

MARITAL BREAKDOWN AMONG BRITISH ASIANS

CONJUGALITY,
LEGAL PLURALISM
AND NEW KINSHIP

KAVERI
QURESHI

PALGRAVE MACMILLAN STUDIES
IN FAMILY AND INTIMATE LIFE



Palgrave Macmillan Studies in Family and
Intimate Life

Series Editors

Graham Allan
Keele University, UK

Lynn Jamieson
University of Edinburgh, UK

David H. J. Morgan
University of Manchester, UK

‘The Palgrave Macmillan Studies in Family and Intimate Life series is impressive and contemporary in its themes and approaches’ - Professor Deborah Chambers, Newcastle University, UK, and author of *New Social Ties*.

The remit of the Palgrave Macmillan Studies in Family and Intimate Life series is to publish major texts, monographs and edited collections focusing broadly on the sociological exploration of intimate relationships and family organization. The series covers a wide range of topics such as partnership, marriage, parenting, domestic arrangements, kinship, demographic change, intergenerational ties, life course transitions, step-families, gay and lesbian relationships, lone-parent households, and also non-familial intimate relationships such as friendships and includes works by leading figures in the field, in the UK and internationally, and aims to contribute to continue publishing influential and prize-winning research.

More information about this series at
<http://www.springer.com/series/14676>

Kaveri Qureshi

Marital Breakdown among British Asians

Conjugality, Legal Pluralism and New Kinship

palgrave
macmillan

Kaveri Qureshi
Institute of Social and Cultural Anthropology
University of Oxford
Oxford, UK

Palgrave Macmillan Studies in Family and Intimate Life
ISBN 978-1-137-57046-8 ISBN 978-1-137-57047-5 (eBook)
DOI 10.1057/978-1-137-57047-5

Library of Congress Control Number: 2016946513

© The Editor(s) (if applicable) and The Author(s) 2016

The author(s) has/have asserted their right(s) to be identified as the author(s) of this work in accordance with the Copyright, Designs and Patents Act 1988.

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

This Palgrave Macmillan imprint is published by Springer Nature
The registered company is Macmillan Publishers Ltd. London

For Shareen Akhtar, with love and gratitude

Preface

In the summer of 2005, I went to the house of Hajji Bashir, a veteran local politician, for an interview about the history of Pakistani migration and settlement in East London. He was late for the interview, so his wife invited me in and offered me a cup of tea and some snacks while I waited. A three-year-old boy was playing with toy cars in the back room, whom she introduced as a grandson who was living with her. We got to chatting. An hour into the conversation, as she opened up, she explained regretfully that her former daughter-in-law had run off with another man and left this child with her, as the paternal grandmother, to look after. After a while, Hajji Bashir returned home and sent his wife off to make more tea. Scratching his grey beard, he apologized that he'd been busy trying to reconcile an estranged couple and had lost track of the time. He was frequently called to do this kind of work in the community, he said; it was an obligation incumbent on him as a Muslim to try and prevent a marriage from breaking down. He began his interview about the history of the community on this same theme. 'Our community don't go in for divorce and drinking and dancing', he declared. 'We are a family-minded people.' I found the discrepancy between the wife's admission of marital breakdowns among their own children and Hajji Bashir's denial of divorce quite striking.

My doctoral research, carried out between 2005 and 2007, was intended to be a study of chronic illness among British Pakistanis. In the end, however, informant after informant ended up telling me that

their ill health was really about disturbed marital relations. More than a third of the 51 life history interviewees gave accounts of debilitating marital conflict and were separated from their spouse or legally divorced. More still described distress at the divorce of a parent, child or sibling. As people told me, divorce was *ghar ghar ki kahani* these days, a story affecting every house on the street. But it was also a story that was difficult to voice publicly. Whilst some of the informants talked very openly about their marital breakdown, sometimes almost obsessively, others broached this aspect of their life history with me only in private or only once the tape recorder had been safely switched off.

These are aspects and effects of the normative discourses around divorce in British Asian communities. Hajji Bashir's denial of divorce speaks volumes about the centrality of 'strong family values' in the politics of a certain class of (male) community leader. His wife's attribution of blame to her daughter-in-law and slighting of her character illustrates how frequently community identities are pinned on the integrity of the family and on the sexual continence of women. So many of the informants were silent about their marital problems, whilst in their everyday lives, divorce—and the taboo about talking about it—was observably taking an immense toll on their health and wellbeing.

When I began to look for academic literature on divorce among British Asians, I was troubled to learn it seemed to have reproduced or played in to men like Hajji Bashir's assertions about the 'strong family values' of British Asians and the problematic gender politics that these assertions entail. The most recent statistical analysis had been carried out by sociologist Richard Berthoud (2000), who described British Asian families as 'old-fashioned'. The image of British Asians as 'flying the flag for traditional family life'—as Gary Younge (2000) put it in *The Guardian* when Berthoud's study was first released—struck me as questionable, but there was no up-to-date data to assess whether trends had changed. I tried applying for funding for a substantial research project along these lines but was not initially successful, and hence moved on to other work.

In 2011, with co-researcher Ben Rogaly, I carried out a study of migration and mobilities in the provincial city of Peterborough, funded by the Arts and Humanities Research Council. Again, a third of the life histories with the British Asian informants ended up being about mari-

tal breakdown. This study revealed even more troublingly the extent to which people had internalized the dominant normative discourses about divorce. For data archiving purposes, Ben and I went through the transcripts with the informants and invited them to edit them. Uniquely, six of the ten British Asian informants who had talked about marital breakdown withdrew from the study at this stage or cut out vast sections of their transcript for fear of reputational damage. They were literally self-censoring the issue of marital breakdown and re-crafting their life histories to bring them back in line with the normative discourses about stable families and superior family values.

In late 2011, third time lucky, I managed to secure funding from the Economic and Social Research Council for substantive research on marital breakdown. Over 2012–14, either side of a maternity leave, I carried out ethnographic fieldwork in East London and Peterborough. I was again humbled to be taken into people's confidence, to listen to their often traumatic stories of marital conflict and breakdown, follow them in their pursuit of reconciliation or divorce, and witness the family lives they attempted to rebuild afterwards. Given the difficulties so many had in voicing their stories or in having their stories heard, this book aims to honour a commitment to make these stories public. Many of the informants who gave me their time said they did so because they wanted to give solace to unknown others who would go through similar problems, and to stimulate community-level debate and change. I may not have always represented their stories in the way that they imagined, but hope that this book can start to make the difference they wanted to see.

Kaveri Qureshi
Oxford, UK

Berthoud, R. (2000). *Family formation in multi-cultural Britain: Three patterns of diversity*. Colchester: University of Essex: Institute of Social and Economic Research.

Younge, G. (2000, December 18). South Asians fly the flag for traditional family life. *The Guardian*.

Acknowledgements

This book brings together fieldwork funded by the Economic and Social Research Council (ES/J003514/1, PTA-030-2002-01210) and the Arts and Humanities Research Council, as part of the Research Councils' Connected Communities Research Programme, in partnership with the RSA and its Citizen Power Peterborough project (AH/J501669/1). The Institute of Social and Cultural Anthropology and Wolfson College, Oxford, funded the research fellowship during which I wrote up the fieldwork.

For the quantitative data shown in the book, I would like to acknowledge the Office for National Statistics, Social Survey Division, and Northern Ireland Statistics and Research Agency, Central Survey Unit, for the following rounds of the Quarterly Labour Force Survey:

- April–June, 2010 [computer file]. 3rd Edition. Colchester, Essex: UK Data Archive [distributor], November 2014. SN: 6548, <http://dx.doi.org/10.5255/UKDA-SN-6548-2>
- April–June, 2011: Special Licence Access [computer file]. 4th Edition. Colchester, Essex: UK Data Archive [distributor], December 2014. SN: 6904, <http://dx.doi.org/10.5255/UKDA-SN-6904-4>
- April–June, 2012: Special Licence Access [computer file]. 4th Edition. Colchester, Essex: UK Data Archive [distributor], December 2014. SN: 7109, <http://dx.doi.org/10.5255/UKDA-SN-7109-4>

- April–June, 2013 [computer file]. 3rd Edition. Colchester, Essex: UK Data Archive [distributor], November 2014. SN: 7376, <http://dx.doi.org/10.5255/UKDA-SN-7376-3>

I would also like to acknowledge the Office for National Statistics for the 2011 census tables that they have made publicly available via www.nomisweb.co.uk/census/2011/.

