

## Forced Marriages: Just who is conspiring against whom?

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I've been asked to talk about Forced Marriages. It is a subject which makes a good headline. If you really want to catch the attention of an audience, there are few better ways of doing so than banging on about the self-evidently wicked conspirators who force young women into unwanted marriages against their will. Such villains fall into just the same bracket as people smugglers. The motives of persons of this ilk are by definition un-modern, traditionalistic, authoritarian, exploitative, and patriarchal – indeed the inverse of everything civilisation stands for. Hence everyone with progressive or even merely liberal sentiments can be expected to jump on the bandwagon to assist the exploited victims of these uncivilised practices from such a dreadful fate.

### **A vehicle for immigration control?**

But it is also worth remembering that forced marriage in this sense is much more than just a headline writer's dream. It is also a valuable weapon in the hands of those who favour the strict control of immigration from 'less civilised' parts of the world, especially now that marriage and family reunion has now become one of the few remaining levels whereby potential migrants from the developing world – other than those qualified as doctors and software engineers – can legitimately join those of their relatives who established themselves in Euro-America before the gates of immigration control came clanging down

Family reunion is a terrible problem, you know, because we went and signed the European Convention on Human Rights, which means that we have a law which provides a guaranteed right to family life. And now all sorts of immigrants want to use that guarantee to undermine immigration control.

Of course we had one go at stopping up that loop-hole – the notorious virginity tests', and then the 'primary purpose' rule. But unfortunately those have now been swept away as unviable largely because of the human rights lobby. So that's where forced marriage – and marriage with cousins, for that matter – comes in so handy. The Danes have taken the lead on that one.

### **Human rights?**

With popular – and indeed feminist – backing, they've just introduced new legislation which ups the age at which those who marry cousins overseas can bring their spouses back with them to Denmark to twenty-five – which is regarded as suitably off-putting given that the preferred age of marriage of the targets of the legislation, Danes of Pakistani descent, is in their late teens. Better still, it is easy to argue that the new rules actually enhance Human Rights, in this case womens' right to choose. Hence the Danes argue – as does our own Home Office, albeit as yet in a rather more cautious voice – that raising the age limit in an as it provides vulnerable young women with "extra time to mature and to resist family pressure to marry". And whiles sceptical critics might well point out that the effect of those rules will be to significantly inflow of migrants, it is easy enough to stop their gobs: just accuse them of being closet supporters of patriarchy.

The games that can be played around human rights are legion. Take, for example, HMG's Government's interpretation of Article 8. It accepts, as a matter of course, that everyone does indeed have a right to enjoy family life – but not necessarily in a country of one's own choosing. Moreover that one also has a further backstop. ECHR also allows signatories to weigh those rights against other public policy concerns. So if any Tribunal might feel bound to rule that someone should be allowed to enjoy their family rights in the UK – because, for example all their kinsfolk without exception with are resident overseas – HMG is still allowed to weigh those rights against the need to maintain the orderly process of immigration control which our democratic society has ordained. So which way does the balance fall? Why democracy wins every time, of course!

But let's get back to Forced Marriage, which is turning into big business in terms of social policy. Social Workers and Policemen up and down the country are now being trained in how to recognise forced marriages, and what to do about them. Local authorities are required to develop explicit policies to combat them. And both the Home Office and Foreign Office now support specialist 'forced marriage' units, who are currently consulting as to whether forced marriage should be made a criminal offence, and whether we, like most of the other European nation should follow the Danish initiative in changing the immigration rules in order to halt these criminal conspiracies to undermine the immigration rules.

### **My own perspective**

But how far is all this irony and scepticism justified? Isn't it over-egging the pudding? I should emphasise that I do not raise these issues lightly, and that they are in no sense the product of claiming the moral high ground by means of a lengthy period of navel gazing whilst comfortably ensconced in an ivory tower. In recent years I have become ever more heavily involved in preparing expert reports for lawyers, for use in all manner of proceedings – in the criminal, civil, family and immigration courts – in which people of South Asian descent have found themselves caught up. I'm most usually called in to help make sense of unfamiliar cultural issues, and having prepared well over 300 such reports, it is quite clear that a very high proportion focus in one way or another on issues of family and marriage – and very often on domestic contexts. In doing so I've seen the lot – up to and including a significant number of cases of murder.

