were observed and described by the British missionary Edward Storrow, resident in Calcutta from 1848. Speaking of houses of the higher Hindu classes, a place called the zenana was the women's part of the settlement, where they lived in purdah. The zenana usually had a garden enclosed with an area where women and children could spend time hidden from the view of any undesirable strangers. The sexes in the house lived strictly apart. In the low caste families, houses were constructed depending on means and convenience, but in a less conventional manner.⁴⁴

Families were 'joint' and so many people lived together in one house, where both sons and daughters were to be married at an early age; where the sons and their brides would live together and the daughters banished and sent to the house of the grooms' family. Head of the family was the father who managed all finances and all aspects of the family's life.

There were many rules in the families that regulated interactions between men and women. It would make a man look silly if he had food or conversation with a woman on equal grounds. The family would not meet together unless it was an occasion of receiving visitors, where the husband

⁴³ Dagmar Marková, *Hrdinky Kámasutry* (Praha: Dar Ibn Rushd, 1998), 31.

⁴⁴ Edward Storrow, *Our Indian Sisters* (London: Religious Tract Society, 1898), 53 - 55.

was advised not to show any affection towards his wife and would be the sole person to engage in any conversation, the woman expected to remain passive.⁴⁵

The zenanas were strictly private areas where even female visitors were rare. A few missionaries who had the chance to access the zenana described them as gloomy rooms with sparse furniture. The wealth of the family did determine the level of equipment and comfort, but in general women would be expected to stay in the least attractive parts of the house.⁴⁶

Women of the low castes enjoyed more freedom than those living in the zenanas. Unlike the high caste women, they worked, managed the household, and brought the water daily, though they mostly lived in conditions of poverty. However, life in zenana seemed rather monotonous in comparison, affording the women living there little opportunity of seeing more of the world.

Sir M. Monier Williams claimed that he knew of no such word in any Indian language that would be “exactly equivalent to that grand old Saxon monosyllable “home””⁴⁷. The separation of men and women in the house, along with relationships functioning within the boundaries of strict conventions, had that time limited capacity to make “home” with the same meaning as it is understood in the European cultures.

In the family there was, however, a woman who possessed a level of authority – a grandmother, mother in-law or sister in-law (from the groom’s side). This woman was likely to exercise power over others but was on the whole superstitious and opposed any attempts at change; despotic in her authority over the younger women of the family.⁴⁸

⁴⁵ Ibid., 57.

⁴⁶ Ibid., 60.

⁴⁷ Ibid., 64.

⁴⁸ Ibid., 65.

3.4. Female infanticide

A common practice rooted in Indian culture was infanticide. Reasons for killing an infant varied. In the Central Provinces, some tribes practiced an infant sacrifice believing the blood of the newborn would secure harvest wherever the blood was administered.⁴⁹ Another and more prevalent reason for infanticide was the birth of a girl. The birth of a girl represented a lowering of the family's reputation and gave rise to the possibility of excessive future expense in providing for the girl's marriage and dowry. Apart from having to provide a dowry, there was another crucial reason why a female child was far less desirable than a male and that was the Hindu tradition that demanded that the father's funeral pyre only being lit by his son or other male relative.

Notwithstanding that this practice was horrific and inhumane it also added to the disturbing discrepancy in the ratio of males to females. In 1891 the ratio of females to 1000 males was 958 in India generally, but in the province of Sindh it was as low as 831.⁵⁰

Female infanticide was made a penal offence by the British government in India with the Female Infanticide Prevention Act of 1870. However, even though this law helped to reduce number of crimes, it unfortunately did not eradicate them.

An example of implementing the law came from the North-Western provinces where, under the magistrate Mr. Unwin, all village watchmen were requested to report every birth of a girl child to the police who would then forward the information to the local magistrate. After one month a report on the health of these children had to be produced. In the case of suspicious deaths, an

⁴⁹ Ibid., 96.

⁵⁰ *Census Of India 1891, General Report* (London: Printed for the Indian government by Eyre and Spottiswoode, 1893) Table A: 244.

autopsy of the body had to be done and legislative steps taken. As a positive result, an increase in the number of girls in the district was recorded.⁵¹

Despite the efforts of the government to stop these crimes, people found ways to bypass laws and thus circumvent inspections. The Census of 1880-81 highlights the case from 1870 where in the city of Amritsar, 300 children were carried off by either jackals or wolves. It would be unlikely to believe it was by chance that all these children were girls.⁵²

3.5. Widows

In 1891, there were 3.5 times more widows than widowers.⁵³ For a higher caste Hindu widow, it was impossible to marry again. Although in lower castes social unions were possible with widows because they were not regarded as proper marriages. A widow who gets married again was said to lose her caste and any remaining respect from her kin. When a woman's husband died, she lost the respect from society and she received several penalties. From the very first moment of widowhood, she faced reproaches and curses from relatives. Her hair was cut short and head shaven, her jewelry taken away and she had to wear shabby clothes. Should she become a young widow, with very young or no children at all, she may return to her father's house. In other cases she stayed in the family of the deceased. She was reduced to a servant and was expected to mourn for her dead husband until the end of her days. Many restrictions were imposed on her to make her life without a husband uncomfortable as much as possible.

⁵¹ Edward Storrow, *Our Indian Sisters* (London: Religious Tract Society, 1898), 109.

⁵² *Ibid.*, 110.

⁵³ *Census Of India 1891, General Report* (London: Printed for the Indian government by Eyre and Spottiswoode, 1893), 60.