The main labour of this book was an ethnographic study of marital breakdown among British Pakistanis. For this I am indebted most of all to Shareen Akhtar, who made me first resolve to work on divorce and then helped me to meet others and understand their situations with her limitless love and good humour. I am also deeply indebted to the other women and men who embraced this project and gave me their time. It is thanks to their generosity and willingness to brace themselves to open up and re-live what was for many among the darkest days of their life, that this research was possible.

On the academic front, I would like to thank Alison Shaw and Katharine Charsley, who helped me to conceive of this study. Alison has been my mentor in the true sense, talking me through the fieldwork as it unfolded and showing nothing but kindness and patience in reading drafts. Filippo and Caroline Osella always gave me something exciting to read or think about. Ben Rogaly joined me in Peterborough for the fieldwork in 2011 and changed how I think about narrative. Punita Chowbey joined me for part of the fieldwork in East London in 2005 and talked through the interviews during unforgettable sessions drinking masala tea! Meanwhile, Elisabeth Hsu and Pnina Werbner gave me timely encouragement about writing. Fauzia Ahmad, Samia Bano, Morgan Clarke, Aisha Gill, Ralph Grillo, Shalini Grover, Atif Imtiaz, Aina Khan, Rabia Malik, Werner Menski, Perveez Mody, Arthi Nanda, Purna Sen, Faiza Shaikh, Kaveri Sharma, Federica Sona, Preet Virdi and Jigna Vyas-Gosal complicated my understandings of marriage and divorce. Thanks too to the Plurilegal and Marriage and migration network e-lists. Thanks to Fernanda Pirie for allowing me to take her legal anthropology course, and to Elo Luik for all the stimulating discussions throughout it. I am grateful too to Lucinda Platt, for the pointers about analysing the Quarterly Labour Force Survey, and to Sunil Kumar, for updating me on STATA.

Thanks to Anne Hickley and Zubaida Metlo for their timely efforts with transcribing interviews, to Naveed ur Rehman and Asifa Parveen for helping to improve my Urdu, to Harriet Barker and Amelia Derkatsch at Palgrave and most importantly to the anonymous reviewers who gave such constructive criticisms on the proposal and manuscript. Last but not least, I want to thank my sister Eli for being the only person I could trust to have the generosity of spirit to read the messy first drafts of these chapters.

On the home front, thanks to the rest of my family: mum, dad, Gundi, Colin, Trisha and, of course, Gordon, who is sadly no longer with us. I am lucky to have been part of the kind of post-divorce family that Judith Stacey (1990) writes about, where people genuinely feel that they have gained new family members whom they love. Thanks too to Zainab Batool, Nadine Beckmann, Alfie Gathorne-Hardy, Iona Gorrington, Sumeet and Priya Jain, Rubina Jasani, Spenta Kakalia, Virinder Kalra, Nida Kirmani, Ali Khan, Philip Kreager, Alena Kulinich, George Kunnath, Giulia Liberatore, Faisal Mahmood, Ammara Maqsood, Sarah Milton, Cecilie Mueenuddin, Ali Nobil, Adom Philogene Heron, Siân Pooley, Kasturi Sen and Zehra Zaidi for giving me encouragement and good advice or for passing on interesting things to read. Extra special thanks to Shafaq at Rainbow playhome, Elaine at Wolfson nursery and Azmat and Rukhsana at LUMS for looking after Ruhi and Leila so that I could get on with work.

Thanks for your advice about how to build those stories-in-the-making from fieldwork into the book, and for your patience with me working evenings, weekends and maternity leaves.

Lastly, Ruhi and Leila, it may be many years before you are able to read these sentences, but thanks for your patience too, and for the delight and laughter you brought us. May you always be happy.

Stacey, J. (1990). *Brave new families: Stories of domestic upheaval in late-twentieth-century America*. Berkeley: University of California Press.

Contents

1	Introduction	1
<hr/>		
Part I	Grounds for Conflict	41
<hr/>		
2	Storying Marital Conflict	43
<hr/>		
3	Explanations for Divorce	69
<hr/>		
Part II	Staying Together	99
<hr/>		
4	Family Mediation	101
<hr/>		
5	Estrangements, Separations and Yoyo Marriages	127
<hr/>		
Part III	Splitting Up	153
<hr/>		
6	Sharia	155

7 English Law	185
Part IV Rebuilding Families	213
8 Staying Single	215
9 Remarriage	243
10 Children and Stepfamilies	271
11 Conclusion	299
Glossary	313
Index	315

List of Figures

Fig. 1.1	Marital status by ethnic group, ever-married adults aged 16–59	4
Fig. 1.2	Households comprising families with dependent children by ethnic group and family type	5
Photo 1.1	East Ham High Street	20
Photo 1.2	Gladstone Road	21
Fig. 5.1	Separated or divorced by ethnic group, ever-married adults aged 16–59	128
Fig. 8.1	Marital status by ethnic group, ever-married men and women aged 16–59	217

1

Introduction

My family are liberal, we're relatively educated, we all scraped through our A-levels and got a degree...but to be honest, my family were only just there with it [her divorce]. Whereas the families I deal with on my caseload...phewsh! The typical immigrant working-class families—and I'm not saying that in a judgemental way, just to, you know, describe the demographic I work with; they've taken to divorce like a duck to water. And that's without any kind of community discussion or debate about what's going on. And it looks like most families are fine with it!

Selma, a divorced family solicitor

Selma is a UK-born Pakistani solicitor working in a family law firm located on the high street of a largely British Asian neighbourhood. In this extract from her interview, she makes a number of claims that are of course quite contentious. She compares her first-hand experience of opposition to her divorce from her own siblings, with the alacrity with which the families she works with seem to move towards divorce. She is not a straightforward source for understanding the lived experience of

marital breakdown in immigrant working-class families. But her observations about the incidence of divorce among the families she works with, about people taking to it 'like a duck to water' and without any community-level debate are useful starting points for this book as they go so flagrantly in face of the dominant stereotypes about British Asian families being 'old-fashioned', stable and authoritarian.

The central argument of this book is that this characterization of British Asian family life is no longer appropriate, if it ever was. I begin with analysis of some recent quantitative data which illustrates a dramatic rise in marital breakdown in some British Asian groups, and that change is occurring just as quickly for some British Asians as for everyone else. This opens out to an ethnographic study of divorce among British Pakistani Muslims, a group whom the quantitative data show to be at the forefront of this change.

A Rise in Marital Breakdown

Sociologist Richard Berthoud (2000) carried out the last available analysis of quantitative data on separation and divorce among British Asians, drawing from the Fourth Survey of Ethnic Minorities, a national survey carried out in 1993–94. He found that just 4% of ever-married British Asians were separated or divorced, compared to 9% of White British adults and 18% of Black Caribbean adults (p.6 and p.16). On these grounds, he suggests that there are three patterns of diversity in family formation in the UK. The direction of change for the White British majority lies 'from old-fashioned values to modern individualism', with British Asians 'behind' in the trend and Black Caribbeans 'well out in front' (p.24). Berthoud also predicts that there will be differences between British Asian groups, as 'the very strong emphasis on a particular set of family standards in Islamic teachings may mean that change will be slower among Muslims than among Sikhs and Hindus' (p.23). In so doing, Berthoud characterizes British Asian families as conservative, particularly British Asian Muslims, and credits this conservatism to loyalty to tradition. This chimes with discourses about 'strong family values' that have been very central to the self-identities articulated by (male) British

Asian spokespersons, who have frequently asserted the superior stability of British Asian families and arranged marriages, as well as prominent in outsider representations of British Asian families. On the basis of living for two days with a British Pakistani family in Birmingham, for example, David Cameron (2007), then opposition leader of the Conservative party, praised British Asian families as ‘incredibly strong and cohesive’. He added appreciatively, ‘I found myself thinking that it is mainstream Britain which needs to integrate more with the British Asian way of life, not the other way round’ (p.1).

