

RESEARCH INSIGHT

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Child marriage law, gender norms and marriage customs in Bangladesh

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Introduction

In developing countries, one in three women marry before the age of 18. This phenomenon – ‘child marriage’ – has adverse consequences on multiple dimensions for the women who experience it as well as their families, including worse health and educational outcomes.

While most countries have a legal minimum age of marriage set at 18 years, implementation of the formal law is typically lax in poor countries due to the absence of strong formal institutions for enforcing the law. Instead, marriage age is

dictated by social pressures stemming from patriarchal norms. However, recent theoretical and empirical work has suggested that formal laws and informal customs may influence one another.

This EDI Research Insight provides a summary of our initial findings from an EDI case study in Bangladesh, which was designed to test the hypothesis that formal laws can influence informal social norms and practices related to child marriage. To do this, we expose randomly chosen individuals to a subset of information about a new child marriage law in Bangladesh communicated via a short video. We find that exposure to information about certain elements of the new law changes individuals’ attitudes and behaviour in certain ways, but does not influence their perceptions about prevailing attitudes in their community.

These findings shed light on the potential – as well as the limits – of policies that attempt to shift social norms by changing the formal law in a setting with weak formal institutions.

About the research

Our research took place recently after Bangladesh amended its laws regarding child marriage for the first time in nearly 90 years. The new law, called the 2017 Child Marriage Restraint Act (CMRA), includes two key changes. First, the punishment has been made much more severe: 2 years’ imprisonment or a fine of 100,000 taka (USD 1,250) or both for any adult who marries an under-aged person. Previously, the punishment was relatively minor: imprisonment for up to one month or a fine of 1000 taka (USD 12.50). On the other hand, an “exception clause” has been introduced that would enable parents or guardians to marry

¹ This EDI Research Insight is based on the EDI Case Study “Child Marriage Law, Gender Norms and Marriage Customs” (<https://edi.opml.co.uk/research/child-marriage-law-gender-norms-marriage-customs-bangladesh/>)

off boys and girls before they reach the legal minimum age if a court rules that this is “in the best interest of the child”.

The likely effect of the new law is uncertain given the ambiguous nature of the law as well as the fact that Bangladesh – like most developing countries – is characterised by weak law enforcement capacity. Nevertheless, recent theoretical and empirical work on the topic has hypothesized that the formal law may be able to influence social attitudes and behaviour – even when the law is not enforced. We have identified four different mechanisms through which the formal law may affect social attitudes and behaviour:

1. The law may have an “expressive effect”, by “sending a message about society’s values”. This may affect individuals’ stated values if people wish to avoid holding opinions that diverge from the views of the society.
2. Alternatively, it may be the case that individuals rely on the law to coordinate their behaviour, but do not take it as a signal of actual beliefs. In other words, the law may serve as a “focal point” by coordinating behaviour even if it does not affect individual attitudes.
3. Changes in the law (and, in particular, the extent to which the law conforms to prevailing social norms or not) may induce or dissuade people from supporting “whistle-blowing” activities against individuals who violate the law, by affecting the costs and benefits of doing so.
4. The law may impact the views expressed by – and rulings given by – customary authorities who are motivated by strategic concerns. In turn, the views of these customary authorities may shape the views of the wider society.

The purpose of our current study is to test whether a change in formal law regarding child marriage can affect social attitudes relating to the practice in a setting with weak law enforcement. In particular, we hope to shed light on which of the above mechanisms – if any – are at work.

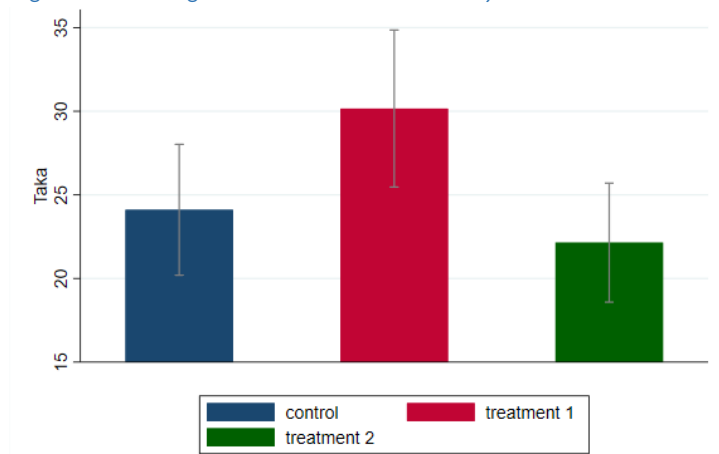
Key findings

Our study included participants who were randomly selected from a nationally representative survey of women in Bangladesh conducted in 2014, immediately before the start of public debates that led to the new child marriage law. The outcomes we study include self-reported own attitudes regarding child marriage, perceptions of attitudes and current marriage practices prevalent within the community, and willingness to make a real financial contribution to an NGO which combats child marriage.

In our surveys, we used two treatment arms to exploit the fact that the new CMRA law contains separate progressive and regressive elements that can, potentially, have different effects on social attitudes and practices regarding child marriage. In particular, Treatment 1 (T1) informs participants only about the increase in fines and prison terms associated with violating the CMRA, while Treatment 2 (T2) includes this information as well as information about the new special exception clause. A control group is shown information pertaining to the old CMRA, with its attendant lower fines and prison terms.

