

FORCED MARRIAGE

Abdullahi An-Na'im, Charles Howard Candler Professor of International Law at Emory University, USA, was commissioned by the project to prepare this paper. This work was conducted in 2000 and consequently is not completely up to date. Any suggestions on the article should be directed to cimel@soas.ac.uk indicating "An- Na'im" in the subject box.

***Abstract:** This paper explores ways of addressing concerns about forced marriage among women who originate from the Indian subcontinent, but are currently living in the UK. As first- and second-generation immigrants, these women face the challenge of negotiating tradition, culture, and honor with increased independence, often due to increased educational achievements and economic opportunities.*

Although the more dramatic cases of forced marriage involve abduction and physical violence, other cases may be subtler. For the purpose of this paper, forced marriage is defined as a union between two individuals, of whom at least one has not provided consent. Such a union lies on a continuum of arranged marriages, defined by degrees of coercion and consent. It may therefore be useful to this practice in the larger context of violence against women in Islamic societies, especially as it relates to crimes of honor.

There is need for a variety of mechanisms for ensuring the welfare and dignity of these women and their communities. The specific purpose of this paper is to facilitate internal cultural transformation in order to diminish coercion and enhance freedom of choice in marriage, while appreciating the concerns of the family and community. The key to cultural transformation, it is suggested here, is to work within the communities, by engaging opinion leaders, women's groups and other actors, both in the UK and the sending country, in order to contextualize the issue and encourage culturally sensitive responses.

Introduction

Forced marriage, and honor crimes in general, have become a media magnet in the United Kingdom (UK). Sensational reports of abductions and brutal killings of Hindu, Muslim, and Sikh women by family members has alarmed and outraged the greater British citizenry and threatens to create a backlash against minority communities in their midst. This paper attempts to reach beyond the hype and alarm to understand the cultural context of forced marriage, and to identify resources for constructing viable and sustainable responses that protect the human dignity and well-being of individual women, as well as the integrity and honor of their families and communities. It is also hoped that a focus on this particular issue will shed light on appropriate responses to other forms of and violence against women.

The controversial and hidden nature of forced marriage makes statistics of incidence difficult to compile. Conservative estimates suggest that 1,000 women in the UK are annually subjected to forced marriage,¹ either within the UK or during a visit to India, Bangladesh, or Pakistan under the guise of a vacation or visiting a sick relative. Until recently, British officials have been reluctant to interfere in what was viewed as “family” or “cultural” matters. In August 1999 public outrage at cases of forced marriage prompted the creation of the Home Office Independent Working Party on forced marriage in Britain. Although the strategy of the Working Party is still in formation, its intention is to identify preventative measures in liaison with government departments and the wider Asian community.

There is a risk that the same outrage that established this body has created a venomous, moralistic fervor that the communities must be corrected or punished for their harmful practices. This type of reaction, by the dominant British culture in this instance, is most often counterproductive, as a community already fearing for its cultural survival tends to turn inward and reinforce the very practices that those on the outside are seeking to change.

Since forced marriage occurs in other diaspora communities as well as in the sending communities themselves,² the issue should not be framed as one particular to the British context or the diaspora experience in general. However, the U.K. was selected as the focus of this study because of the concentration of Muslim, Hindu, and Sikh communities in the country, and because both government and NGO activity is underway on the issue. These initiatives have opened doors to the community, including the affected women, to document and understand the nature and scope of the phenomenon.

It is likely that both the demographic profile of the diaspora community and immigration law in the U.K. provide incentives for forced marriage. Marriage to persons in the sending country is a mechanism by which additional members of an extended family may enter the UK. Thus the union functions not only as a way to keep the two individuals “within the fold” of the community, but it also boosts the demography of the community within the receiving country. At the same time, the dual nationality (British as well that of the sending country, like India and Pakistan) of the women exposes them to claims of jurisdiction by the sending country, without the corresponding protection of being British nationals. Authorities in Pakistan do not recognize the dual citizenship of women who are subjected to forced marriage. In contrast, while India does recognize their dual citizenship, British officials have been reluctant to interfere. Thus British immigration laws appear to provide incentives for forced marriage, while failing to provide the requisite protection for young dual-citizen British women at home and abroad that would prevent the abuse of such laws.