My hunch was that marital breakdown among British Asians would have increased since this data analysed from the mid-1990s. Marital breakdown appeared to be very common in the working-class British Asian families with whom I had worked previously, and although my informants could cite examples of earlier divorces in their family trees, these were few and far between, indicating that the upturn in divorce might be recent. I therefore re-did Berthoud’s analysis using the most recent available data from the Quarterly Labour Force Survey, 2010–13 (see Qureshi 2014, for details on how the quantitative analysis was carried out). Subsequent to the publication of relevant tables from the 2011 census, I also identified additional data published by the Office for National Statistics which allows for a comparison of lone parenthood over the same period. The data confirm that separation, divorce and lone parenthood have indeed risen dramatically in recent years, and challenge Berthoud’s predictions about British Asian Muslims having more traditional families.

Compared to Berthoud’s finding that 4% of British Asians were separated or divorced in 1993–94, Fig. 1.1 shows that in 2010–13, 10% of ever-married Pakistani Muslim and Indian Sikh adults now report being separated or divorced. Among Bangladeshi Muslims, this percentage is slightly lower, and for Indian Muslims and Indian Hindus it is lower still. This compares with 20% of White British, 27% of Black Caribbean and 23% of Mixed ethnic adults. The relative patterns in marital status between the ethnic groups are thus similar to those observed by Berthoud, but the low rates of marital breakdown he observed for British Asians have not been sustained over time. Moreover, there are intriguing differences in marital breakdown among the British Asian groups. For

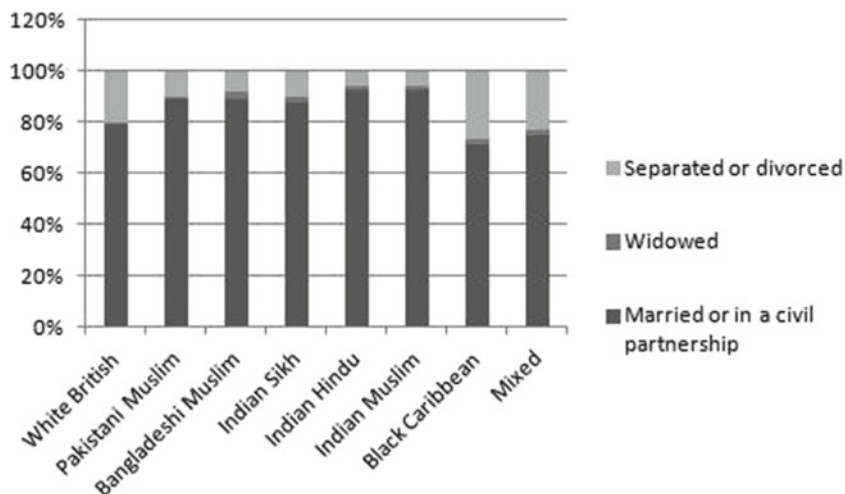


Fig. 1.1 Marital status by ethnic group, ever-married adults aged 16–59 (Source: UK, 2010–13 Labour Force Survey)

Pakistani and Bangladeshi Muslims and Indian Sikhs, marital breakdown has more or less doubled since the mid-1990s, and change has occurred just as quickly as for the ethnic majority, whilst there has been less change for Indian Hindus and Muslims.

Turning to the data from the Office for National Statistics, while in 1994–95 10% of British Pakistanis and Bangladeshis and 5% of British Indians living in families with dependent children were lone parents (Office for National Statistics 1996, p.53), in the 2011 census this was 17% for British Pakistanis, 16% for British Bangladeshis and 11% for British Indians, indicating the same increase in marital breakdown since the mid-1990s and confirming the patterns between the ethnic groups (Fig. 1.2).

Whilst these analyses indicate that the levels of marital breakdown among British Asian groups are still lower than in the White British, Black Caribbean and Mixed ethnicity groups, they also show that marital breakdown has increased among Pakistani and Bangladeshi Muslims and Indian Sikhs to approximately the levels indicated for the White British majority in the mid-1990s—a time at which there was immense sociological

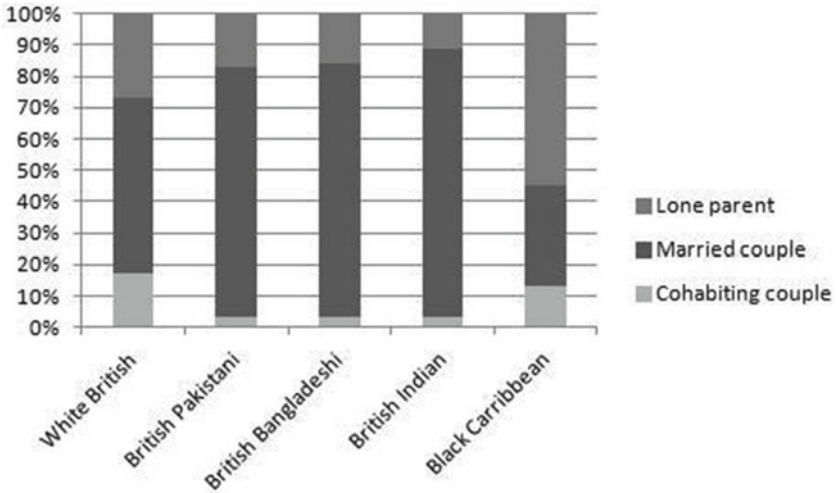


Fig. 1.2 Households comprising families with dependent children by ethnic group and family type (Source: England and Wales, 2011 census, table DC1201EW)

and policy debate about the ‘separating and divorcing society’ (Giddens 1992, p.61) that the UK was turning out to be. Moreover, the increase in marital breakdown in these British Asian groups is happening as fast as for everyone else, and Berthoud’s predictions about the pace of change being slower among British Asian Muslims seem to have been mistaken. What does this increase in marital breakdown mean, then, and how should it be interpreted?

Catching Up?

Berthoud (2000) would see a rise in marital breakdown as evidence of British Asians ‘catching up’ with the wider societal trends towards ‘modern individualism’. Although he does not cite them, Berthoud’s language draws from prominent individualization theorists who have made the family or intimate relationships analytically central to understanding changes taking place more widely in conditions of late modernity.

In *The Transformation of Intimacy*, sociologist Giddens (1992) argues that personal relationships are being detraditionalized and changing as people no longer follow set scripts associated with unquestioned marital roles and obligations but rather enter 'pure relationships' for their own sake, 'sustained only as far as [they are] thought by both parties to deliver enough satisfactions for each person to stay in [them]' (p.58). For Giddens, the pure relationship is driven by women's demands for economic equality with their partners as well as equality in emotional investment and communication (p.149). He identifies problems for heterosexual couples, as he sees relations between women and men as intrinsically unequal, and suggests that gays and lesbians may be more pioneering in their equality. Nevertheless, he argues that intimate relationships are becoming fragile and contingent for couples across the board, and that this is what is giving rise to our 'separating and divorcing society' (p.61).

Giddens' line of argument has been echoed, with some discernible differences, by other important individualization theorists. In *Reinventing the Family* (2002), Beck-Gernsheim sees divorce as relating in a double way to people's changed expectations of relationships. Not only does the emergence of 'conscious choice' about keeping up a marriage undermine it, but people now effect 'self-protection strategies' to ward off the negative consequences of separation, such as keeping their financial assets separate, which narrow the 'marital investments' and therefore increase the propensity to divorce (pp.26–7). Unlike Giddens' pure relationship, which seems to end with a clean break where each partner goes neatly their own way with no emotional or material baggage, Beck-Gernsheim stresses the complex 'succession families', 'multiparent families' and 'patchwork families' that arise from divorce (p.39). However, she sees these too as a matter of inclination: 'the maintenance of the family tie is no longer a matter of course but a freely chosen act' (p.35).