The ill-treatment of the Hindu widows had many reasons. One of those was the superstition where families believed that their son died in having married a woman with a bad destiny.⁵⁴ The Laws of Manu set strict rules which women were supposed to follow as they were considered to be the pillars of good Hindu society. One such rule, in the section on women in the book, says that a woman should always be dependent on her male relative or husband and must not be independent as a widow either. The law code dictates a humble life for a widow where she is expected to survive on roots and fruits and never say the name of another man except for her deceased husband. In turn, she was proscribed from any future relationships with other men, let alone having any more children, for fear of becoming doomed and deemed a disgrace to the world.⁵⁵

In extreme cases, a self-immolation of the widow used to take place and the woman who did so would then be considered respectful by society. The practice of sati was a purely Hindu concept and was not performed among the Muslims. Thanks to one of the Indian reformers, Rammohan Roy, sati was prohibited by law in 1829.

In addition, a law to alleviate the difficulties of a widow remarrying was passed as The Hindu Widow's Remarriage Act of 1856. Another act passed in the 1974 was to protect their rights to property.

3.6. Education

In Hindu families there was a common fear that an educated woman would become a widow soon after marriage. Another often repeated notion was that knowledge of reading and writing was likely to facilitate gossip. It was not only men who feared losing control over women, but

⁵⁴ Edward Storrow, *Our Indian Sisters* (London: Religious Tract Society, 1898), 132.

⁵⁵ Georg Bühler, *The Laws of Manu, edited and translated with extracts from seven commentaries* (Oxford: Clarendon Press, 1886), 195-197.

also conservative women who stood against the idea of their education, as an educated woman posed a threat to both men and women who supported the system of patriarchy.⁵⁶

In a few wealthy families women were provided with private tutors, but in most cases women learnt house chores only. Traditional education offered minimum opportunities for women.

English became the official language of the British India in the 1833 and with it came the emergence of English education. Primarily, the English education was implemented in India because the East India Company required clerks and translators for their administration and business. English – educated Indians were preferred for the government jobs.

It was in the interest of the British to educate wives of their civil servants in order to assure their loyalty. Women with an English education would also raise children loyal to the crown. Zenanas, on the other hand, were considered to be the place where anti-British plots were more likely to be fomented.⁵⁷

The importance of providing education for girls was called for mostly by missionaries as they thought women could help maintain conversions more permanent. It became the task of the female missionaries to work with women and children, attending into their homes. Their major aim was to convert Indian women to Christianity. This mission, though, was not much of a success and the mission authorities inclined to establishing girls' schools, where the missionary female teachers were gradually substituted by their converted Indian pupils.

The first proper girls' school was opened in Calcutta in 1820's. Most of the pupils were from low caste families. Both Muslim and Hindu parents were concerned about the excessive impact of

⁵⁶ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 33.

⁵⁷ *Ibid.*, 60.

Christianity on their daughters' religious identities and hence did not favor sending them to these schools. High caste Indian girls found more opportunities of education later in the second half of the 19th century.⁵⁸

In general, missionary education was more widespread in south India where missionaries found more followers among the locals.

Further support for female education came from the British government. Lord Dalhousie, Governor – General of India during the years 1848-56, was a great supporter of the education for women and was convinced that female education would have beneficial consequences, particularly with regards to the interest of the Empire.

The notion of English type of education clashed with the Indian customs. Indians demanded complete segregation of sexes, which meant having to establish separate schools with only female teachers. Last but not least, Indian girls traditionally married at an early age and were busy with house chores or work at the field, so attending school was hardly possible.⁵⁹

3.7. Women employed

Some of the professions in which women were represented in the 19th century were in manufacturing, food production, medical care, and education; however, a substantial number of the female population still worked as prostitutes.

The demand for female doctors grew in the second half of the 19th century as they could, among other reasons, seek employment in the new hospitals the British established. British laws mandated medical care for their employees in the factories, mines and plantations. Female

⁵⁸ Dagmar Marková, *Hrdinky Kámasutry* (Praha: Dar Ibn Rushd, 1998), 132.

⁵⁹ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 40.

doctors were needed because many Indian women would not see a male doctor. There was still a lack of female doctors as studying medicine was difficult for them as they faced discrimination and, even if finished their studies and worked, they would often experience harassment.

Regarding women working in the factories, an amendment to The Factory Act of 1881, passed in 1891 set the legal working hours for women to 11 per day.⁶⁰

Many women also worked in mines, though their working conditions were rather unknown as were any statistics up until the 1920's. As the sort of population employed in the mines was mostly tribal, not much attention was paid to this sector until the 1930's. The areas of mines were also remote and far from the centers of modernization and urbanization. It was only in the 1920's that the work of women in the mines was questioned on an official scale. The respondents from the Mining boards, Mining federation and local governments were of opinion that tribal people preferred to work as families in order to make their living. Plus, the chairman of the mining board of Bengal pointed out that the prices of coal would increase if only men were to work underground. Eventually, by the 1939 regulations ordering that no women should work underground were installed.⁶¹

However, it was more common that women worked as prostitutes or housemaids. In both cases those were usually women with no guardian, going to seek employment in the urbanized areas.

3.8. On the prostitutes or the courtesans

As an example, in Calcutta by the middle of the 19th century, there were 12, 000 prostitutes of which 90 % were widows. At the turn of the 20th century, the number of prostitutes in Bombay

⁶⁰ Ibid., 168.