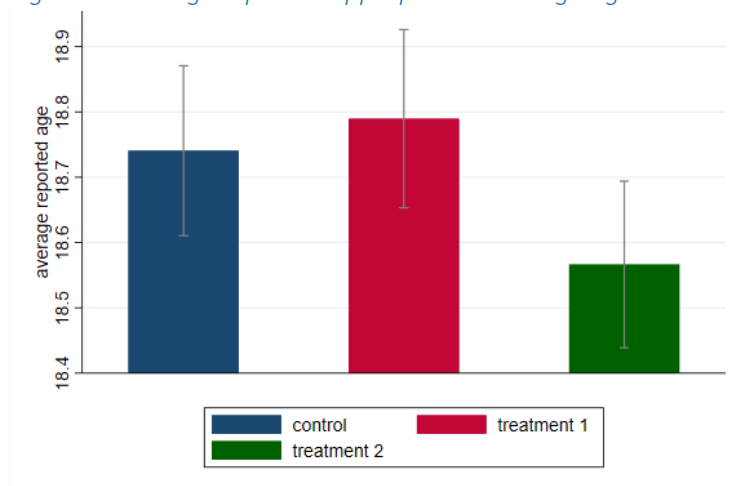
Our preliminary findings are illustrated in Figures 1-3 below.

Figure 1: Average contribution amount by treatment status



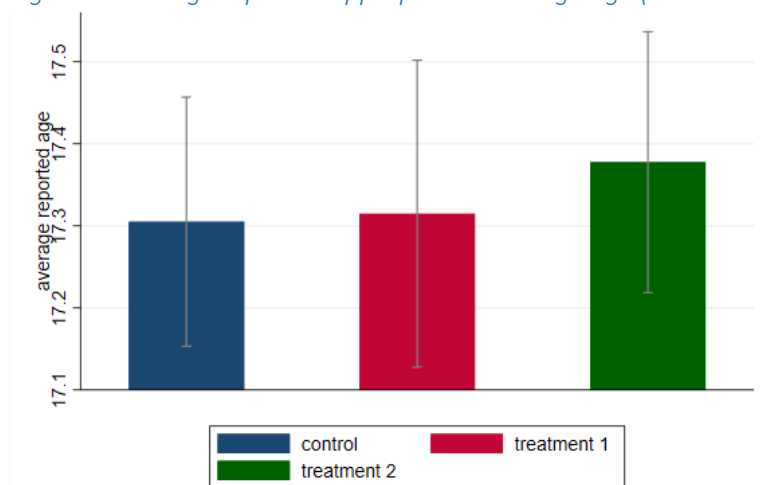
Note: this graph displays the financial contribution that survey respondents were willing to donate to an NGO which combats Child Marriage, averaged by treatment status. The grey error bars represent 95% confidence intervals.

Figure 2: Average reported appropriate marriage age



Note: this graph displays survey respondents' self-reported opinions regarding "the appropriate age of marriage for a girl", averaged by treatment status. The grey error bars represent 95% confidence intervals.

Figure 3: Average reported appropriate marriage age (community)



Note: this graph displays survey respondents' opinions regarding what "most people in their village" feel is "the appropriate age of marriage for a girl", averaged by treatment status. The grey error bars represent 95% confidence intervals.

We find that Treatment 1 – informing participants about the increase in penalties associated with violating the minimum marriage age – leads to an increase in average contributions to an NGO which combats child marriage. This effect on contributions disappears in Treatment 2 – i.e. when participants are informed both about the harsher penalties and the special clause that permits child marriage with court approval.

We find no evidence that Treatment 1 changes own (self-reported) attitudes towards child marriage. However, when the respondents are additionally informed about the special exemption clause, the appropriate age of marriage for women that they report is lower by 0.23 years on average, and they are less likely to state that a bride and groom should have a say in their choice of marriage partner.

Our findings suggest that neither treatment has an effect on respondents' perceptions of attitudes prevalent within their own community. We also find no effect on attitudes elicited through participants' responses to vignettes on child marriage cases.

Policy implications

There are several policy implications that stem from these results. First, we provide evidence that changes in the formal law can affect social attitudes and behaviours – even when enforcement of the law is unreliable. In particular, our findings provide supportive evidence for the concerns expressed by child rights activists that the special exemption clause would make underage marriage more socially acceptable. Moreover, the negative impact of the exemption clause seems to have been strong enough to overwhelm the otherwise positive effects of the increase in penalties on individuals' behaviour and attitudes.

More generally, our findings indicate that, even in a setting with weak law enforcement, where traditional norms shape people's life choices, changes in the law can affect their attitudes and behaviour. They highlight the importance of clear communication to the general population about the meaning and intent of the law, so that these are not misconstrued with unintended consequences on social attitudes and behaviour.

The study also provides some insights on the potential mechanisms through which the law can change social attitudes and behaviour in a setting with weak law enforcement. The fact that participants informed about the progressive elements of the new law were, on average, willing to contribute more to a charity that combats child marriage indicates that “whistle-blowing” has, potentially, an important role in mediating the impact of the law on social behaviour. The evidence is harder to reconcile with the idea that the law has an “expressive effect”, which requires individuals to infer a change in societal values from a change in the law. In fact, we find no evidence that information about the new law affected respondents' beliefs about attitudes within their communities regarding child marriage.

We are presently collecting data on marriages contracted within the participant households since the information intervention, which we hope will shed further light on the potential mechanisms through which the change in the law may affect marriage practices.

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