As a result of my experience it is quite clear that whilst South Asian families can be hugely supportive when they go well; but when things go badly the consequences for their weakest members – who are usually, but not always, women – can be quite disastrous. Hence all those murder cases.

### **But is there anything special about all this?**

One thing that my work in this field has convinced me is that when it comes to domestic violence, there is nothing new under the sun. Cases in which South Asians have been found guilty of serious offences, and in which issues of 'forced marriage', 'honour killing', 'spirit possession' and 'exorcism' (none of which are offences in their own right) made an appearance in the proceedings, headlines in the national – and indeed the international – press are virtually guaranteed. But just what is going on here? Closer inspection soon reveals that

the underlying offences are from unprecedented or unusual. If there is one thing which I have learned as an expert witness it is that there is nothing new under the sun.

Domestic violence of all sorts, whether it be adultery, rape, incest, the abuse of children, of the disabled or the elder, and last but not least murder, appears to be a pretty much universal phenomenon: I know of no society in which abuse of this kind never occurs. But even if the exercise of violence against our own kind appears to be a part of the human condition, because humans everywhere create and operate within the context of a cultural tradition of one kind or another, it also follows that all these events – without exception – take place in a specific cultural context, which, of necessity, conditions what the way in which the event pans out. It consequently follows that if we are to fully appreciate exactly what went on in any given incident of domestic violence, we also need to take cognisance of the context – and most particularly *the cultural context* within which it occurred.

So all these forms of domestic violence do indeed occur in Punjabi families, where amongst other things they are frequently precipitated (and/or exacerbated) by badly arranged marriages, together with the impact of the conflicted relationships within the extended family which led to the badly arranged marriage taking place in the first place.

Marriages can be badly arranged for all sorts of reasons, including

- Parents being so committed to pursuing their own agenda that they wholly overlook the interests and concerns of their children whose personal futures they are determining
- One parent winning out in the choice of *rista* (relationship) for an offspring, leading the loser (especially if it is the mother-in-law) to do her best to collapse the relationship at the earliest opportunity, in the hope that her own preferred *rista* can be implemented next time round
- The exigencies of immigration control, such that a spouse from South Asia may well have to wait a year or more before joining their newly-wed partner in the UK – by when unleashed hormones may well have led to them directing their amorous attentions elsewhere.
- Or simply because the partners proved to be like chalk and cheese, and the relationship between them never gelled.

But is there anything very odd about all this? Whilst the context may be unfamiliar, it isn't only in South Asia that couples who were passionately involved with one another fell equally passionately out of love. Nor are mother-in-law problems in any way a uniquely South Asian (or Jewish) problem, although in my experience they tend to loom particularly large in both contexts. When it comes to marriage, there is nothing much new under the sun.

Against that background, is it the case that Forced Marriages (whatever we might mean by that) tend to be associated with particularly acute problems of domestic violence? Before we can answer that one, and even more pressing problem needs to be addressed? Just what characterises a forced marriage, and how can we differentiate between a forced marriage and one which has merely been arranged?

### **When is a marriage 'forced'?**

The Home defines a forced marriage as one in which:

*'one or both parties are coerced into a marriage against their will and under duress'*, and also goes on to comment that *'duress includes either physical and/or emotional pressure ...*

*forced marriage is an abuse of human rights and cannot be justified on any religious or cultural basis. It is very different from arranged marriage, where both parties give their full and free consent to the marriage*. It also notes that the Government takes forced marriage very seriously, on the grounds that *'it is a form of domestic violence and an abuse of the human rights. Victims can suffer many forms of physical and emotional damage including being held unlawfully captive, assaulted and repeatedly raped'*.

Viewed from this perspective, forced marriages appear to be associated with a whole catalogue of evils, which serves to differentiate them from normal wholesome marriages, which almost everyone agrees are a necessary foundation of a stable and equitable social order. But even though the Home Office goes out of its way to distinguish forced marriages from arranged marriages, in which it is suggested that *"both parties give their full and free consent to the marriage"*, which puts the latter firmly in the wholesome category, just how far does this distinction actually hold up? To get to the bottom of that one, we need to look very carefully at the criteria which are implicitly being deployed to distinguish wholesome for unwholesome marriages.