⁶¹ Ibid., 177.

was somewhere around 30,000-40,000, however, this figure is more an informed estimation rather than an official statistic.⁶²

Typically a prostitute could have been a woman born into caste that traditionally practiced dancing and singing and used to sell their services. Another example would be the temple dancers – Devadasis, traditional prostitutes whose role had been set since ancient times. Last but not least, there were a large number of women who made their living by prostitution without any religious or art links. They simply offered sexual services for money. Many prostitutes were widows or orphans forced to do this business by unfortunate circumstances. Married women who couldn't bear their life in the household for whatever reason could opt to become prostitutes. Women unsuccessful in finding employment in the cities may have also prostitutes having little choice owing to so few alternatives. Some women also chose to offer their intimate company in exchange for protection.⁶³

Veena Oldenburg in her article focuses on the life and status of prostitutes (hereinafter referred to as courtesans) of Lucknow in the 19th century. These courtesans could have been found in the civic tax ledgers of 1858 – 1877 under the occupational category of “dancing and singing girls”. They were to pay the highest taxes as they had the highest incomes in the city.⁶⁴

After the British seized Awadh in 1856, which resulted in the forced exile of the king, the courtesans of Lucknow were deprived of the royal patronage they enjoyed. The new obstacles in their business posed by the Contagious Diseases Act of 1864 and penalties for their roles in the Indian Rebellion of 1857 made their lives suddenly more difficult than before. However, such

⁶² Ibid., 181.

⁶³ Ibid., 182-183.

⁶⁴ Veena Talwar Oldenburg, "Lifestyle as Resistance: The Case of the Courtesans of Lucknow, India," *Feminist Studies* 16, no. 2 (1990): 259.

conditions did encourage them to rebel against other oppressions. They bribed nurses, policemen and found ways how to avoid paying taxes. They would contest male authority and employ a range of tactics to protect their own interests. Before the British, it was the king and courtiers who were exposed to such methods. At the courts of both Hindu and Muslim kings courtesans were a female elite with influence.⁶⁵

These singing and dancing girls helped preserve the classical Indian dances such as Kathak. The courtesans of Lucknow enjoyed the respect of society as they represented the status of prestige.

The most common recruitment to the salons was kidnapping. The chief courtesan of the house had connections with criminals whom she hired to do her bidding. Many women came to the salons by their own will. Often they were women escaping unbearable lives in their husband's house and some girls were in fact sold by their families. The girls coming to the salon had to reconsider the whole aspect of their womanhood. No burden of dowry, parent's pressure about modesty or marriage, neither husband's restrictions were things to be expected in their lives in the salon. Basically, these courtesans did not fear men.⁶⁶

3.9. The upcoming change

The 19th century was a favorable time for changes in society. Introduction of English education due to demand of Indian administrative officers in the middle and lower levels, facilitated the rise of the Indian bourgeoisie. As a consequence, the rise of such professional groups and bourgeoisie had positive influence on the development of women's status.⁶⁷

⁶⁵ Ibid., 260.

⁶⁶ Ibid., 268-270.

⁶⁷ Sophie M. Tharakan and Michael Tharakan, "Status of Women in India: A Historical Perspective," *Social Scientist* 4, no. 4/5 (1975): 122.

One of the most significant aspects of social change in the 19th century was urbanization and establishment of new religious, educational and social institutions. As the colonial influence spread into all spheres of life, Indian family traditions in the cities faced erosion. Girls began to attend educational institutions as well as boys and they also started taking part in social gatherings outside family. Increased contact with foreigners itself was another cause of change. The 19th century was the time when gender relations in India started to modify significantly towards equality of women and men.⁶⁸

The concept of the perfect wife was being redefined. “There were also significant changes in what women could do – often characterized as a movement from the private to the public sphere”.⁶⁹ Nonetheless, the change that happened was neither profound enough nor lasting and many women who were educated often returned to traditional life.

⁶⁸ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 28.

⁶⁹ *Ibid.*, 29.

4. Indian initiatives and responses to the “women’s question”

The initiatives to change the situation of women in India was not however restricted to just the British but also the Indians themselves, respectively, in most cases from the educated Indian elite. There were many intellectuals who praised the new ideas as well as there were opponents to the change who wished to conserve the traditional approach to women.

This chapter will discuss the thoughts and reasoning Indian reformers had on the social reform which included improving the status of women in the society, point out some significant ones and last but not least will discuss the story of a female reformer Pandita Ramabai who interconnects all the concepts behind the reformist thoughts together.

Hindu groups such as the Brahma Samaj or Arya Samaj were reformist organizations in the 19th century, which, among other objectives, promoted the agenda of the betterment of women in fields such as education and lobbied for raising the age of consent. It was often thanks to people associated with these groups that the change in form of passing laws or promotion of female education among the Indians happened. Social reformist voices mostly sprouted in Bengal, which was then experiencing its “renaissance” and at the same time was one of the greatest India’s hubs for new ideas thanks to education and blending with foreigners. Maharashtra has later become the cradle of social reform as well.

When speaking about “reformers”, it is important to realize that it means “male reformers” as it was in most cases men who had the power to be politically active even though a few women, who will be mentioned below, stood out as well. The second half of the 19th century was the time of the first generation of educated women but their voice and respective freedoms were still restricted and in turn resisted.

Hindu reformers claimed that a woman's status was "equal but different". In contrary with the Muslim community, the Hindus' general bias against education (especially English education) and freedom of women was much weaker. A woman without English or even general education could only keep the home traditional and meant another "speed-breaker" in the Muslims' way to become members of the Indian elite.⁷⁰

Plenty of Indian reformers were provided with English education and many such as Rammohan Roy and Iswar Chandra Vidyasagar had seen it as a "window to the world". They also thought of English as a tool to oppose the British in their legitimization of conservative tendencies towards the Indian society.⁷¹

4.1. The initial impulses

The key moment in women's emancipation in India was the abolition of Sati, a custom of self-immolation of the wife after the husband's death, in 1829. It was Rammohan Roy, often called the first modern man of India, who significantly contributed to the abolition. More sound discussions on the conditions of women in India started around the time of the Sati abolition and were joined or even led by Indian intellectuals who were often English educated. Apart from general discussions on women's status, a debate on a women's will, which was finally recognized, started around this time as well.⁷²

A common trend among the reformers was looking back at the Indian past and pointing out that in the Vedic times women were said to have enjoyed considerable freedoms, taking part in social and political life, were provided with education and married only after reaching maturity.

