issue in sharp relief. Eventually the Age of Consent Act (1891) raised the age of consent for girls, prescribed in the Indian Penal Code (1860) from ten to twelve years, making an indirect intervention into the institution of child marriage. The liberal social reformer, Menonji Malabari's campaign to prohibit child marriage came up against orthodox sections who defended the practice on cultural grounds, but also by liberals in favor of gradual reform through the spread of education.

The brahmanical system of Hindu marriage as reflected in the shastras was governed quite rigidly by norms of status, clan exogamy (marriage outside the clan), and caste encogamy (marriage within the subgroups). While marriage of girls upwards in the hierarchy was tolerated, the reverse was shunned, as was the marriage of relatives by blood. However, there was considerable disjunction between the practices favored generally in the shastras and those custom by custom in the north. Most notable were the contrast to these norms provided almost universally in southern India, where Brahmin and non-Brahmin girls alike could and did marry close kin as close as cousins, and among several social groups the mother's brother himself was the preferred bridgroom for a girl. Also, close distance marriage was practiced in contrast to rules of village exogamy in the north.

Reflecting the diversity of views confronted by its authors, the shastras identified eight valid forms of marriage, but ordered them according to degrees of approval. Interestingly, they were described in terms of the manner in which a girl was given away. While the approved forms, brahma, daiva, arsha, and paripujaya were distinguished by the "gift of the daughter" (kanyadana) the not approved forms, asura, gandharva, rakshasa, and patascha, involved the sale or violent capture of the girl or the motive of sexual attraction. Beginning in the nineteenth century and noted throughout the twentieth century, the kanyadana marriage received greater legal and social emphasis in the aspirations of several lower-caste groups as well. However, the asura form of marriage, described as the sale of a girl through the payment of a bride price, was practiced by at least some among the Brahmins in southern India up until the early twentieth century. The very general adoption of the kanyadana forms is reflected most sharply in the shift from the widespread practice of paying a bride price at marriage in the nineteenth century to paying a dowry in the twentieth, but also in the spread of restrictive sexual norms concerning women in particular.

The concept of sridham (women's separate property) is sometimes linked to kanyadana marriage, as the brahma and daiva forms required a bride to be adorned expensively in jewels. However, positive interpretations of sridham brought within its scope gifts from father, mother, brother, husband and in laws, gifts at marriage, and a marriage fee on the occasion of the husband's subsequent marriage; under the malaikshara, one of two major strands in the shastras, inherited property from both male and female relatives was sridham. Women were not to be denied the enjoyment and use of this property nor could their husband or male relatives assert power over it. Nevertheless, there were constraints: women lost the right to acquire property during coverture. This meant that their earnings from their own labor was regarded the property of their husband and "[w]hereby initiative even in matters concerning sridham was deprecated as 'bad form'" (Derrett 1978, 5). The concept of sridham underwent significant changes through legal interpretation in the nineteenth century, furnishing in large measure the basis of the notion of dowry that was abolished by the Indian state in the twentieth century. A series of judgments between 1850 and 1930 sounded its death knell, excluding inherited property from its scope and reducing it to a limited estate.

Thus, the nineteenth century was marked by the first winds of reform of marriage that sought to loosen sexual norms concerning women. Legislation opened the doors to very slow changes in child marriage and enabled the prevention of sati. However, while the Hindu Widows Remarriage Act had limited impact, there are indications that restrictions against widow remarriage spread to the lower castes in their pursuit of social mobility in the twentieth century. Besides, while the notion of sridham, legally battered in the nineteenth century has disappeared altogether, dowry has developed deep social roots.


HIRSCHFELD, MAGNUS (1868–1935). Born in Kolberg (Pomerania), Germany, Magnus Hirschfeld became one of the most prominent sexologists of the nineteenth and early twentieth centuries. Hirschfeld was instrumental in the propagation of the theory of the so-called "third sex" (das dritte Geschlecht), an intermediate stage of gender and sexuality between homosexuals and heterosexuals. Building on the work of Karl Heinrich Ulrichs (1825–1895), who is credited by some with the creation of the word "homosexual," Hirschfeld spent most of his life advocating for the rights of homosexual men and women, specifically, and for sexual reform, in general. He went on to found the Wissenschaftliches Komitee (Scientific-Humanitarian Committee) and the Institut für Sexualwissenschaft (Institute for Sexual Science) in Berlin.

Hirschfeld grew up in a well-known Jewish family. His father, Dr. Hermann Hirschfeld, was a physician and philanthropist who was revered by his community. The elder Hirschfeld's social conscience and medical approach influenced the younger Hirschfeld's own later work in science, and Hirschfeld held his father and his father's work in high regard (Wolff 1986, 25). The course of study, which led him to a medical degree in 1892, was not Hirschfeld's only academic experience. Before studying medicine, Hirschfeld had begun a course of study in philology and literature in Breslau, though he eventually became more committed to the idea of working in the same field as his father. Nonetheless, Hirschfeld's interest in language and writing stayed with him throughout the rest of his life (Wolff, 26, 28).