Turning once again to the Home Office documents, we find that they build their arguments around Human Rights, noting that the European Convention on Human Rights lays down that *"Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right."* The argument is taken further in the Convention to End all Discrimination against women, which insists that *"State parties shall ensure on a basis of equality of men and women... the same right to choose a spouse and to enter into marriage only with their full and free consent."*

But although the rights enshrined in the normative definitions are clearly of first-class importance, one of the most striking features about them – at least from a South Asian conceptual and moral perspective – is what they leave out.

As ever these 'Universal' (or are they Euro-American?) conventions are hot and strong on individual rights. But by that very token they also downplay the possible significance of mutual obligations that go beyond the intrinsically transient ties between individuals to which the marriages so defined give rise – given that these self-same conventions also guarantee a right to bring such a marriage to an end as and when one partner chooses to do so. From that perspective the issues which these normative definitions of marriage routinely overlook include:

- Any mention of the family, and above all the (hopefully stable) networks of rights and obligations vis-à-vis other members of the group gives rise
- Any mention rights and responsibilities vis-à-vis the offspring of the union
- Any notion of responsibilities towards the parents of the spouses, that they, too, might be part of the family, and hence give rise to responsibilities which are just as onerous as those towards one's offspring.

➤ Why, though, are normative definitions of marriage invariably silent on such matters? The answer, in my view, is plain to see. Because the social order is *individualistically* conceived – as has been the Euro-American norm ever since the Enlightenment – limitations on personal freedom are invariably viewed as a potential source of oppression. So it is that in such an individualistically conceived world the libertarian discourse of rights invariably views the prospect that those self-same individual right holders might have *necessary* obligations to others with great scepticism, *even when those others are one's children, one's parents, or other close kinsfolk*.

### **Alternative conceptual starting points**

From a South Asian perspective this whole discourse manifests itself as profoundly ethnocentric. In sharp contrast to contemporary Euro-American assumptions, South Asian moral and conceptual premises routinely assume that the social order is holistically rather than individualistic constructed. Hence persons are regarded as gaining their social being not so much from their own uniquely constituted personal qualities on the basis of which they negotiate with others like themselves to create a social order, but rather from their participation of a network of reciprocities, such that their personhood being arises from their fulfilment of their rights and obligations within that network, rather than from their individual qualities *per se*. From this perspective social beings are the very antithesis of free agents in the Enlightenment sense: hence South Asians view Euro-American moral premises as entirely selfish. By just the same token, from a Euro-American perspective, the oriental assumption that personhood arises from the fulfilment of necessary obligations appears equally bizarre – so much so that it is routinely assumed that all this talk of necessary obligations is no more than a smokescreen for various forms of oppressive authoritarianism, from patriarchy onwards.

### **The ideological foundations of South Asian concepts of family and marriage**

The structural organisation of South Asian families serves to highlight these very issues. In sharp contrast to contemporary Euro-American assumptions, South Asian traditions envisage families as being permanent trans-generational corporations, membership of which is primarily grounded in relationships of descent rather than marriage, and in which members are routinely expected to prioritise their obligations to the group over the pursuit of their own narrow self-interests.

Hence whilst those operating in the Euro-American tradition ‘start a family’ *de novo* when they marry, marriage has very different consequences in South Asian consequences. The very word for marriage – *rista* – is itself very revealing, since starting a conjugal relationship is not its core meaning. Rather the concept of *rista* signals the existence of a *relationship*, usually although not necessarily between kinsfolk, which binds them together in a more or less permanent way on the basis of a binding network of mutual obligations vis-à-vis one another. Hence whilst the conjugal relationship between a married couple is indeed an excellent example of just such a *rista*, each of those partners are also bound up in a further series of similarly structured relationships with all the other members of the extended family of which they are a part, and their own conjugal *rista* in any event came into being in the context of another much wider *rista* – that between two families which the marriage brought together, such that the marriage itself resulted in the transfer of a bride from membership of her own natal extended family to that of her in-laws.

Given all this it should be easy to see why South Asian marriages are always conceived of as a family affair, and in which it consequently makes obvious sense for marriages to be arranged by the commanders of family operations – most usually the two spouses’ parents – and for those arrangements to be made with familial priorities very in mind, since it goes with saying that family members – and most especially junior family members – should be prepared to sacrifice their own short-term interests for the greater good of the group as a whole, on the further understanding that there will be long-term pay-backs for so doing. Likewise it also follows that a bride effectively ‘marries’ the whole family which she joins, rather than just her husband. Networks of necessary obligation out-trump personal freedom all the way along the line.