According to these theories, the rise of marital breakdown among British Asians would represent a form of acculturation and generational change, as young people born and brought up in the UK are emancipated from traditions and become individualized. This position is explicitly articulated by Beck-Gernsheim (2002), who writes of European ethnic minorities as debris of the traditional family 'left behind in the stormy seas of modernity' but inevitably destined to follow suit (p.39). But,

accepting for a moment this caricature of European ethnic majorities as monocultural and increasingly individualized on these terms, is it necessarily the case that ethnic minorities will fall into line?

From a sociological study of British Indian, Pakistani and Irish transnational families, Carol Smart and Beccy Shipman (2004) have offered a profound critique of individualization theory as a ‘vision in monochrome’. The transnational families they studied have values and practices that ‘do not fit easily with ideas of individualization’ (p.491). Moreover, they argue that these alternative modes are not simply flotsam and jetsam destined to be over-swept by a tide of individualization, but relate to ‘different forms of kinship and different ways of “doing” family’ (p.496). They object that Berthoud, in pinning discrete ethnic and religious groups on a teleological line towards modern individualism, relies on shallow, one-dimensional images of different ways of life. They add depth and complexity by discussing extended case studies, including a revealing case of a British Indian divorcee, Jas, who left a violent marriage. Jas is the sort of person we might imagine to fit the mould of modern individualism. Economically independent, she had educated herself and begun a new relationship with a man outside marriage. Yet she also remained deeply committed to aspects of traditional cultures. She would not cut her hair, as a devout Sikh, and she wanted her children to share in these traditions. Although Jas’ trajectory might appear modern, Smart and Shipman argue that her decisions did not reflect a ‘brave new world of individualization where women cast off unsatisfactory relationships and marriages at whim’. Rather, they were ‘Hobson’s choices’ (p.505).

Their analysis opens up new pathways for understanding divorce. A rise in marital breakdown does not necessarily reflect a simple convergence with majority patterns, but it might be undergirded by very different underlying processes and moral compulsions. Although they make their interpretations based only on a single case, their arguments chime with the slim literature on divorce among British Asians, which suggests that motives for divorce in British Asian communities often depart from the sociological mainstream. Rachana Sinha (1998) found that domestic violence was alarmingly prominent in her quantitative survey of British Asian lone mothers from the mid-1990s, as did Jagbir Jhutti (1998) in her study of British Sikhs. Sonia Shah-Kazemi (2001) and Samia Bano

(2012) found that domestic violence was disproportionately common in the applications given by women for Islamic divorce at English sharia councils, whilst Chaitali Das (2011) found the same among the British Indian adult children of divorce she interviewed. These studies also suggest that culturally particular problems related to modes of spousal selection, specifically arranged or forced marriages, are important motivating factors, along with problems of ‘family interference’ and ‘clashes of upbringing’ in transnational marriages (Liversage 2012 argues the same for Danish Turks). In so doing, these studies echo work from South Asia, which has also identified a small set of factors such as dowry demands, differences in cultural background between the husband and wife and infertility as grounds for divorce (I. Ahmad 2003, and also Jeffery 2001; Aura 2008; Vatuk 2015).

Clearly, the persistence of hard-hitting gender inequalities in some British Asian families may shape the phenomenon of marital breakdown in distinctive ways. But explaining the rise in British Asian divorces as the fall-out from traditions of arranged or transnational marriage risks endorsing equally problematic shallow images of different ways of life. Black and Third World feminists have problematized the ‘imperial feminism’ (Amos and Parmar 1984) of anthropological and sociological studies that cast Black and Third World women as ‘objects’ to be rescued by Western feminists—the true “subjects” of this counterhistory’ (Mohanty 1988, p.79). Drawing from these critiques, Avtar Brah (1996) discusses the pathologizing stereotypes about patriarchy in British Asian families that arise when theories based on White middle-class norms are applied without appreciating how structures of gender are inscribed within structures of class and racism. Fauzia Ahmad (2006) charges that studies of marriage have produced problematic binaries equating South Asian culture with traditional and patriarchal and British with modern and egalitarian, homogenized British Asian cultures and failed to account for diversity within and between groups, and promoted a racialized discourse of emancipating British Asian women from their unenlightened families.

Ralph Grillo (2008, 2015) has recently complicated these critiques over scholarly understandings by distinguishing between ‘outsider’ and ‘internal’ debates over the Muslim family, outsider perspectives being

those of people ‘belonging to what historically are (or were) the dominant populations of the receiving society’ and internal perspectives being those of the ‘communities to which the families might be said to belong’ (2008, p.30). As well as the dominant view of Muslim women as the ‘victims’ of Muslim men, he identifies a competing outsider narrative which sees them as ‘survivors’, their agency celebrated as resistance. In this competing narrative, women may be portrayed as ‘doggedly seeking what is best for themselves and their children, in difficult circumstances wherein hard choices have to be made’ (2015, p.114). Women also have to contend with dominant internal discourses about the ideal Muslim woman as ‘obedient daughter, wife and mother’ (p.115). As Grillo observes, there is a tension between exploring the family as a discursive terrain and exploring the ‘messier, more complex realities of daily lives’ (p.133). He argues that there is a need to analyse the problematic effects of stereotypes, but at the same time, also acknowledge that ‘real abuses exist which policy interventions may have to address’ (2008, p.30).

This book aims to examine the moral reasonings undergirding divorce in British Asian communities and explore Smart and Shipman’s suggestion that these may be different to those identified by Giddens or Beck-Gernsheim. It aims to fill the scholarly gap in research investigating marital breakdown, and do so in a way that acknowledges the existence of persistent gender inequalities, without falling back into the dominant discourses that exceptionalize British Asian families.

In the chapters that follow, I offer an ethnographic study of marital breakdown among British Pakistani Muslims. The quantitative analysis above shows Pakistani Muslims to be at the vanguard of the rise in marital breakdown, but like Smart and Shipman I reject the suggestion that ethnic or religious groups can be pinned discretely to different points of a line leading inexorably towards modern individualism. I too show that people weave elements of individualization together with traditional family cultures, and that these elements may be important to people at different points in their life courses. I consider whether divorce reflects an expansion of individual choice, a Hobson’s choice or something else, unpicking the threads of gender relations within marriages, families and communities and attending to how these intersect with structures of class, race and immigration.

The question of what is driving instances of marital breakdown is the focus of Part I of the book on ‘Grounds for Conflict’. Part II goes on to explore the manoeuvres that couples undertake in trying to ‘Stay Together’. Part III on ‘Splitting Up’ looks at people’s interactions with law, and Part IV, ‘Rebuilding Families’, examines people’s moral reasonings about repartnering, parenting and stepfamily life. In organizing the book as such, I build my arguments around three further concepts: (i) conjugality, (ii) legal pluralism and (iii) new kinship. I will now briefly define these terms and explain how I engage with them.

Conjugality

If the question is whether British Asians are increasingly adopting the relationship expectations and standards of the wider society, it is important to understand empirically, rather than through free-floating high theory, what these are. The origins of contemporary forms of conjugality in societies like the UK are controversial, but historians such as Claire Langhamer (2007, 2012) have argued persuasively that the mid-twentieth century was an important crucible for change. Not only were the years following the Second World War the only known historical era of near-universal and long-lasting marriage—a blip mistaken by many social commentators as ‘the normality from which we have departed’ (2007, p.178)—but this was also when there developed a ‘self-consciously “modern” representation of conjugality which fused romance, material security and self-development’ (p.179). Using data from the Mass Observation archives, Langhamer identifies a shift in constructions of love over the twentieth century. In the first half of the century, to love meant ‘to take care of’, to respect one’s partner and fulfil one’s side of the gendered division of labour in marriage (2012, p.292). For the generations who came of age just after the Second World War, by contrast, love came to mean self-actualization and mutual emotional and sexual fulfilment. This was a romantic notion of love, of falling in love with one person, of love resulting in marriage and marriage lasting forever, a conception that the Mass Observers themselves now identify as rather dated.