⁷⁰ Shanti S. Tangri, "Intellectuals and Society in Nineteenth-Century India," *Comparative Studies in Society and History* 3, no. 4 (1961): 385 - 386.

⁷¹ Modhumita Roy, "'Englishing' India: Reinstating Class and Social Privilege," *Social Text*, no. 39 (1994): 92.

⁷² Ishita Banerjee-Dube, *A History of Modern India* (New Delhi: Cambridge University Press, 2015), 93 - 95.

Reformers called it the “golden age” and its decline attributed to the era when Muslim started to rule India.⁷³

What reasons would Indian men themselves have to support the improvement of women’s situation especially in fields such as education? Among other reasons it was the wish for social and religious reform and both financial and social mobility. Moreover, the demand for educated brides was increasing, which, however, resulted in widening the gap between “traditional” and “modern” women. Nonetheless, women were still not looked upon as individuals but only as companions of men.⁷⁴ Progressive Indian men were keen to have the wife as a companion who would support them as they advance in their careers.

Educated Indians may have started to consider the situation of Indian women important also because of the notion of the “status of women as a crucial signifier of the degree of the colonized people’s civilizational backwardness”.⁷⁵ Above all, educated Indian men felt the need to catch up with Europe and not to be behind.⁷⁶

4.2. Meritorious personalities of the reformist groups

A key figure of the Bengal Renaissance, Iswar Chandra Vidyasagar led a campaign to legalize widow remarriage and worked on the improvement of their status. In 1855 he wrote his first tract on the remarriage of widows where he claimed that the present time was the time of Kali Yuga where widows were allowed to get married again. Although he sold thousands of copies, he received plentiful insults for this opinion as majority of the public did not support this notion. His activism demanded that the British government includes a law allowing Hindu widows to

⁷³ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 15-17.

⁷⁴ *Ibid.*, 41.

⁷⁵ Ishita Banerjee-Dube, *A History of Modern India* (New Delhi: Cambridge University Press, 2015), 95.

⁷⁶ Dagmar Marková, *Hrdinky Kámasutry* (Praha: Dar Ibn Rushd, 1998), 136.

remarry in the legislation. To support this demand he collected nearly a thousand signatures for the petition which he sent to the Indian Legislative Council.⁷⁷ The Hindu Widow Remarriage Act was passed in 1856.

Iswar Chandra Vidyasagar strongly opposed Kulinism (superiority high caste people believed to possess over others) and the polygamy connected with it. He started a petition against the practice of polygamy which he considered immoral and indecent, but unfortunately his agitation was not accepted by the authorities as they claimed that implementing any legislature against this practice would interfere in social and religious affairs of the local people whereas their policy was not to interfere. Repeating this attempt some years later, Vidyasagar and his adherents acquired the sympathy of the Lieutenant Governor of Bengal but sadly did not get further than that.⁷⁸

Aside from the women related issues, Vidyasagar promoted Bengali language and the distribution of morally educating text books for schools. He was influenced by the English way of equating life with reason which led to his will for social reform.⁷⁹

There were many names that could represent the fight for women's rights and education from all over India with no less vigor than Vidyasagar's.

Virasalingam Pantulu was a Brahmin from Andhra Pradesh who fought against dowry, was key to highlighting the importance of female education and last but not least called for marriage reform. Pantulu worked as a teacher in the Madras Presidency. He considered vernacular education along with purification of religion and social reform three pillars of a regenerated society. Like Vidyasagar's, his major aims were female education and widow remarriage. He was

⁷⁷ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 21.

⁷⁸ B. K. Chaturvedi, *Ishwar Chandra Vidyasagar* (New Delhi: Diamond Pocket Books (P) Ltd., 2004), 16-17.

⁷⁹ Ishita Banerjee-Dube, *A History of Modern India* (New Delhi: Cambridge University Press, 2015), 95.

aware of the fact that it was public opinion above all that needed to be changed in order to eradicate the social evils he campaigned against.⁸⁰ Although the Madras presidency lagged behind in accepting social reform, Pantulu was a zealous pioneer of change.⁸¹

The National Social Conference was an institution founded by Justice Mahadev Govind Ranade and was one of the most important institutions of its kind at the time. This conference was held every year and was attended by reformers from all around the subcontinent. At the annual meeting of 1889 more than five hundred people gave their promise to support female education, widow remarriage and other issues connected with women's welfare.⁸²

Although comparatively less strong, Muslim support of the betterment of women could be found in the 19th century as well. Said Ahmad Khan, founder of a modern Muslim educational institution in Aligarh, in 1875 wrote a manual for women on writing letters in Urdu. This was a near revolutionary-like step as up until then it was almost prohibited for a Muslim woman to write letters. Ten years later he attempted to publish a fortnightly magazine "The women's newspaper" but due to extremely negative reactions from the Muslim community he had to cancel it.⁸³ Both Said Ahmad Khan and his wife are considered significant Indian reformers.

Despite the desire for social reform, male Indian reformers were afraid that education provided to women would disrupt "existing ways of gendering the female body and its assigned spatio-social

⁸⁰ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 24.

⁸¹ Ishita Banerjee-Dube, *A History of Modern India* (New Delhi: Cambridge University Press, 2015), 97.

⁸² Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 26.

⁸³ Dagmar Marková, *Hrdinky Kámasutry* (Praha: Dar Ibn Rushd, 1998), 142.

locations”.⁸⁴ This clearly indicates that Indian reformers still considered women not exactly equal to men and that a woman had a sole position she should occupy.