## Love marriages and Forced marriages

From this *desi* perspective we can also begin to understand what South Asians mean when they talk of ‘love marriages’ – a category of marriage which has in fact *always* been a part of the South Asian scene. From such a *desi* – as opposed to an Anglo-American – perspective, all marriages fall into two broad categories. Those which have been properly constituted, in which case all the propositions in the last few paragraphs hold good, and those in which all those propositions have very largely been transgressed. This latter class of marriages are commonly described – no less in Britain than in South Asia itself – as ‘love marriages’. It should be emphasised, however, that such a marriage may no means necessarily leads to the couple’s exclusion from the network of reciprocities with which a normatively contracted marriage is associated, but rather their incorporation into them is not guaranteed. Many of those who contract love marriages manage to renegotiate all those reciprocities back into place, with the result that the eventual outcome is frequently little different from that which would have been generated by a marriage which was more normatively constituted in the first place.

But if we accept this *desi* distinction between the normative expectation of marriage (which is by definition implemented by parental consent), as opposed to the ideologically aberrant option of love marriage, what happens to the notion of forced marriage? In strict Euro-American terms, all *desi* marriages other than love marriages are by definition forced marriages. The reason for this is quite straightforward. No matter which particular combination of *masale* may have gone into the *handi*, the elders invariably have the whip hand when it comes to choice, and they also invariably play a significant role in stirring the *handi*, albeit with wildly varying degrees of vigour. Hence even if the spouses have in fact chosen each other, the fact they have done so will usually be hidden, so preserving the appearance of the elders’ normative role in doing the choosing.

But although no marriage may go ahead without parent’s explicit consent – whereupon it promptly becomes a love marriage, the notion that the spouses themselves (and most especially the bride) should also give her explicit consent is deeply embedded in Punjabi culture, as is the recognition that her lack of consent may well be illegitimately over-ridden.

### ***Ishk ka sabak: lessons from Hir and Ranjha***

Indeed this is a core theme of the inspirational *Qissa* (exemplary story) of the lovers Hir and Ranjha. When Hir’s parents discover that their daughter has fallen in love with Ranjha, a mere cow-herder, they promptly arrange a much more suitable marriage for her. But when the officiating Maulvi comes to establish that she consents to the union, Hir refuses to utter a word. However the Maulvi chooses to interpret this as consent, so the *nikah* goes ahead. But although now ‘married’, Hir continues to pine for her beloved, and hence refuses to have sexual intercourse with her husband. This sets up the scenario for the remainder of the *Qissa*, during which the two lovers go through all sorts of trials and tribulations as they seek reunion with one another. Moreover we also learn that their efforts are far from illegitimate. Their mutual *ishk* is directly legitimated by a *panchayat* of *Pirs* (Saints), who confirm they were created to be lovers by Allah Mian Himself: a love marriage made in heaven, no less. The final denouement comes when the lovers are hauled before the Raja by their respective families, who accuse the pair of committing adultery. The Raja deposes his Qazi to decide whether this is true, and the Qazi makes his decision on legalistic grounds: a *nikah* was performed and consequently must stand. Their relationship is adulterous, and the lovers must be parted. But at this point the entire city catches fire, and the fire only goes out when the

Raja quashes his Qazi's ruling. The moral of the story? Love conquers all, even though its full-hearted expression comprehensively undermines the entire social order.<sup>1</sup>

As Dumont rightly insists, the idea of individual freedom and all that that entails is far from unknown in South Asia. However whilst post-enlightenment Euro-America is deeply hostile to both hierarchy and holism, and has consequently sought seeks to construct the social order on the foundations of an ideology of radical individualism (or which the discourse of Human Rights is of course an intrinsic component), South Asia – like most other non-European societies – has preferred to build its vision of the social order on very different ideological foundations. In the context of more holistic world views, it goes without saying that the individual is encompassed by the group, with the result – just as we have seen in the case of family life – that there is a powerful ideological expectation that personal interests will always be out-trumped by obligations to the group. And if personal freedom is therefore *necessarily* limited by the demands of the social order of which one is a part (a proposition which is just as true of European as of non-European societies, no matter how vigorously it is denied), then it also follows that the condition of radical individualism which both Hir and Ranjha exemplify can only be achieved by stepping right outside the established social order. Hence the pursuit of untrammelled personal freedom has very substantial personal costs – even if the object of one's *ishk* is reunion with Allah Mian himself.