In an effort to protect the cultural tradition of arranged marriage, researchers often make a clear distinction between arranged and forced unions, characterizing the former as legitimate and the latter as objectionable. Yet a closer examination of individual cases indicates that a sharp dichotomy between arranged and forced marriage can be

¹ Estimate provided by Reunite, a child abduction charity. Southall Black Sisters, a black and Asian women’s support group, believes this to be an underestimate.

² For other diaspora studies see Ralson (1997) on Canada, New Zealand, and Australia, and Martin (1992) on the United States. For home community studies see Chowdhry (1998) on India.

misleading. While the more dramatic cases involve abduction, confinement within the home, and physical violence, other cases are more subtle. The less physical and more psychological forms of pressure tactics include verbal or nonverbal threats of actions to be anticipated if consent is not provided to a union. It may therefore be useful to see both arranged and forced marriages as arranged, but falling on a continuum between consent and coercion. This characterization acknowledges the cultural and contextual nature of consent and considers its difference from coercion as a matter of degree and perception, with persuasion playing a key role in the gray area of the continuum.

The danger in this conceptualization, however, is that it may stigmatize the term “arranged marriage,” and confuse significantly different forms of marriage.³ Arranged marriage plays a critical role in the preservation of culture and tradition. The union symbolizes the coming together of two families, not just two individuals. This communal view of marriage affects the way in which partners are found and consent is defined and given⁴. Critical to the examination of individual cases is determining who is defining the relationship and for what purposes. Does individual preference or choice ever take precedence over the communal good? What is the communal good as far as marriage is concerned? Are there some “legitimate” concerns of family and community that might “justify” some form or degree of “guidance” by the family? Where does “persuasion” end and “coercion” begin? When would it be appropriate for those outside the family, and community, to “intervene,” for what purposes or reasons, and how could such intervention be least offensive or most effective in achieving its purported ends?

To address these and related questions, I will first present the theoretical framework of the cultural analysis I am proposing, and elaborate it in relation to the immediate and broader context of Muslim communities in the UK. In the last part of the paper I will present some reflections on interviews and discussions I had with various “representatives” of public opinion and policy among the South Asian communities of the UK. In conclusion, I will make some recommendations on how the proposed cultural analysis might be utilized to diminish the incidence of forced marriage and violence against women in general.

Theoretical Framework

While developing culturally and contextually relevant approaches to understanding and addressing the phenomenon of forced marriage, it is important to see the practice as part of the dynamic process of cultural transformation and adaptation in a new or changing environment. In other words, forced marriage should be understood and addressed in the wider context of the UK (or other country), rather than as a matter that is exclusively internal to the community in question. Since forced marriage is largely a response to

³ The danger of definitional confusion and insensitivity is illustrated by Human Rights Watch mixing of forced prostitution and involuntary marriage into a common statement in their advocacy (see Human Rights Watch . In this situation involuntary / forced marriage refers to the fraudulent luring of young women out of the Indian subcontinent under the guise of marriage and riches, just to become bonded servants and prostitutes. It could be damaging to mix these issues with the question of forced marriage that is arranged between families.

⁴ See Mullick and Baker (1998) for a discussion of the meaning of marriage for women within a cultural value of interdependence versus those within a culture value of individualism, emphasizing the limitations of a eurocentric perspective.

threats to the community's sense of self-identity and life-style from the social or cultural influence of the wider society, those concerns must be addressed if the practice is to be diminished in a sustainable manner. Against the background of these external factors, one must consider the wide range of opinions within the community – both perspectives of conservative forces, as well as those calling for more rapid change or integration into the wider society. Since the issues are also of legitimate concern for the wider society within which the community exists, such collective deliberation should eventually include such “external” perspectives without undermining the integrity of the process for the affected community.

The underlying tension of forced marriage, as well as the wider issues of violence against women, relates to the role of gender power relations in the context of the family and the wider ethnic community. Deeply rooted within the family structure is responsibility for the regulation of sexual behavior in general and control of female sexuality in particular. As a family's honor is tightly interwoven with the marriage and sexual behavior of its daughters, forced marriage appears to be triggered by a woman exercising her own right to choose a spouse, or objecting to one chosen by her family. Although both women and men can be the victims of forced marriage, the honor of a family is tied primarily to the status of the woman, leaving her much more vulnerable to the persuasion and coercion into a union to which she objects. Given this perceived connection, the basic choice facing opponents of forced marriage is either to challenge the centrality of honor within the community, or find ways of disentangling honor from the control of women's sexuality. A more positive view of the latter option is to transform communal understandings of honor to include the personal autonomy of women and their economic and social contributions to the life of the community.