The success of the reformers’ efforts varied from region to region and while in some parts of British India women enjoyed benefits of laws, in other regions they weren’t affected at all.

4.3. Female pioneers of social reform

It was not just men who supported the improvement of women’s situation. Towards the latter half of the 19th century there were some significant female personalities whose voices became more audible and as a consequence resonated with more people. Examples of such women are Ramabai Ranade and especially her namesake Pandita Mary Ramabai.

Ramabai Ranade was a child bride of a reformer Mahadev Govind Ranade who was much older than her, but despite this could have been described as being a lucky girl. Her husband started educating her and although they lived in a traditional Indian household where young bride had many responsibilities, she managed to be a diligent student as well as housewife. Soon she started to spread both the knowledge and ideals among other women and worked as a kind of a social worker, convincing other women to educate themselves. Although she became widow at the age of 39, the death of her husband devastating her, she started to promote qualification courses for upper-caste Hindu widows where they could learn how to become nurses or how to knit and sew. Ramabai considered this important as it seemed the only possibility for these women to become at least self-sufficient.⁸⁵

Pandita Ramabai was born in 1858 in the south-western part of India, during the time of the Madras Presidency of British India, to a family with a father-cum-reformer who provided her

⁸⁴ Parinitha Shetty, “Christianity, Reform, and the Reconstitution of Gender: The Case of Pandita Mary Ramabai,” *Journal of Feminist Studies in Religion* 28, no. 1 (2012): 26.

⁸⁵ Dagmar Marková, *Hrdinky Kámasutry* (Praha: Dar Ibn Rushd, 1998), 140.

with both knowledge of Sanskrit and sacred texts and with a general education as well. She lost her parents when very young and was supported solely by her brother but thanks to that became a lecturer, acquiring the title “pandita” in Calcutta through demonstrating her breathtaking knowledge of Sanskrit. Just two years after marrying Ramabai’s husband died leaving her a widow.⁸⁶

Although a Hindu Brahmin widow she wore white and cut her hair short, and even though she followed the usual Hindu widow customs, she travelled and educated herself and above all she converted to Christianity, an act considered inappropriate by other reformers. It was the combination of Ramabai’s knowledge of Sanskrit, her Christian faith and western feminist perspectives which posed a threat to male reformers of that time who were looking up to the “Vedic Indian femininity” which Ramabai criticized. Nevertheless, Ramabai herself was seen by reformers as the embodiment of the educated Vedic woman for her profound knowledge of Sanskrit. Reformers wanted to show that if woman could be treated equally as a man and if she could be educated, she would acquire the status of an intellectual woman such as Gargi or Maithreyi from the so-called “golden past” of India.⁸⁷

In 1882 with the assistance of Ranade and Maharashtrian reforming elite she set up an organization called Arya Mahila Samaj in Pune. The key objectives of this association were to stop child marriages, promote female education and to help “destitute women” (a term referring to a Hindu upper-caste widow). Another key objective was also preventing already married men from marrying another woman while the first wife was still alive. What Ramabai shared in common with male reformers of her time was the emphasis on the higher caste Hindu women as

⁸⁶ Ibid., 138.

⁸⁷ Parinitha Shetty, “Christianity, Reform, and the Reconstitution of Gender: The Case of Pandita Mary Ramabai,” *Journal of Feminist Studies in Religion* 28, no. 1 (2012): 27-29.

they understood their oppression as representative of all oppression of Indian women, of all castes.⁸⁸

Owing to her liking for the Christian ideas of a casteless, genderless egalitarian society, Ramabai's criticism of the upper-caste Hindu society was more radical compared to the male reformers. She found supporters (Ranade) as well as opponents among the Hindu reformers. Nonetheless, her conversion to Christianity in 1883 has created a controversy. On one hand, Christianity helped her broaden her scope of interest from upper-caste women to all Indian women, but on the other she criticized the Anglican Christianity for its racism, dogmatism and superstitions. She found her comfortable spiritual place and space in Protestant Christianity, yet still she has not lost her identity of an upper-caste Hindu widow.⁸⁹

Ramabai organized another institution, this time in Bombay, called Sharada Sadan which was a residential school for Brahmin widows. The ideas this institution was based on were Christian, hence thought as threatening to the Hindu reformers. In Sharada Sadan widows' bodies and minds were respected and, rebelling the tradition, they found not only education there, but joy as well. Ramabai considered essential not only to take care of the body but also spiritual needs had to be nourished. All these ideas stood for the re-configuration of woman's body in India. Quite a few widows from Ramabai's Sharada Sadan got remarried; one of them married the reformer Dhondo Keshav Karve. Karve also established an institution of a similar kind - a home for widows in Pune. Both institutions were in the popular view seen as dangerous as they were thought to directly encourage the remarriage of widows. Furthermore, Sharada Sadan's threat was considered worse as the institution was Christian based and might have caused conversions

⁸⁸ Ibid., 19-30.

⁸⁹ Ibid., 31-32.

of these Hindu women. A few widows did indeed convert to Christianity but it was by their own will and certainly not the aim of the institution.⁹⁰

All in all these personalities' contribution to the change of the women's situation in India was massive. After the break of the 20th century there were many more who followed their path be it the next generations of educated Indian women or even personalities as great as Rabindranath Tagore and his progressive family, and last but not least Mohandas Karamchand Gandhi. Women later played their integral role in the independence movement as well and experienced enormous social changes later in the 20th century.

⁹⁰ Ibid., 37-39.