### **The downside of freedom**

However the costs imposed on those who step out of the bounds of the kinship network in a British context – most usually because they feel the contradictions in the demands placed upon them have become intolerable, and no further negotiation seems possible – are of quite a different order from those in Punjab. Whilst the surrounding English world may indeed appear to offer instant access to liberty and freedom, it soon turns out to be a poisoned chalice. In the first place those who do so still find themselves facing racial and ethnic exclusionism, no matter how great an effort they may make to 'fit in'. Worse still, those who do so also find they have stepped outside the shelter of their ethnic network, and that whilst liberation from the contradictions which membership had begun to impose upon them is an immense relieve, exclusion from its benefits – particularly of mutual support – leave them dreadfully exposed in a hostile world.

It follows that once we begin to explore the experiential dynamics of South Asian marriages in their own terms, rather than seeking to make sense of them through the distorting lenses of prior Euro-American making assumptions, it soon becomes obvious that we have moved into an entirely different conceptual universe. From a world in which marriage is not just a matter of personal choice, but also entirely optional (given that many Euro-American couples do not bother to contract a marriage at all) we move into a world where marriage is integral to the structure of the corporate family, where personal choice is constrained as a matter of principle, and the apparently straightforward distinction between 'arranged' and 'forced' marriages soon becomes extremely blurred, whilst 'love marriages' carry with them the prospect that all the mutualities around which extended families are constructed may fall into abeyance unless careful steps are taken to renegotiate their restoration.

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<sup>1</sup> The *Qissa* is also a Sufi tale, and has many levels of meaning, for the love in question is *ishk*. This is also the spiritual passion which enables mystically minded devotees to gain – at the end of a long series of struggles – a realisation of, and ultimately a marriage ('*urs*') with Allah Mian himself, but only in death. For a detailed discussion of the significance of all this, see Ballard, Roger (2006) "Popular Islam in Northern Pakistan and its Reconstruction in Urban Britain" in Malik, J and Hinnells, J (eds) *Sufism in the West* London: Routledge

Where, though, does this leave us? I hope I have said enough to establish that the conceptual assumptions which underpin South Asian understandings of marital relationships and how they should be contracted differs sharply from those deployed amongst contemporary Euro-Americans, this is in no way to suggest that the underlying issue with which we are concerned here – serious domestic violence – has been swept away with a magic wand. On the contrary marriage is at least as much a locus of domestic violence in South Asian contexts as it is in any others; moreover precisely because South Asian communities remain dramatically more family-oriented than do their Euro-American counterparts, both the intensity and the consequences of domestic violence tends to be particularly severe in their case.

The problems, in other words, are real enough. They can no longer be gainsaid. Against that background all the caveats expressed so far directed at one crucial point. If we are to make serious progress towards identifying the nature of the problem, its source, its dynamics, and above just how those problems might be resolved, we need to be sure to deploy an appropriately ordered conceptual framework in the course of so doing. To put it bluntly, if one doesn't understand the context within which a problem has arisen, it is all too easy to get the wrong end of the stick.

### **Ethnosensitivity and cultural competence**

This is a particularly salient danger in human affairs, most especially when we move across cultural boundaries. Just as it is quite impossible to make sense of conversation in a foreign language with which one is not familiar, so it is equally difficult to accurately assess the meaning and significance of any given item of behaviour – and most especially to decide whether it is wholly normal or wildly aberrant – unless one is familiar with the relevant cultural code. Cultural competence is like linguistic competence: unless one has acquired the relevant skills, it is extremely hard – if not impossible – to make accurate sense of what is going on. There is, however, one way out, even if it is only available to those who are as insensitive as they are powerful. Then everything becomes much more straightforward.

If one takes the view that there is only one reasonable language and that all others are a load of blather, it follows that if one shouts loudly enough one can probably get one's own way. And if those at whom one is shouting fail to behave as expected, one can always put that down to stupidity, deviance, ignorance and cunning, and take the obvious next step: hit them hard to teach them a lesson, in the hope that they'll stop behaving so stupidly and irrationally next time round.