Langhamer argues that this conception of love contained the seeds of its own destruction, as the impossibility of trying to contain transformative love within marriage was increasingly exposed in the late twentieth century. In this, she gives a nod of approval towards the concepts offered by individualization theorists like Giddens. Giddens argues that romantic love has now been replaced by ‘confluent love’, ‘active, contingent love’ which therefore ‘jars with the “forever”, “one-and-only” qualities of the romantic love complex’ (p.61). However, a wealth of empirical sociological studies has documented the resilience of just the kind of conception of conjugality that Langhamer describes for the mid-twentieth century. Lynn Jamieson (1998) surveys this evidence and finds that people, especially women, are now emphasizing a form of intimacy that she calls ‘disclosing intimacy’: ‘close association, privileged knowledge, deep knowing and understanding and some form of love’ (p.8). But they still overwhelmingly want long-term and secure conjugal relationships, and women still compromise with huge economic and emotional inequalities within them. In a similar vein, Jane Lewis (2001) finds that cohabiting couples are very similar to married couples in their commitment to their relationships (see also Gross 2005; Duncan 2011; Carter 2012).

If it is not easy to accept that Euro-American conjugality has really changed along the lines that Giddens suggests, it becomes even more difficult to apply his theories to think about what is happening elsewhere. Jennifer Hirsch’s (2003) study of small-town Mexico and Mexican migrants in the USA documents very similar generational shifts that Langhamer describes for mid-twentieth-century England. Mexican notions of marriage have changed from one based on gendered role execution and *respeto* (respect) to one based on *confianza* (trust). Hirsch argues for the global spread of the vision of couple relationships based on intimacy. Jamieson (2011) surveys a number of studies like Hirsch’s and confirms ‘the relevance of intimate relationships to understanding social change in an era labelled by “globalization”’ (p.8). Importantly however, Jamieson also argues that scholars need to broaden their understandings of intimacy from how it is constructed in the dominant Euro-American setting. Love and intimacy may be built by manifold historically and culturally situated practices, and if overt expression of affection and close

knowing is not celebrated, these may still be intensely felt. Furthermore, Jamieson argues that if the idea that love and intimacy are Western constructs hinders their study in places like Africa or South Asia, then this too is deeply problematic.

The literature from South Asia and its diaspora, which has the most direct bearing on this book, illustrates both of Jamieson's concerns: that love has been relegated to its dominant Euro-American construction as well as its scholarly neglect. Despite classic work on intimate conjugal practices that are unspoken but still very much real (Das 1976; Trawick 1990), young people in South Asia—such as the rural Nepali youth whose love letters are studied by Laura Ahearn (2001)—seem to identify love with modernity, development, progress and generally with the outside world. In a similar vein, Pervez Mody (2008) laments that the anthropological literature has defined marriage in South Asia through caste- and community-specific institutions of arranged marriage and that the study of love has been limited to the deviant phenomenon of love marriage.

Recently, the dichotomy between arranged and love marriage has been challenged by studies showing how young people and their parents may fold love *into* the traditional practice of arranged marriage. Fuller and Narasimhan (2008) show that modern intimacy has been 'Indianized' in the form of 'companionate marriage created through arrangement' (p.752). Katherine Twamley (2014) has pointed to fundamental cultural specificities in this 'Indianization' of intimacy in highlighting differences between middle-class Gujarati Indians in the UK and India. Whilst her informants in both settings crave love and intimacy, UK-born Gujaratis think of love as something which is spontaneous, which leads inevitably to sexual desire and needs to be tested before involving the family in vetting their choices, whereas young people in India think that love is properly cultivated through family arrangement and that sex before marriage is a sign that it is not true love after all.

As this brief sketch of the literature illustrates, there is another contrast between studies of conjugality in South Asian contexts and in family sociology more widely, which is that so much of the South Asian literature is directed to the question of how marriages initially come about rather than the long-term inhabitation and lived experience of conjugality. Shalini Grover's (2011) work is ground-breaking in this regard because

she shifts the inquiry to the ‘post-wedding phase... which has till now received notably little scholarly attention’ (p.6, and see recently also Kaur and Palriwala 2014; Basu and Ramberg 2015). Grover’s work on marriage among the urban poor of Delhi shows the paramount importance of kin in the ups and downs of everyday conjugal life, the involvement of in-laws, with whom women most often lived, and also women’s natal families. However, this leads to further questions about the meanings of conjugality in South Asian contexts. Does it really make sense, then, to focus on conjugality? Indian relationship counsellors and family therapists have argued that the focus on the married couple is muted here and that ‘marital subsystems’ are frequently ‘triangulated’ between husband, wife and in-laws (Singh and Uberoi 1994; Nath and Craig 1999; Sonpar 2005). Family therapist Renee Singh (2009) and with her sociologist Jacqui Gabb (Gabb and Singh 2014) have argued that the conjugal relationship is the wrong starting point for analysis and therefore that we need to abandon the concept of conjugality in such settings and be open to a diversity of relationships and intimacies.

In this book, I examine working-class British Pakistani women and men’s lived experiences of marriage in the ‘post-wedding phase’. I identify expectations of conjugality in terms of gender equality and intimacy which echo elements of what these historians, sociologists and anthropologists have characterized as self-consciously modern constructions. However, I also show that women and men’s hopes for intimacy and equality play out in a context where arranged marriage is normative, at least in first marriages; where most people the first time round married someone they didn’t know very well personally before the wedding night; and where they expected that would very closely alongside the extended family after marriage. The book therefore engages with these debates about conjugality and feeds into arguments about the need for more complex and non-linear accounts of social change, and about the need to see conjugality as embedded in kinship formations.

Legal Pluralism

In Parts II and III, the book turns to explore responses to marital problems. At this point, socio-legal scholars might see everything I describe as

the workings of law. The concept of legal pluralism emerged as a powerful critique of the 'ideology of legal centralism' (Griffiths 1986, p.3), that's to say the reduction of law to state law. In her influential review, Sally Engle Merry (1988) defines legal pluralism the coexistence of two or more legal systems, qua 'normative orders', and identifies at least three levels: (i) state law, (ii) non-state normative orders that depend on written codes and (iii) 'informal systems in which the processes of establishing rules, securing compliance to these rules, and punishing rulebreakers seem natural and taken for granted, as occurs in families' (pp.870–1).

Merry distinguishes the 'classic' concept of legal pluralism, which examined the coexistence of indigenous or customary law with European law in colonized societies, from what she calls 'new' studies of legal pluralism—a vein of research on state law in Euro-American societies which emerged up in the 1980s, which explored the forms of social regulation that operate in the 'shadows and parking lots' of the law and 'even down the street in mediation offices' (p.874). Legal pluralism is thus not only limited to post-colonial societies, but it is found everywhere.

As Merry observes, this finding threatens to render the concept of legal pluralism banal. However, she draws attention to the power relations between these different normative orders as a key consideration for future research. Although 'classic' and 'new' legal pluralism might appear to present very different formations of power, she suggests that both are characterized by the 'penetration and dominance of state law and its subversion at the margins' (p.886). Another important critique of studies of legal pluralism is whether the scholarly isolation of different normative orders from one another reflects the phenomenology of law from the perspective of its actual users. Boaventura de Sousa Santos (1987) offers the suggestive concept of 'interlegality' to capture the 'porous legality' that real people live in, the 'multiple networks of legal orders' which are 'superimposed, interpenetrated, and mixed in our minds as much as in our actions' (p.298).

Important though these advances in the study of legal pluralism are, doubts remain over what law actually is. This has been a question in work on legal pluralism through to the present. Chris Fuller (1994) critiques that legal pluralism, if it is to be used as a master concept to characterize the relation between state law and other normative orders, has to be

deployed ‘so that it does not inherently rely on judicial premises that are constitutive only of state law and therefore distort the understanding of these other, non-state orders’ (p.10). Simon Roberts (2005) argues that calling the multitude of normative orders law ‘effaces the distinctive rationalities and values of each’ (p.1). He proposes limiting the concept of law to state law. However, this proposal means that we would not be able to see something like the Islamic sharia in countries like the UK, where it is not officially recognized by the state, as a form of law. Would that not miss something important about the sharia? Brian Tamanaha (2008) proposes instead to abandon the search for a social scientific definition of law and accept that ‘law is what people within social groups have come to see and label as “law”’ (p.375). This would allow us to see lawlike systems such as the sharia in the UK as a form of law, if that is what people seem to do. Nonetheless, Tamanaha’s suggestion seems equally defenceless against Roberts’ argument that accepting as law whatever people in a particular place and time see as law threatens to obscure the distinctive rationalities and values of different normative orders.