In my view, the option of challenging the concept of honor is objectionable as a matter of principle as well as from a pragmatic point of view. In principle, to challenge the centrality of honor in the community's sense of self-identity will undermine the foundations of its sense of human dignity, and may result in profound social disorganization and collapse. As the community is already strained by the conditions of life as an alien minority in diaspora, its ability to define and maintain its own sense of human dignity and identity is vital to its very survival as a social institution. The pragmatic problem with challenging the concept of honor is that such a stance will dramatically raise the stakes for the community and enable the supporters of forced marriage to discredit its opponents as agents of an alien culture determined to repudiate the existence of the community itself. Faced with the prospect of renouncing its sense of honor or belief that the regulation of sexual behavior of its members is necessary for its social cohesion and stability, the community will likely assume a more defensive, even militant, posture in support of forced marriage.

In contrast, a strategy that emphasizes freedom of choice in marriage as enhancing, rather than diminishing, the community's honor and social stability, is both more desirable as a matter of principle, and more likely to succeed in practice. The key questions raised by this approach include who defines the honor of the family, or how and when it is violated? Given the subjective nature of notions of honor and dignity, whose point of view should be taken into account, and to what extent, in relation to other perspectives within the community? If the family decides, who decides for the family in practice? Why should a woman be forced to live with a man against her wishes in order

to satisfy the view of other, usually elder male, members of the family? When taking the wider context into account, is it possible for the wider society, whose cultural intrusion is perceived to be undermining the community's self-identify and life-style, to participate in making such determinations? Since such questions can best be discussed in relation to a specific cultural context, I will attempt to do in the next section for the Muslim communities of the UK.

Another aspect of the theoretical framework is to understand the process by which such questions can be approached and how the ensuing dialogue might influence the attitudes and behavior of the community. For one thing, since the issues are important to different segments of the community in question, the challenge is to create and maintain the necessary "space" for all relevant voices to be heard in collective deliberation. This requires an appreciation of issues of representation and authority within the community, as well as respect for priorities set by different segments of the community. Relevant questions include who is entitled to speak, and on behalf of whom? What weight should be given to the views of different voices? For example, conservative leaders who tend to support or defend forced marriage may enjoy more access to the community, and their views may be more respected, because of their control of mosques and other institutions, and the language and symbolism they invoke in their discourse. In contrast, opponents of the practice may be excluded from authoritative discourse within the community because of negative perceptions of their views and life-style as already "selling out" to the dominant wider culture. Simply stated, parents and opinion leaders are more likely to listen to traditional figures who speak to them after the prayer in the mosque, quoting the Qur'an and Sunna of the Prophet, than to young "westernized" intellectuals who are not part of that setting and discourse.

Cultural and Contextual Analysis

We need to begin this section with a brief description of the culture/cultures of South Asian Muslim communities in the UK...how they are both similar and different culturally... whether they share the same views about honor, marriage, and sexuality. Historical context of marriage, purpose of arranged marriage

Issues of choice and consent that define a location on the continuum need to be understood within a cultural context that deems decisions about marriage and related matters as belonging to the family, rather than the individual. It is therefore important to examine the historical context of marriage as the central institution of family and communal life, including the purpose of arranged marriage and to determine whether forced marriage evolved as a way to enforce and secure an arranged marriage.

On the Indian sub-continent, the tradition of arranged marriage is central to the social systems of the community, and in particular to the system of honor. Marriages negotiated by community elders view the union as bringing together two families, rather than two individuals. Conformity to the union brings honor to both families. Migrants to Britain maintain their links to the sub-continent and cultural traditions through marriages. The desire to maintain this tie and the honor that accompanies it has resulted in less integration of Asian communities into the wider British culture than has been true for other migrant communities.