Of course the use of force to get one's own way lies at the extreme end of the scale – but it is a strategy which all hegemonies eventually rely on, be they authoritarian patriarchs, husbands determined to assert their own authority come what may, Secretaries of State forcibly removing asylum failed seekers, or indeed angry Professors who banish from their classrooms any student who has the temerity to challenge them in ways with which the Professor cannot cope. Moreover taking the argument to the extreme immediately reveals a vital point: seeking to resolve problems simply by imposing one's own agenda on others is no way to generate viable and equitable solutions to social problems.

It follows that however we might choose to label the many forms of domestic violence which occur in South Asian families – just as they do in all other kinds of families – all those who have responsibility to intervene in on a professional basis on such contexts (whether as



government ministers, immigration officers, police officers, or social workers) would do well to take careful cognisance of all these issues before wading in. If those who do so have grasped the wrong end of the stick, their efforts to help those whom they perceive to be victims, and to punish those whom they perceive to be persecutors can all too easily prove to be wholly counter-productive, not just in terms of accurately identifying the perpetrators, but also in terms of supporting, rather than yet further harming, the interests of the perceived victims. It follows that in circumstances such as this the potential impact of the relevant cultural context should *always* be considered if accurate diagnoses of the underlying problems are to be arrived at, and even more so if solutions which are as viable as they are equitable are ever to be arrived at.

### **Culture and tradition: a smokescreen behind which legitimate patriarchal authority?**

Yet just how should that cultural context be conceptualised? And what is ‘culture’ anyway? Those who make reference to ‘our culture’ to justify their behaviour often appeal to ‘our traditions’; but if ‘culture’ and ‘tradition’ are regarded as coterminous – as is frequently the case – critics of such arguments are surely right in arguing that the acceptance of such a position gives free rein to the most obscurantist forms of conservatism, and hence denies all legitimacy to on-going change.

But is this how the concept of culture is best understood? Perhaps the most important point to make is that whatever popular understandings may assume, such a vision is in now way congruent with current anthropological understandings of the matter. Bearing that in mind, it is worth introducing some crucial caveats about the way in which the concept of culture – and indeed the linked term tradition – is best understood. If we define culture as the code, or perhaps better still the conceptual grammar, which a body of people in any given context use to order their interactions with one another, it is quite clear that all such codes undergo a steady process of change, evolution and development as their users respond to constantly changing circumstances. Of course all such codes have a history, and hence can usefully be described as a tradition: however traditions in this sense are in no way governed by their roots, even though they are at any given point in time an outcome of them.

Moreover a further crucial point about the resultant processes of evolution is that their ultimate destination cannot be predicted, and hence the prospect of the whole of humanity sharing a single set of cultural practices at some time in the future appears to be quite as unrealistic as the proposition that we once shared a single cultural past. For cultures with thousands of years of history behind them, westernisation is by no means an inevitable destination. Moreover no known cultural tradition has ever been perfect – or is ever likely to be so. All begin with differing conceptual premises – some of which have been discussed above – whose visions of how ‘the good society’ should be constructed are often profoundly discrepant; no known society fails to institutionalise inequalities on one grounds or another – whether on the basis of age, gender, wealth, skills, race, ethnicity and religion, let alone the most novel (and powerful) vector of all – nationality. To be sure hunters and gatherers appear to have constructed the most egalitarian of social orders, but even they institutionalise inequality along the vectors of age and gender. Meanwhile the more complex societies which have by now virtually swamped the last of the hunters and gatherers, and indeed incorporated them as the bottom-most layer in their own social orders, have gone on to construct all manner of additional vectors of inequality. And whilst those vectors undoubtedly intersect – after all we all live in the same world – none can be reduced to any of the others.

### **Personal problems and domestic distress**

Moreover whichever part of this humanly-constructed jungle of social and cultural orders we may inhabit, the vectors of inequality are a source of constant inter-personal contention which – when matters get out of hand – can cause all manner of personal problems. However the problems are best regarded not so much as ‘faults in the system’, but as an intrinsic component of our humanity – and most particularly of our capacity to socialise with one another. Hence acute personal problems erupt everywhere, and in all kinds of social order: as I suggested earlier, anthropological experience tells us that there is nothing new under the sun.