An alternative suggestion is to abandon instead the notion that law, or legal systems, can be approximated by the concept of normative orders, and rather, to elaborate precisely what these distinctive rationalities and values *are* that come under the rubric of law in a particular case. It is in this light that Paul Dresch (2012) proposes that we conceptualize law as a very distinctive, rule-given way of thinking. Dresch draws inspiration from Lloyd Fallers’ (1969) ground-breaking ethnography of Basoga customary courts, in what is now Uganda. Fallers observed litigants and judges to be reasoning orally with what he called ‘categorizing concepts’. A mistreated wife could not return to her family without exposing her father to a charge of ‘harbouring’, for example, but this charge would be negated if the husband had demanded the return of the bride-price, which would signify that the marriage had by then ended. Fallers’ ethnography shows judges, litigants and witnesses debating very painstakingly whether particular cases fit these categorizing concepts such as harbouring and bride-price. Fallers argues that the Basoga courts are ‘legalistic’, and that there is a greater or lesser extent of ‘legalism’ among societies according to how much a case is distinguished from the rest of social life and to how clearly the rules are spelt out. For Dresch, law is defined by

the explicit use of such categorizing concepts in making arguments about rightful conduct, 'terms that do not reduce to encounters among specific persons' but are 'supposedly applicable instead to every instance of the same case' (p.24). Islamic sharia, with its elaborate written codes of rules and labyrinth of categorizing concepts, can therefore be understood as law even in countries like the UK, where it is not recognized by the state.

This book engages with these debates about legal pluralism and the conceptualization of law. In Part II, I explore a normative order wherein women's natal families are expected to intervene in situations of marital crisis. Part III turns to how women and men brought the sharia to bear on terminating their marriages, and to how people's interactions with civil law are inflected by kinship, ethnic relations, religion and social class. I consider these troublesome questions about whether people construct these different legal arenas as equivalent, and whether it makes sense to analytically distinguish between them. However, I do so not primarily to refine the conceptualization of law, but to best understand the informal family negotiations that go on surrounding marital conflicts, which I show influence very powerfully the courses of family mediation, sharia and civil divorce law.

New Kinship

The final part of the book deals with the ways in which people rebuild family life following a marital breakdown. As such, it engages with a new literature on kinship and family life which has sought to go beyond the earlier preoccupation with structures, functions and rules, and redirect debates towards what kin ties mean to people and how they work to create and sustain them. Bourdieu's (1977) critique of the objectivism of formal and legal models, and his call for a practice-based understanding of kinship was an important move in this direction. David Schneider's (1968, 1984) critique of the ethnocentrism of kinship studies was also crucial. His book on American kinship (1968) argued that Americans drew sharp divides between kin who are connected through 'blood', or biogenetic substance, and those connected through 'law' or code. Schneider later argued (1984) that the study of kinship

had been hamstrung by a universalization of this folk model of kinship, and that the genealogical model that undergirded kinship studies was capable only of circularly replicating representations of the kinship notions of Euro-American anthropologists themselves.

New kinship studies have developed along a number of core concerns such as assisted reproductive technologies (Strathern 1992), gay and lesbian 'chosen families' (Weston 1991) and adoption (Howell 2003). Janet Carsten's (1995) Malaysian ethnography is exemplary of these concerns. She showed how foster children could acquire the same blood as the family who adopted them by living in the same house and eating from the same hearth, and proposed a paradigm shift in the study of kinship, from genealogy to 'relatedness'. Hers is a vision of kinship as a process, a crafting of relational personhood through embodied and gendered practices such as the sharing of domestic space and substances such as blood, breast milk and food (Carsten 2000, 2004). There are parallels between Carsten's argument to make explicit the acts that constitute lived relationships, and studies in family sociology such as Janet Finch and Jennifer Mason's (1993) research on how people 'work out' rather than simply follow family obligations, and David Morgan's (1996, 2011) work on 'family practices'.

John Borneman (1996) brings marriage into these debates. If new kinship studies exposes the genealogical model as a Western folk concept, then Borneman exposes marriage as another; a normative model that works by foreclosing relations, such as the unmarried, the celibate, the queer or the divorced, that 'resist facile, heteronormative symbolization' (p.231). Borneman argues that the myth of 'till death us do part' hinders anthropological understandings of marriage, and that we need to see divorce, or more broadly severance, as intrinsic to it. In his ethnographic study, Bob Simpson (1998) conclusively takes apart the myth of 'till death do us part' and shows how divorce is refashioning everyday understandings of kinship in the UK. Simpson focuses on the capacity for divorce to make strange the taken-for-granted basis on which people reckon kinship relations. He puns that divorce produces families that are 'unclear' rather than 'nuclear'. Divorce forces people to think reflexively about the relationships they create and maintain: 'what was once part of the habitus of domestic organization ... must, because of divorce, necessarily be transposed in such a way that structures and values are made

conscious and explicit' (p.31). Drawing on the zeitgeist of assisted reproductive technology, Simpson suggests we are now seeing the emergence of 'recombinant families': 'just as families are zipped together through acts of recombination, they may just as easily be unzipped at some later date, compounding even further the confusions over the significance of others' (1998, p.29). In her ethnography of working-class American 'divorce-extended' families, Judith Stacey (1990) invokes the same timely idea of 'recombination'. She shows people crafting 'a multiplicity of family and household arrangements that they inhabit uneasily and reconstitute frequently in response to changing personal and occupational circumstances' (p.17).

Sociological work in the UK has deepened these debates. Carol Smart and Bren Neale (1999) talk of the emergence of 'fragments of families spread across a number of households' (p.179) engineered by laws like the 1969 Divorce Reform Act, which abolished the matrimonial fault clause as the grounds for divorce; the 1989 Children's Act, which redefined divorce as an issue between parents rather than a matter for husbands and wives; the 1991 Child Support Act, which sought to make divorced fathers pay maintenance for their biological children; and the 1996 Family Law Act, which enforced further the obligations of mothers and fathers via its provisions for conciliation. In light of these changes, their study documents ex-couples living the contradictions of being separated, yet still linked to one another. Their emphasis is on how women and men morally 'work out' their post-divorce parenting relationships and the delicate dances they perform in order to balance their understanding of their children's needs against their own, their ex-partner's and their new partner's. In her later solo work, Smart has argued that the increased incidence of divorce and the new legal framework surrounding it are changing 'the interiority of families... to accommodate new expectations about how family members should behave in the context of high divorce rates' (Smart 2004, p.401). Like Simpson, Smart argues that there is a new self-consciousness in the ways in which divorced couples take account of one another. Post-divorce families have 'more "choices" about which relationships to sustain, but it is these very choices that create the reflexivity which is part of the emergent moral code' (ibid. p.407, and also Smart et al. 2001; Smart 2007).

These studies of post-divorce families—as well as those by Ribbens McCarthy et al. (2003), Allan et al. (2011) and Widmer (2012)—are essential comparative material for this book. I find many points of similarity with these wider British studies. However, my findings also point to aspects of the post-divorce families of working-class British Pakistanis that are linked to cultural particularities such as the compulsoriness of a woman being attached to a man, ideas about patrilineages and bloodlines and long-term considerations about children's marriages. In this respect, I engage too with recent critiques of new kinship as, perhaps, old wine in new bottles. Eduardo Vivieros de Castro (2009) has recently questioned whether new kinship studies is the product of non-Western ideas having been successfully employed to challenge Eurocentric anthropological conceptions, or whether it is that Western views have themselves changed, with now a greater concern with 'optation' (p.261, drawing on Strathern 2005). In his ethnography of assisted reproduction in Lebanon, Morgan Clarke (2008) has argued that there are parallels too between the cultural imperialism of old kinship studies and that of new kinship studies. In all the academic discussions that have taken place over assisted reproduction, for example, British and American scholars have given little consideration to questions of propriety, such as whether a child born through donor artificial insemination is the legitimate heir of its mother's husband. Yet these issues matter, with a strong smack of sexual immorality, in Lebanon. Clarke charges that new kinship studies has 'a political agenda that many Middle Easterners might see as imperialistic' (p.154). These are very real questions with which a study of divorce in a cultural and religious minority in the UK ought to engage.