Recent studies among young migrant women (Anwar 1998; Bano 1999; Basit 1996; Bhopal 1999; Bradby 1999; and Ralson 1997) suggest that while most women are eager to maintain the strong cultural heritage of their community, many are creating strategies by which increased individual freedom is enjoyed at the same time. Studies such as the one conducted by Hannah Bradby in Glasgow, have identified a number of factors which have contributed to a gradual transformation of marriage patterns among migrant children (Bradby 1999). First, the honor community, taken out of an intimate rural setting, is not able to operate in the same vigilant fashion. Less is gained from maintaining honor and reputation when one resides in an urban setting such as Glasgow, argues Bradby. The urban British life also provides opportunities to women beyond the role of wife and mother. Bradby's interviews with young women demonstrated that they understood the "costs of non-conformity to the family contracted marriage system, both to their families and to themselves." The women weighed the advantages and were able to devise strategies that allowed them to postpone marriage in a way that "the sanctions of the honor community were avoided or attenuated." Research by Helen Ralson reveals the same challenge confronting young Muslim women in Canada, Australia, and New Zealand. These women found a way to create what Ralson refers to as "a third space" of empowered self-identification, a new, positive, dynamic South Asian-Canadian, Australian, or New Zealand cultural identity in the respective settlement country (Ralson 1998).

Forced marriage appears to emerge where young women are not successful in carving out such a compromise, and they refuse to adhere to an arranged marriage by their parents. More than just a feud between parents and a child, a parent may see the young woman's action as a crime against the family's honor. *The interviews will address what parents feel is being violated, or taken away from them. What are they trying to retrieve through forced marriage?* How do laws of family izzat (honor) and sharam (shame) influence or motivate the forced marriage? How are izzat and haram viewed across generations? How can the concept of honor be transformed?

Violence and consent

In this cultural context, how do choice and consent relate to the issue of violence and self-determination? Do levels of violence parallel the same continuum between consensual arranged marriage to forced, involuntary marriage? Does increased lack of consent correspond to an escalation of violence? Is coercion and subtle emotional pressure ever a type of violence or does violence have to involve physical endangerment? Does a violation of one's right to self-determination constitute violence? How is a personal right to self-determination defined in the first place? What are the social and psychological "costs" of one definition, as compared to those of another definition?

From a human rights perspective, these issues should be decided by the same women who have to "live with" the costs and benefits of associations between violence and family honor, etc. But is it realistic to expect this in situations where both women and men have been socialized to play certain roles in family and communal life? Can one "adjust" gender power relations in these terms, without "transforming" other aspects of family and community relations? If not, how can one expect family and community to accept being excluded from these decisions? On the other hand, if family and community

can and should contribute to making these decisions, where to draw the line? Wherever the line is drawn, how to maintain that in practice?

Questions to address in interviews:

I. Young women's attitudes and beliefs

How is the tradition of arranged marriage viewed? Are those who are victims of forced marriage simply postponing an arranged marriage or avoiding it all together? What are the women's concerns? What loyalties is she balancing?

II. Family concerns

What are the fears of the parents / relatives? What is the objective of the practice of forced marriage? Cultural preservation? Security in their old age? Bringing relatives to Europe? Has forced marriage grown out of a resistance to arranged marriage? Has forced marriage been successful in achieving their aims?

Strategies of Response

Long term strategies

- Call for a thoughtful examination of the tradition, motivations, and fears from all sides. Emphasize importance of an internal dialogue within the communities concerned (Islamic, Hindu, Sikh).
- Strengthen the position of imams within the community, perhaps through registration of mosques as places where both civil and nikah ceremonies could be conducted. The Imam would then have responsibility to ensure that both parties were consenting to marriage.
- Encourage internal dialogue on Shari'a and its imperatives. Reimagining issues of honor . .
- Encourage Muslim womens meetings where the relationship between traditional married women's obligations and the allocation of hour may be re-worked. (Bradby)
- Open up additional avenues for paid occupations for women that are not connected with the extended family. This employment may be viewed as an alternative source of prestige. (Bradby)
- Support the creative agency of women to create new spaces for themselves and their communities, defining themselves as distinguished from both the sending community and the home . . . (Ralson)

Short term emergency measures

- Support community support groups such as the Muslim Women's Helpline

Overall, when identifying strategies, it is important to consider the harm that can be done by exposing the phenomenon and shaming the community. A community under seize and ridicule will only tighten its grasp on its traditions and turn inwards. This feeds into the need for protecting one's cultures and closing it off to others.