But if acute personal problems are consequently a universal facet of human experience, it also follows that all such problems necessarily erupt in a specific social and cultural context. If such problems are to be equitably resolved they not only need to be addressed contextually, but in their own right. Hence, for example changing immigration rules – which are designed to sustain yet another vector of inequality, that between poverty and wealth on a global scale – can in no way be regarded as an inappropriate instrument through which to address the problems of failed marriages within the corporate context of South Asian extended families. Hence rather than trying to use one of the bluntest instruments in the book in an effort to hit an inadequately specified target, it makes much better sense to look within South Asian families in an effort to understand how these problems arise in the first place.

### **The internal dynamics of South Asian extended families**

Despite their corporate and cooperative ideological foundations, it would be quite wrong to conclude that South Asian extended families are arenas within which all inter-personal relationships are comprehensively harmonious. On the contrary, my experience suggests that the centripetal forces of mutual cooperation most usually only just outweigh the centrifugal forces of mutual competition and rivalry which constantly threaten to split them asunder. All relationships within such families, and most especially those structured by inequalities of gender and age, are marked by constant processes contention, which are driven by conflicts of interest no less than of personality. Moreover anyone who is unable to keep their end up in those battles will promptly find themselves walked over. This is no place to describe the dynamics of the resultant power-plays in any detail, although for those unfamiliar with such processes, to points are worth sounding loud and clear.

Firstly South Asian women – and most especially the most ‘uneducated’ – normally display a high level of expertise in deploying what James Scott has described as ‘the weapons of the weak’. In their case that weapon is the tongue: the Punjabi language has rich resources of scabrous invective which Punjabi women routinely deploy spectacularly to puncture the self-satisfaction of all two faced-males busy try to claim the moral high ground for themselves.

Secondly, and equally importantly, patriarchy is by no means the only vector of oppression and exploitation within South Asian families can take place. Indeed to the extent that the women of the household inhabit a separate universe from the menfolk, mothers-in-law frequently turn out to have had a far more disastrous impact on naïve and poorly armed young brides than their husbands, most particularly when those husbands turn out to melt like butter in their mother’s hands. In the face of a really tight alliance between her husband and her mother-in-law, a bride’s prospects of survival as a daughter-in-law soon becomes extremely slim: indeed it is just this scenario – which can arise from all manner of differing

starting points – which is one of the most significant loci for the eruption of severe domestic violence.

### **The downside of imperfectly arranged *riste***

There are a several other sources of acute conflict which are characteristically associated with transnational marriage. One is where the British-based spouse already has a boy- or girlfriend, of whose existence their parents may well be fully aware. If, however, they disapprove of the relationship, they may well seek to undermine it by promptly arranging a marriage back home, which their son or daughter will find it difficult to resist, given that outright opposition to go through with it would comprehensively contradict their filial obligations. Parents' motives in so doing are quite clear. By presenting their errant offspring with an instant opportunity for legitimate sexual activity in a thoroughly supportive environment, there is a strong opportunity that their heads will be turned, and that their previously errant offspring will fall in love all over again with their new partner. Moreover if pregnancy should swiftly result, even more moral commitment can be applied towards maintaining their commitment to their new partner and the *rista* within which it is set.

However the strategy does not always work: once the newly married spouse joins his or her spouse in Britain, it may well become apparent that there are three people in the marriage, just as Princess Diana discovered with Charles. In those circumstances keeping the marriage afloat can be extremely tricky. Moreover the task is yet further exacerbated when – as routinely the case – the exigencies of immigration control mean that a year or more may pass before the South Asia-based spouse gains permission to join her partner in Britain. For those in their late teens and early twenties, twelve months is an age – and offers plenty of time to resume a relationship with an old flame, and or to discover an entirely new one. In these circumstances relationships which might well have thrived but for the huge interlude precipitated by immigration control can all too easily collapse, leaving the incoming spouse in severe difficulties. But it is a kind of difficulty for which the Home Office has a ready remedy: unless the British based spouse cooperates by indicating to the authorities that the marriage is in place, his partner can expect to receive a call from the Immigration and Nationality Department, bringing news of the issue of a Deportation Order.

But whatever the precise source of the interpersonal difficulties which lead to the collapse of a *rista* may be (and there are many) how are the resulting problems best remedied? Stepping out into personal freedom – the solution which many Euro-American commentators instantly recommend – is by no means necessarily the best way out when viewed from a *desi* perspective. It is easy to see why. Just as couples go for a 'love marriage' are in danger of loosing out on all the relationships of mutuality within which a *rista* is embedded, with the result, for example that they can castigate both their parents and the *bachaula* for making such a lousy choice, those who step out of a *rista* without the support of their parents likewise lose out on the prospect of being able to cash in on their right to support from their kinsfolk. To those brought up within the comfort and support of an extended family which gives them rights as a result of their fulfilled obligations, Western-style personal freedom can prove to be an extremely windy experience.