Research Setting

This book draws from an ethnographic study among British Pakistani families over three periods of fieldwork, in East London (2005–07), Peterborough (2011) and most intensely (in 2012–14) in both cities. In East London, I worked mainly in the docklands borough of Newham, an ex-industrial working-class borough situated between inner-city Tower Hamlets and the commuter suburbs of Essex. Among complex

waves of migration which have led it to be seen as a prototype of ‘super-diversity’ (Vertovec 2007), Newham is home to about 30,000 Pakistani Muslims, who make up 10% of the population (Office for National Statistics 2013). These are mostly of Mirpuri and northern Punjabi heritage, but with smaller streams of settlement from central Punjab and large cities such as Karachi (Harriss 2006; Ahmad 2008). By contrast, Peterborough in the east of England is a small provincial city, but due to the pull of its brickworks, engineering and food processing industries it has now also been recognized as super-diverse (Erel 2011; Rogaly and Qureshi 2013). There are some 12,000 Pakistani Muslims, 6% of the population, concentrated in the central ward of the city known as Millfield (Office for National Statistics 2013). As in East London, the Pakistani population in Peterborough became established in the 1950s, when single men from Mirpur and northern Punjab came for industrial work and subsequently built their families by reunification. Both cities are characterized by ongoing immigration from Pakistan through



Photo 1.1 East Ham High Street (Source: Author's own)



Photo 1.2 Gladstone Road (Source: Author's own)

asylum, student and irregular routes, combined with continued marriage migration channelled to established families, which has diversified population and generational structures (Photos 1.1 and 1.2).

The working-class character of these British Pakistani populations, and the context of financial hardship and insecurity—which became more entrenched over the course of my research following the financial crisis, recession, welfare reform and policies of austerity, including dramatic cut-backs to the system of legal aid—are important to note. I make no claims for the representativeness of this ethnography across social classes. Fauzia Ahmad (2003) has argued that the existing literature on British Asians is hamstrung by the tendency for researchers to base themselves in localities of high British Asian concentration, which are very often dominated by working-class families with rural migratory origins. Her own research examines the renegotiations of family and gender relations that have followed the rise in educational participation, professional employment and

the turn to religious identity among young, UK-born British Muslim women. Her work forms a counter-example to some of the descriptions I provide in this book. For example, in her recent article on the relationship crises of middle-class British Muslim women she observes that arranged marriage is in decline and that most matches are made by 'assisted' marriage, 'cyber-love' and '*halal* dating' (Ahmad 2014). This contrasts with my research, which found that marriages at the arranged end of the spectrum were still predominant, at least in first marriages. Her concern about the rise of a cohort of professional women marrying very late or not at all does not resonate much in my field sites either. Islamic counsellor Rabia Malik's (2014) observations about the move towards the use of professional relationship counselling among middle-class British Muslims also contrast with my findings. Whilst ten of my interviewees had been through official family mediation at the instigation of the courts—a service designed to free up court time by helping couples to break their relationship down in a mature way and reach adult decisions about parenting post-divorce—only one interviewee had been to see a marriage counsellor *per se*. It seems likely that experiences of marriage and divorce are different in middle-class families. But rather than seeing the working-class setting as a shortcoming in my study, I feel it is more important to take up Ahmad's challenge about the need to write beyond the binaries equating modern with British and egalitarian and traditional with South Asian and patriarchal, and to explore the more neglected gendered agency of women who are not educated professionals.

As with the literature from South Asia, studies of British Asians have also observed that arranged and love marriages are not discrete types but different points on a continuum. In the families with whom I worked, arranged marriage was culturally idealized, and most of the primary marriages were on the arranged end of this continuum. Fully 58 of the 67 first marriages in my study were described as conventionally arranged, with the major decisions made by the couple's parents, whilst only nine were at the love marriage end, where the match was not sanctioned by parents. And of these 58 primary arranged marriages, 51 were arranged between close kin, most often first cousins. Roger Ballard (1990) has described cousin marriage as a 'rule' for British Pakistanis. However, Alison Shaw (2000), drawing from Donnan (1985), criticizes the notion of marriage

'rules' for exaggerating cultural norms and offering little insight into the processes that lead to this pattern. As she shows, cousin marriages take place for pragmatic and emotional reasons and not simply because the kinship ideology tells people to do so. Notably too, Shaw (2001) finds there to be differences in the prevalence of cousin marriage between families originating from different parts of Pakistan, and between different *biradaris* (patrilineages or castes: as Alavi 1972 describes it, a *biradari* is a 'sliding semantic structure' stretching anywhere from the set of known, traceable relatives to anybody with the same surname). Her study in Oxford found cousin marriages to be more common in northern Punjabi and Kashmiri families than in those from central Punjab, with the Arain castes from central Punjab having particularly low rates. The predominance of primary arranged cousin marriage in my study may be understood, according to Shaw's findings, in terms of the regional origins of the families I worked with in East London and Peterborough: 42 of the 74 informants were of Mirpuri or nearby northern Punjabi origin.

Although in the official kinship ideology a *biradari* is a group traced through male descent, it would be wrong to see *biradaris* as essentially male corporate entities. In her classic ethnography of a Punjabi village, Zekiye Eglar (1960) shows that *biradaris* are glued together in practice by an institutionalized system of ceremonial gift exchange (*vartan bhanji* or dealing in sweets) which is managed by women. This system is anchored in the role of the daughter as the constant receiver of gifts from her natal kin. As she observes, daughters 'belong to the *biradari* of their fathers, but after marriage are included in the *biradari* of their husbands also' (p.91). It is this connection between women and their natal kin 'through which flow the presents which bring her *izzet* among her family-in-law ... and which contribute to the *izzet* of her parents' (p.111).

In Manchester, Pnina Werbner (1990) shows Pakistani migrant women using the system of gift exchange very creatively to form their own extra-domestic networks gluing together kin and friends. In discussing such networks, Werbner notes in passing the emergence of a 'matrilateral bias developing among second generation female kin' (p.128). Such a matrilateral bias, namely the maintenance of closer bonds between a nuclear family and the kin of the wife/mother rather than that of the husband/father, has been identified in the bilateral kinship systems of Euro-American

societies (Sweetser 1963). It has also been observed to develop in patrilineal and patrilocally marrying groups upon moving to urban areas. For example, Sylvia Vatuk (1971, 1972) has shown that in urban North India patrilocality means changing neighbourhoods of the same city rather than moving to a remote village. Visiting natal homes becomes much easier, and women are not expected to follow the traditional residence rules and the clear role definitions that accompany them, as they would in a village. They are therefore supported in asserting their ties with their natal kin. The debate is whether this is driven by economic changes—the loosening of men's economic cooperation with their patrikin in urban economies—or whether it results simply from the tendency for women to be more emotionally involved in kinship than men (Yanagisako 1977).