Levels of influence, authority, and change

Family

Religious community in sending country

Religious community in UK

School

Women's / advocacy groups in sending country

Women's / advocacy groups in UK

Sending governments

UK government

“Home Office Working Group on Forced Marriage”

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CONTACTS

UK

Hannana Saddiqui, joint co-ordinator and case worker
Southall Black Sisters
52 Norwood Road
Southall, Middlesex UB24DW

Sharnis Dirit, development director
London Black Women's Health Action Project

Yasmin Alibhai-Brown, journalist and researcher
connect.brown@virgin.net

- organized conference on forced marriage with the Institute of Public Policy Research (IPPR) – referred by Leena Chauhan, IPPR

Philip Balmforth, former policeman in Bradford

- runs a help bureau for women and established a welfare scheme to give girls protection

Ann Cryer, MP for Keighley

- appealed for Asian Muslim parents to put daughters' happiness, welfare, and human rights first

Leila Ahmed, author of Women and Gender in Islam (Harvard Divinity School)

Shamshad Hussain, Keighley Women's Domestic Violence Forum

- Encourages Asian women's centers to receive training on how to help women and elders in the community take a stand against forced marriages.

Ghyayasuddin Siddiqui, leader of the Muslim parliament

- Says the parliament has launched its own campaign to stop forced marriages, making it clear that they were not valid under Islamic law.
- Stresses the need to work with the Asian community, where the real solution to the problem lay.
- "So far the community has been brushing the problem under the carpet. Now there's a real feeling that we need to solve it and see that these practices disappear."

Home office independent working party. Established by Mike O'Brien, Home Office Minister
Baroness Uddin, co-chair
Lord Ahmed, co-chair
Lord Dholakia, chair of the National Association for the Care and Resettlement of Offenders and member of the Race Relations Forum
Surinder Singh Attariwala, co-ordinator of south Asian languages and education, Haringay
Thomas Chan, vice chair, the Chinese in Britain Forum and member of the Race Relations Forum
Humera Khan, An-nisa Society
Rita Patel, 1990 trust
Yasmin Alibhai-Brown, researcher and member of the Race Relations Forum
Hanana Siddiqui, SBS,
Officials from the home office, department of health, education and employment, foreign office and the women's unit

Reunite. <http://www.reunite.co.uk/index.htm>

- A child abduction charity based in the UK Helps reunite family members.
- Estimates that forced marriages in Britain are running at around 1,000 per year. This figure is believed to be greatly underestimated, according to Southall Black Sister.

The Graveney Madrassah, South West London

- Held a model program for students and families on forced marriage. Approximately 60+ girls and mothers attended. Unfortunately, few fathers were in attendance.
- Identified two organizations addressing the issue from within the community:
 - The Muslim Women's Helpline
 - Mushkil Aasan

The Muslim Women's Helpline, www.amrnet.demon.co.uk/related/mwh/

- Sarah Sheriff, Chair
- Najma Ebrahim, Coordinator
- Riffat Yusuf, Editor of newsletter, "A Small Kindness (ASK)."

Mushkil Aasan, community organization addressing forced marriage

Saleha Islam, social worker and member of a Muslim Women's Institute project looking at forced marriage.

Ruqaiyyah Waris Maqsood, teacher and writer on family matters and convert to Islam

- Critical of the artificial segregation of the sexes, pointing out that if practicing Muslim boys and girls could not meet in safe environments like homes and mosques, where could they meet?

- Also lobbied for strengthening the position of imams, by registering mosques as places where civil and nikah ceremonies could be conducted. Imams could then be required by law to ensure that both parties were consenting to the marriage.

International Centre for the Legal Protection of Human Rights (INTERIGHTS)

- International human rights law center based in London, established 1982

Delhi

Madhu Kishwar, editor of Manushi (women's rights journal in Delhi)

- “most expatriate Indian women undergo more subtle forms of pressure than imprisonment to agree to an arranged marriage.”

Bangladesh

Ain O Salish Kendra (Law and Mediation Centre), a legal aid and human rights advocacy and education center based in Khaka, Bangladesh

Pakistan

Shirkat Gah, a women's resource center established in 1976 in Lahore, Pakistan

- Asia region co-ordination office of the international network of information, solidarity and support, Women Living Under Muslim Laws.

PUBLICIZED CASES

- Rukhsana Naz, 19-year-old murdered because she refused to marry designated man.
- Denmark. Removal of 17 year old from family by Danish authorities. The following persons concurred with the action:
 - Ahmed Iftakhar, UngSan helpline (second generation helpline)
 - Jan Hjarno, Center for Migration and Ethnic Studies at U of Southern Jutland
- Student saved from forced marriage (Harding article)
- Jack and Zena Briggs, on the run from Zena's Bradford parents (see Watt article)
- Anita, a 17-year-old Sikh from London, was taken to an Indian village to be married but was returned to Britain in May after a high court judge intervened and made her a ward of court.