Moreover such steppers-out into personal freedom immediately encounter yet another negative experience: 'becoming English' in this way by no means guarantees immediate acceptance. Quite the contrary. Quite apart from the minefields of deportation, stepping out on one's own very frequently entails being re-housed on a council estate where the neighbours see no reason whatsoever why 'Pakis' should receive any favours from the

council at what they perceive to be their expense, so if the new arrival is not greeted with bricks through her windows, she may well get dog-shit through her letter-box instead. No wonder they frequently give up the tenancy and return to the community from when they came.

### **Panchayats and their potentialities**

Nevertheless this is not necessarily such a negative outcome as concerned outsiders frequently imagine. Given the holistic ideological commitments of members of each local South Asian community, the normal response of its members in the face of the breakdown of inter-personal relationships is to attempt to facilitate their renegotiation, in search of a less anti-social outcome. Indeed precisely because this is so most of those who find themselves in severe difficulty routinely make efforts to foster such a process of renegotiation, and may well all use stepping out entirely outside the arena – thereby pouring shame on all the remainder – as a means, amongst other things, of increasing their bargaining power vis-à-vis those who have hitherto failed to take their concerns more seriously.

As we have already seen, local South Asian communities – as well as the multitude of *biraderis* and corporate extended families of which they are composed are active political arenas are active political communities, whose instinctive response to internal troubles is to seek to negotiate their resolution. Not only do such breakdowns threaten the patterns of reciprocity in which the underlying networks are grounded, but is taken for granted that washing one's dirty washing in public is necessarily counter-productive. Hence in all the cases of breakdowns in inter-personal of relationships of which I have become aware – up to and including those which ultimately culminated in homicide – ultimate breakdown was invariably preceded by a series of family meetings and *panchayats*, in which the elders from both sides and neither did their best to facilitate the renegotiation of the broken-down relationships which were the cause of the problems in the first place. Of course they did not always succeed: and it was very often precisely because their efforts to broker a compromise failed that all hell broke loose, leading to proceedings in the English courts.

### **Conclusion**

So where have we got to? What is quite clear is that despite their members' ideological and normative commitment to cooperation and mutual support, inter-personal relationships within South Asian families can and do break down; moreover when this does indeed occur, the consequences can be quite disastrous. However the causes of these breakdowns are many. Badly-arranged marriages may indeed be a frequent precipitant of distress, but they are by no means the only source of difficulties, which frequently have multiple causes.

Furthermore such families have their own internal structures of inter-personal bargaining and dispute resolution, up to and including the family meeting. Moreover if internal processes of renegotiation fail, other *ristedar* may well be called in to assist, and if that fails an appeal may be made to a *panchayat* of elders, who invariably have no hesitation about stepping in to do their best. Of course these internal processes of dispute-resolution do not always achieve their objective. In the first place they have taken some time to reconstitute themselves in Britain – although they have been doing so apace in recent years. In the second such *shari'ah* courts, *panchayats*, family meetings and so forth receive no recognition from the English authorities: indeed they are all too frequently seen as part of the problem, rather than part of the solution. Thirdly it would be idle to suggest that these internal dispute resolution mechanisms are necessarily models of perfection: the further up the scale from family

meetings to *shari'ah* courts one moves, the less female voices are in a position to contribute to the deliberations, and the more age tends to hold sway over youth.

That said, it is clearly unrealistic to expect that internal processes of renegotiation and dispute resolution will always do the trick. Nevertheless it is equally clear that they already manage to contain many such disputes, and as women and members of the younger generation begin to gain ever louder and more confident voices, so their capacity for more equitable dispute resolution, as well as their capacity to persuade parents contemplating marriages for children to adopt more realistic criteria will steadily increase.

If public policy makers are really committed to lowering the incidence of severe personal distress within British South Asian families, rather than simply to assuage the demands of the immigration control lobby, they would do well to seek to reinforce and build upon the internal strengths resources of South Asian communities, rather than trying to build an ethnocentric blunderbuss with which to take out 'forced marriages' by force.

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nb The next draft will have a full bibliography