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Child marriage as a choice: rethinking agency in international human rights

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Citation

Horii, H. (2020, March 18). *Child marriage as a choice: rethinking agency in international human rights*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/87059>

Version: Publisher's Version

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Issue Date: 2020-03-18

In the recent international campaigns against child marriage, there is a puzzle of agency: while international human rights institutions celebrate when girls exercise their agency not to marry, they do not recognize their agency to marry. 'Child marriage', defined as "any formal marriage or informal union where one or both of the parties are under 18 years of age", is considered always forced, assuming that children are not capable of consenting to marriages. In order to re-examine, reflect, and discuss this approach to agency, this book offers empirical evidence of child marriage, based on findings from the author's fieldwork in Indonesia.

Why children marry and how this practice both informs, and is treated within, multiple competing normative frameworks in place? This book starts from analysing child marriage discourse at the international level, moves to discuss the political contestation over child marriage at the national level (Indonesia), and then investigates child marriage as a social practice on the Indonesian island of Bali.

This book is a socio-legal study of international human rights, which contributes to the scholarly field of human rights and children's rights by using ideas from the other disciplines in social science.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Effective Protection of Fundamental Rights in a pluralist world'.

Child Marriage as a Choice

*Rethinking agency in international
human rights*

H. HORII