5. Laws related to women passed in 1856 - 1874

During the the period of 1856 - 1874 there was a high concentration of laws passed in the Indian legislature that were significant to women's issues and thus deserve closer observation. This chapter focuses on a few such laws, describing them and outlining their specific, and often controversial, impact on women.

Hindu law was presented to the British by appointed pundits and was a standardized legal text recognized by the British-Indian legal system as authoritative. However, it was difficult to qualify customary law in the British-Indian courts and hence the Hindu customary law faced erosion. Thanks to the Government of India's legislative powers to change personal law and its statute, laws such as the Hindu Widow's Remarriage Act of 1856 was passed.⁹¹

5.1. The Act to remove all legal obstacles to the marriage of Hindu Widows, 1856

It was only after the agitation of Indian reformers such as Iswar Chandra Vidyasagar and others, that the British government enacted the Hindu Widow Remarriage Act in 1856. Before that the marriage of the higher caste Hindu widow was not allowed and moreover, if children were born in this remarriage, they would bear an illegitimate status. In contrast, lower caste Hindu remarriage of widows was not seen as such a problem.⁹²

In the preamble of the Hindu Widow Remarriage Act it is said that the prohibition of Hindu widow marriages is a mere misinterpretation of precepts of the Hindu religion and passing this act shall promote good morals and add to the public welfare. It states that all widow marriages

⁹¹ Lucy Carrol, "Law, custom and statutory social reform: the Hindu Widow's Remarriage Act of 1856," *The Indian Economic & Social History Review* 20, no. 4 (1983): 363-364.

⁹² Lucy Carrol, "Law, custom and statutory social reform: the Hindu Widow's Remarriage Act of 1856," *The Indian Economic & Social History Review* 20, no. 4 (1983): 364.

will be valid regardless the custom, but what appears unfavorable in this law is that as soon as the widow remarries, she loses all rights to her deceased husband's property. Apart from that, there is a special mention about underage widows "whose marriage has not been consummated", who can only re-marry with the permission of her father or, if deceased, another closest male relative. In case of the widow being adult and if her marriage has been "consummated", then it is solely her decision to marry again.⁹³

No matter how good the intention of this act may have been, there persisted a strong sense of patriarchy. Especially disturbing is the message about the difference between a widow whose marriage has been consummated and whose hasn't. Regardless the fact that it concerns underage widows, it indicates that woman's virginity gives right to her male relatives to decide about her married life.

Even after the Widow Remarriage Act was passed, the situation of widows has not turned out to be much better. The act was not likely to be approved in a society where widows were looked upon at least a little bit respectable only if living in celibacy.⁹⁴

5.2. The Indian Penal Code, 1860

This act was passed to be the criminal code of India and it was to be enforced in all of British India apart from Princely states which exercised their own law. There are various sections covering a large scale of criminal offences and this chapter points out those that relate to women

⁹³ *The Unrepealed Acts of the Governor General in Council: with chronological table. From 1834 to 1867, both inclusive.*, vol. 1, 3rd edition (Calcutta: Office of the Superintendent of Government Printing, 1898), 111.

⁹⁴ Geraldine Forbes, *The New Cambridge History of India: Women in Modern India* (New York: Cambridge University Press, 1996), 23.

especially. In its explanatory section The Penal Code says that the word “he” and its derivatives were used for both genders. Man or a woman stands for any man or a woman of any age.⁹⁵

The section 312 - 313 of the Penal Code talks about “Causing Miscarriage” and says that anyone causing miscarriage of a child, be it the woman herself, will face a fine or imprisonment. If the miscarriage was caused without the woman’s consent, the punishment could be as severe as ten years imprisonment.⁹⁶ This law seemed to serve to protect pregnant women from being violated as well as giving the unborn baby the right to life and an opportunity to live.

Of particular note was the section 354 called the “Assault or Criminal force to woman with intent to outrage her modesty” and it applies to anyone who offends woman’s modesty or uses criminal force to any woman causing the outrage of her modesty. Such a person will face either a fine, up to two years of imprisonment or both.⁹⁷ However noble might this law appear, there is no real specification of what exactly is the “outrage of modesty”; the term is described as indefinite which should be considered a disadvantage as in the end it would be difficult to qualify whether the offence that happened to a woman could indeed be covered by this law or not. On the other hand, the section 509 describes that a word, gesture or act intended to insult the modesty of a woman was to be punished with imprisonment up to one year or with fine. This included using obscene words in front of women or exposing any woman to obscene drawings.⁹⁸

⁹⁵ W. Morgan and A. G. Macpherson, *The Indian Penal Code (Act XLV. of 1860,) with notes* (London: G. C. Hay & Co., Cossitolah, 1863), 16.

⁹⁶ *Ibid.*, 277-279.

⁹⁷ *Ibid.*, 311.

⁹⁸ *Ibid.*, 453.

Section 366 talks about kidnapping, abducting or inducing woman to compel her marriage, where anyone who abducts a woman with the intentions of compelling her to marry and anyone who forces her to have involuntary intercourse is liable to fine or imprisonment up to ten years.⁹⁹

Another section of similar character but more specified is the section 375 which talks about rape. What constitutes rape is the act of penetration and there are five different conditions under which man can be said to have committed rape: 1. Against the woman's will, 2. Without the woman's consent, 3. When the woman gives consent because of being threatened, 4. When the woman gives the consent believing the man is her husband but he isn't and knows it, 5. When she is a girl under 10 years of age. The first point concerning the woman's will means that she was in her senses and taken by force, whereas the second, speaking of consent, is a case of either mentally challenged (in the original text called an "imbecile") or a woman insensible due to alcohol or other causes. Nonetheless, there is an exception in this offense and that is intercourse with the man's own wife and the law in this case provides protection only to wives less than 10 years of age. The section explains that among Hindus and Muslims the child wife anyway stays with her parents until she reaches puberty and it also optimistically expresses the hope that parents would not allow intercourse before then. The punishment for rape was either transportation for life, imprisonment for up to ten years or a fine.¹⁰⁰

There is a section (494) which prohibits bigamy but it is specified that it is applicable almost exclusively to Christians and it says that neither man nor a woman having a living spouse can marry another person.¹⁰¹ This is a clear example of the British policy of non-interference. Although there were Indian reformers who tried to fight against bigamy or polygamy on a broad

⁹⁹ Ibid., 318.