In 1896, Hirschfeld wrote an article (under a pseudonym, Theodor Ramien) that would signal a new focus in his life. Published by Max Sehr in Leipzig, Sappho und Socrates. Wie erklärt sich die Liebe der Männer und Frauen zu Personen des eigenen Geschlechts ("Sappho and Socrates, How Does One Explain the Love of Men and Women for People of Their Own Sex"), was Hirschfeld's first attempt at arguing that same-sex sexuality should be viewed as natural and certainly not prohibited by law. In this article, Hirschfeld began his lifelong work for public acceptance of homosexuals and "sexual variants."

Hirschfeld's theories of sexuality built on the work of psychiatrist and sex researcher, Richard von Krafft-Ebing (1840–1902), and Karl Ulrichs. Like Krafft-Ebing, Hirschfeld believed firmly that homosexuality and transvestism (a term and category that Hirschfeld is credited with creating) were not diseases, but rather sexual variants. Though he did not, at least at first, proclaim the equality of sexual variants with...
normative heterosexuality, Hirschfeld did view these variants as a kind of congenital defect that in no way affected the potential and capabilities of a person (Wolf, 36, 37).

Proceeding the work of American sex researcher Alfred Kinsey (1894–1956) and Kinsey's scale of human sexuality, Hirschfeld created his own scale of "quantity of desire" that had ten degrees of intensity, marking homosexuality, bisexuality, and heterosexuality as weak, moderate, or strong, according to where an individual's desire fell on his scale (Wolf, 34, 35).

On May 15, 1897, Hirschfeld, along with Max Spohr (who had published Hirschfeld's "Sappho and Socrates" article) and Edward Oberg, a German railway official, founded the Scientific-Humanitarian Committee. Soon joined by other men, this organization's primary concern was the abolishment of the German law that prohibited (male) same-sex eroticism, Paragraph 175. The Committee's first action was the January 1896 petition in the German Reichstag (Parliament) to do away with this law. Though this first attempt failed, petitions were introduced later with many more signatures, including those of such famous writers and intellectuals as Gerhard Hauptmann (1862–1946), Heinrich Zille (1858–1929), Heinrich Mann (1871–1950), Thomas Mann (1875–1955; later withdrawn), Frank Wedekind (1864–1918), and Rainer Maria Rilke (1875–1926).

In his fight against Paragraph 175, Hirschfeld made use of the publicity surrounding the suicides of many high-ranking officers, civil servants, and other prominent members of German society. At the turn of the twentieth century, Germany itself in a climate of extreme homosexual suspicion; rumour circulated about the Kaiser, members of the Kaiser's social circle, and many members of the nobility. Hirschfeld often referred to this climate of blackmail and denunciation in his own struggles against discriminatory laws, claiming that prohibitions like Paragraph 175 cultivated such an environment (Wolf, 61).

In 1919, Hirschfeld created the Institute for Sexual Science in Berlin. The institute combined various branches of science in the pursuit of research on and about sex, sexuality, and sexual behaviors. Not only did the institute serve as a headquarters for academic inquiry, but it also offered testing for venereal disease, marriage and career counseling, family planning services, and library services. Hirschfeld's Institute eventually became the first announced target of the Nazis' destruction of "object-able" books in May of 1933 (Steakley, 1975, 103). The institute's library was burned and a bust of Hirschfeld was also thrown onto the fire, an incident that Hirschfeld himself witnessed in newseams while on a lecture trip to Paris. Hirschfeld remained in exile in Paris and attempted to re-establish a sexual science institute there until his death in 1935.

During his lifetime, Hirschfeld contributed actively to the medical and scientific discourse on sexuality. He was an editor of and contributor to the Jahrbiicher für sexuelle Verkehrsteufener (Yearbooks for Sexual Intermediates, 1899-1923), in whose first issue Hirschfeld stated his hope that Paragraph 175 would no: survive into the twentieth century. Starting in 1908, Hirschfeld edited Die Zeitschrift für Sexualwissenschaft (The Journal for Sexual Science). Hirschfeld's many other works include "Was soll das Volk vom dritten Geschlecht wissen?" ("What Should the People Know about the Third Sex?"; 1901), Berliner Münner Geschlechte (Berlin's Third Sex, 1904), Die Homosexualität des Mannes und der Weibes (Homosexuality of Men and Women, 1914), and Geschlechtsunde (Sexology, 5 vols., 1928-1930). The work of Hirschfeld and the Institute of Sexual Science was most recently depicted in Rosa von Praunheim's 1999 film, Der Einstein des Sex (The Einstein of Sex).