¹⁰⁰ Ibid., 323-326.

¹⁰¹ Ibid., 433-435.

scale, the British must have been afraid of negative reactions from the side of communities such as Muslims, who commonly practiced polygamy, hence they made this law for Christians - a very small community where monogamy was expected.

5.3. Contagious diseases and their legislative prevention

“The study of prostitution and its regulation is well established as a vital field for examining the nexus of sexuality, gender, class and race.”¹⁰² Stephen Legg’s words sum up the importance of including the problematics of prostitution in the focus of this paper as well. There were many regulations of prostitution in British India in the 19th century implemented to protect the public from the plague of venereal diseases, but most importantly, to prevent the infection of soldiers, who were endangered the most.

What’s interesting is that prostitutes in Britain were looked upon differently by the British than prostitutes in India. A British prostitute was a woman who would rather go the “easy way” of selling her body rather than finding a proper work to make a living. The view on Indian prostitute was influenced by the general notion that Indian labor was lazy by its character and therefore they did not have any moral pursuit to work. By the 1890’s the distinction between the term prostitute and worker faded and prostitutes were included as workers servicing the military, having to follow certain regulations.¹⁰³

According to the Contagious Diseases Act of 1868, preceded by the Cantonment Act of 1866, brothels and prostitution as such were legally allowed but had to be solemnized and registered. Prostitutes had to have an identity cards issued by authorities and had to regularly go for medical

¹⁰² Stephen Legg, “Governing prostitution in colonial Delhi: from cantonment regulations to international hygiene,” *Social History* 34, no. 4. (2009): 448.

¹⁰³ Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,” *Journal of the History of Sexuality* 4, no. 4 (1994): 588-589.

checks. Due to problems with enforceability the Contagious Diseases Act was repealed in 1888. However, after this act was repealed, prostitution and brothels became illegal. In some areas such as Madras or Bombay Presidency, police had the authority to fight against prostitution as it started to be recognized as an offence under the Section 268 of the Indian Penal Code.¹⁰⁴

Under the Cantonment Act, prostitutes were divided into two categories: those whose clients were Europeans and those visited by Indians and the act applied only to those with European clientele. The prostitutes were differentiated from the rest of Indian women who were also considered likely to be promiscuous, whereas prostitutes for their interactions with the military were seen as even dangerous.¹⁰⁵ The attempts to maintain strict segregation of these two categories of prostitutes went as far as to the brothels meant for the European soldiers being liable to fine if their prostitutes lay with a native.¹⁰⁶

The work of prostitutes was not meant to be eradicated but rather protected and controlled as it was considered the “inevitable evil” that was an indispensable component of the military system. However, the attitude towards prostitutes was different not only according to their clients but also to their origin as non-Indian prostitutes were under more thorough surveillance.¹⁰⁷

It may seem that legislative regulations of prostitution were implemented solely for the purpose of protecting European soldiers. The response of the Indian Government to this notion was that it

¹⁰⁴ V. Sithannan, *Immoral Traffic - Prostitution in India* (Chennai: JEYWIN Publications, 2007): 90-91.

¹⁰⁵ Stephen Legg, “Governing prostitution in colonial Delhi: from cantonment regulations to international hygiene,” *Social History* 34, no. 4. (2009): 451-452.

¹⁰⁶ Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,” *Journal of the History of Sexuality* 4, no. 4 (1994): 587.

¹⁰⁷ Stephen Legg, “Governing prostitution in colonial Delhi: from cantonment regulations to international hygiene,” *Social History* 34, no. 4. (2009): 452.

would be a mistake to think that the good coming out of these regulations would benefit soldiers only, because if successful, their benefit would extend to the public as well.¹⁰⁸

The enforcement of the venereal diseases prevention and treatment lacked in many ways such as the medical examination not being uniform and the treatment due to lack of knowledge often ineffective.¹⁰⁹

5.4. Female Infanticide Prevention Act, 1870

Although after the Revolt of 1857 the colonial government had to be careful in implementing legislature affecting both the public and especially the private sphere, it introduced quite a few policies such as the Female Infanticide Prevention Act in 1870. Opposition to this Act was significant especially from the Rajputs.¹¹⁰

Female infanticide is a problem that India still faces today. The value of a male child is thought to be much higher than of the female. The reasons may be as simple as dowry, marriage policy, potential disgrace of the family or they can also be very peculiar and individual.

A. J. O'Brien claims that at the turn of the 20th century the ratio of males to females was disturbing. He pointed out that females among tribes are considered a marketable commodity while other tribes ("Mohammedan" as he describes) simply get rid of the girls at birth.¹¹¹

How could a mother possibly kill or allow the killing of her own baby girl? With the "education" she experienced and societal opinion that judged the birth of a girl a failure, indeed a disgrace to the family, she would soon consider her daughter an object of misfortune.¹¹²

¹⁰⁸ Philippa Levine, "Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India," *Journal of the History of Sexuality* 4, no. 4 (1994): 585.

¹⁰⁹ Ibid., 582.

¹¹⁰ Sanjam Ahluwalia, *Reproductive Restraints: Birth control in India 1877-1947* (Urbana: University of Illinois Press, 2008), 117.

¹¹¹ A. J. O'Brien, "Female Infanticide in the Punjab," *Folklore* 19, no. 3 (1908): 263.

The act for the prevention of female infant murders from 1870 gives the power to Local Governments to take action in form of prevention against female infanticide. Births, marriages and deaths in the district had to be registered and a person to report and monitor the situation was appointed. However, it was not considered a priority of Local Governments to keep a close check on suspicious activities or at risk families and any request for preventive actions had to be confirmed by the Governor General of India in Council.¹¹³ The act did not go as far as to consider or address the murder of the infant, but simply focused on prevention.

5.5. Other Acts concerning women

There were various other women-related acts passed in the mid-19th century, but many of them were amended, changed, or their application restricted such as in the case of the Special Marriage Act which says “Marriages may be celebrated under this act between persons neither of whom professes the Christian or the Jewish, or the Hindu or the Muhammadan or the Parsi or the Buddhist, or the Sikh or the Jaina religion”¹¹⁴ this indicated that the law did not apply to most of the population of British India, yet still, it serves as a draft to the future marriage acts. Nonetheless, the Indian Christian Marriage Act of 1872 describes the legal conditions of a solemnized Christian marriage in India, where the girl’s legal age was to exceed 13 and the boy’s age minimum was 16.¹¹⁵

There is also an act discussing the married woman’s property but that as well excludes most of Indian women due its exceptions of applicability and hence undermines its efficacy.

¹¹² Ibid., 271.

¹¹³ *The Unrepealed Acts of the Governor General in Council: with chronological table. From 1868 to 1876, both inclusive.*, vol. 2, 3rd edition (Calcutta: Office of the Superintendent of Government Printing, 1898), 165-166.

¹¹⁴ Ibid., 281.

¹¹⁵ Ibid., 389.

6. Conclusion

There is no doubt that the presence and subsequent socio-political impact of the British in India positively affected the rate of progress of social change, including the betterment of women. One may argue that it was only a side effect of the actions of the British, motivated by their own interests and to say as much would not be completely wrong. However, that said, the impact and rate of change that affected many women's lives occurred as a consequence of the interactions between Indians and Europeans, in particular, the British.

Describing the situation of women in such a historical context illustrated that it was necessary to take steps towards changing their situation, a fact that was understood by both the colonizers and the colonized. It appears that the driving force of the male reformers was in essence nationalist and that their agenda of "helping women" was simply another instrument of political agitation. Moreover, they were also driven by a desire not to be looked down upon by the British and in turn enhance their respective status. With female reformers however, as with the case of Mary Ramabai, it seems to have been quite a different case. She, similar to many other women, were not motivated by such issues as nationalism but by a burning desire to improve the situation for women in general, other reasons being considered relatively minor. Yet, it would be difficult to say whether all women who had a chance to work on the improvement acted with the same purpose as many of them got their chance only under the leadership and patronage of a man, as was the case, for example, with Ramabai Ranade. As has been noted, be it for the relatively newly developed nationalism in India or the growing aspirations of Indians to acquire parity with the British, the very presence of the British in India was the main motivating factor in starting the movement for change regarding the role and function of women in Indian society, and above all, provided the impetus for Indians themselves to work on such a change.

As this thesis attempted to explore, it was a fusion of the Indian reformers efforts, the British influence and a careful implementation of legislation that started to move the woman's status forward. However, neither the British, nor individual reformers alone would have achieved the range and rate of change without such cooperation, irrespective of motivation and intent.

Observation of the laws passed in the concerned period showed that although these laws were intended to benefit women, almost each and every one consisted of some note or condition which partially curtailed the benefit. However, it must have been extremely difficult at that time to constitute laws for such a vast and diverse area, where traditionalists would object to any change at all no matter how seemingly minor. The texts referenced in this thesis should therefore indicate the depth of debate regarding women's wellbeing and what an achievement it was when one considers the range and respective impact of the legislation achieved, and this despite the British policy of non-interference and the significant conflict of traditions and cultural practices.

After the start of the 20th century many laws regarding women were added or amended, women being afforded more chances for realization in the public sphere and playing their respective role in the struggle for independence. This was the time of second and third generation of 'educated' women, who experienced much greater opportunities than the women before them and, more significantly, their numbers were growing. However slowly, women's status in society was evolving and, coupled with the events of achieving independence from the British and in turn becoming a democracy, women's emancipation was gaining momentum. Considering this, an important question arises: If it hadn't been for the British influence in India, wouldn't the status of women in society have been delayed till the act of independence itself, would it in fact be any different now than it was say a hundred years ago? In essence, it was probably not so much the laws and legislative changes initiated by the British that did so much for change but their very

presence in itself, particularly their respective relationship to Indians, their philosophy and their attitudes to societal inclusivity in general, no matter how negative in hindsight, that proved essential in giving rise to the start of a social change in India.

The current situation regarding women's rights in India can be perceived in quite a negative way, as if nothing has changed since the 19th century, but more and more women, especially women of middle class, experience far greater freedoms in Indian society today and in particular an equality recognized by law. However, India's population is now in excess of a billion people, of different religions, traditions, economic status, occupations etc and it would not be wise to consider the progress of one particular demographic as applicable to the whole of society. But that said, there exists today many and varied expressions of womanhood and in turn, many forms and expressions of feminist ideals in India; Indian women now leading their own campaigns for further reforms, continuing the process of making their lives better, and that of their daughters too. A process rooted in its past in 19th century British India.

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¹¹⁷ Authorised translation from the English language edition, entitled *Women, Men and Society*, Fourth edition by Claire Renzetti, published by Pearson Education, Inc. publishing as ALLYN & BACON

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