Alison Shaw (2004) fleshes out the description of matrilateral asymmetry among British Pakistanis. A change she has noted over her decades of fieldwork is that rather than living for many years with the husband's parents, young married couples now quite promptly move out to a council flat or their own house in the same area (p.202). She observes that this has produced an everyday practice of kinship quite similar to Young and Willmott's (1957) or Bott's (1957) descriptions of working-class East London in 1950s, with married women constantly moving back and forth between their conjugal homes and their natal kin. Transnational marriages further shore up any matrilateral asymmetry because, for first-generation women who migrate to join migrant husbands in the UK as well as for second-generation women who marry in Pakistan, the husband's parents are very often not around. Moreover, UK-born women who marry husbands from Pakistan may even live with the wife's parents for some years before moving to their own home. Studies have shown UK-born women reflecting very cogently on the absence of a mother-in-law as an advantage of having a transnational marriage (Charsley 2013; Mohammad 2015). This is undoubtedly an important development in British Pakistani kinship, as some 55% of UK-born Pakistani men and 60% of women currently marry in Pakistan rather than in the UK. Statistics show that of the 15% of migrant husbands who live in a joint family, more than half actually live with their wife's kin (Ersanilli and Charsley 2015, p.6 and p.9). The result is that the patrilocal norm is being altered and bonds between women and their natal kin are given fuller expression. Many

British Pakistani families feel quite similar to working-class English families in that, from the perspective of the nuclear family, not only is the *nani* (the maternal grandmother) very frequently the centre of the family rather than the *dadi* (the paternal grandmother, the mother-in-law of the wife/mother), but the *nani* is now likely to be actually called ‘nan’ too (Qureshi 2015, cf. Young and Willmott 1957, pp.44–6).

British Pakistani families are therefore going through changes and renegotiations, and there are differences between the official kinship ideology and lived practice. There are signs in the literature that marital or family breakdown is a part of this changing landscape of family life. Katharine Charsley (2013) shows that British Pakistanis are acutely aware of the possibility of marital breakdown when they arrange transnational marriages, to the extent of adapting the intricate detail of wedding rituals to defer the point of consummation until after immigration to the UK has been secured. Similarly, writing about Danish Pakistanis, Mikkel Rytter (2013) has argued that the translocation of family cultures is a process of ‘upheaval’. He suggests that the family is a knot of destructive-productive forces which will ‘erode existing moral orders of what it means to be and to do family’ and eventually ‘facilitate a process in which new possibilities, identities and lines of affiliation and belonging will emerge’ (p.4). This book extends these points by showing, in considerable detail, how families are changing and reforming in the wake of a recent rise in marital breakdown.

Methods and Analysis

In adopting an ethnographic approach to divorce, I sought to get beyond methodological individualism by contextualizing instances of marital instability within the wider dynamics of British Pakistani families and communities. Instead of basing the study on one-off interviews, therefore, I sought to emulate other longitudinal studies involving multiple family members (Stacey 1990; Simpson 1998; Smart and Neale 1999).

When I began the most focused period of the research in 2012–14, I carried out a number of interviews with key informants such as family lawyers, women’s activists, marriage counsellors, family mediators and

religious practitioners. I gained the support of two *ulema* (scholars) at a large sharia council, who allowed me to sit in and observe their work with disputing couples. I sat in on some 40 of their mediation sessions. Rather than seeking to recruit research participants from the sharia council or any such organization, however, I decided to try and approach people through residential fieldwork. This was an explicit decision. I felt that much of what we know about marital breakdown among British Asians comes from samples of women drawn from refugees (Gill 2004; Wilson 2006; Thiara et al. 2010; Thiara and Gill 2012) or women seeking divorces from sharia councils (Shah-Kazemi 2001; Bano 2012). I wanted to capture a fuller range of marital and legal predicaments.

To help recruit informants to the study I employed Shareen Akhtar, a woman I met in 2004 who had worked with me previously as a 'community researcher' in the wider project in which my PhD research was based (Salway et al. 2015). Shareen has been a fast friend for more than ten years. She has lived in Newham for all but the first three years of her life and worked in a number of jobs in the community. She is trained in the ethics of social research, phenomenally well-connected and wonderful company. Shareen introduced me to half of the informants in this study, drawing on her unparalleled networks of *biradari*, friends, ex-colleagues and even people with whom she struck up a conversation on the bus. To smoothen up the introduction, Shareen also attended or conducted four of the interviews with me. It was as much of an emotional roller-coaster for Shareen as it was for me, and towards the end she complained of always having her head full of other people's *dukhi kahanian* (tragic stories) (see Pool 2000 on how working with an ethnographer changes actors' perceptions of their own social fields). I recruited the other half of the informants myself, through snowballing and returning to people I had got to know during my two earlier periods of fieldwork.

Combining all three periods of fieldwork, Shareen and I were able to generate a corpus of interviews based on 74 informants. They had a median age at first interview of 40, and half were aged between 30 and 46 years. Twenty-three of the informants gave interviews in Urdu or Mirpuri, and the remainder in English. Importantly, 51 were women and 23 were men. Although I did not manage to achieve 50% male participation, the male perspectives that I was able to gather strengthened

the study hugely. Imtiaz Ahmad (2003) argues that studies of divorce too frequently rely on isolated case studies of divorced women, and that this bias invites systematic distortions. Since marital breakdown is usually acrimonious and painful, women very often accuse their husbands or in-laws of unwarranted provocation and emphasize the divorce as 'not so much the result of prolonged conflict but rather an act of arbitrariness on the part of the husband' (p.30). In studies of Muslim societies, this gives a misleading impression of the role of Islamic laws, such as the male unilateral divorce or *talaaq*, in divorce. By contrast, I was able to explore how marital breakdowns were seen from women and men's perspectives, and understand how narratives of divorce as arbitrary may conceal the long-standing and mutual nature of marital conflicts. I discuss these points further in Chap. 2.

Over the course of the fieldwork, I confronted vividly the problem of methodological ethnicism which I had unreflectively built into my own study. Nationally, statistics show that 14.1% of British Pakistani Muslim men and 12.6% of women are in an interethnic couple, mostly with another Muslim (Ersanilli and Charsley 2015, p.6). East London and Peterborough are convivial localities, and there was a strong presence of mixed unions, especially in secondary marriages; a dimension I explore in Part IV of the book. The 74 informants generated a corpus of narratives about 116 marriages, of which 93 were between two Pakistani Muslims, 6 were between 2 Indian Muslims, 2 were between 2 Punjabi Sikhs and 15 were other mixed unions. In this book, I also therefore draw on six interviews with Gujarati and Bangladeshi Muslim, Punjabi Sikh and White British informants who were, or had been in mixed marriages with Pakistani Muslims. Another noteworthy feature of the corpus of interviews is that it reflects the considerable extent of ongoing immigration in the two localities, as 71 of the marriages were transnational, 23 were between 2 people who were Pakistan-born and just 22 were between 2 UK-born spouses.

With 29 of the informants, I was able to follow their predicaments as they evolved over time, through repeated interviews between the periods of fieldwork in 2005–07 or 2011 and 2012–14, or over the period 2012–14. Between September 2012 and September 2013, I took a year of maternity leave, which provided a ready period to compare across and

explanation for wanting to do so. With 15 of the informants, I developed enduring research relationships which involved accompanying them on the merry-go-round of trips to solicitors, courts, sharia councils and sharia bodies in mosques, police stations, women's refuges, family mediation and routine visits to other family members. This informal 'hanging in', as Wallman (1984, p.42) calls the methodology of urban anthropology, offered invaluable opportunities to observe what happened in these arenas as events unfolded, as well as how people presented their situations differently with these various audiences in mind.

I had only one-off interviews with 45 of the informants. With some of these less enduring research relationships, however, I was able to gain deeper perspectives on their predicaments by pairing interviews within families. Shareen and a number of the women informants were convinced that I needed to speak to the children of divorce and hear things from their perspective. The 74 interviewees therefore include twelve adult children of divorce whom I recruited to the study, of whom nine were the children of parents I had interviewed. There are also nine ex-husband and wife pairs among the informants. Initially, I did not hope to interview both parties, as I anticipated that this would jeopardize research relationships and raise ethical problems. But Shareen and others were convinced that I needed to try and understand both sides of the story, and managed in nine cases to get both ex-husband and wife to take part in the study, in their knowledge that the other was also taking part.

These elements of additional complexity in the study—repeated interviews over time, ethnographic observation, paired interviews between ex-spouses and within families—made the research far more illuminating. Like Simpson (1998), I was able to see how divorcing couples' narratives 'emerge not only over time but also in relation to one another' (p.20). Simpson rightly observes that such 'parallel accounts' have the capacity to redirect divorce research, which has only too often been characterized by 'the simplistic piling up of accounts in the direction of one interest or another' (*ibid.*). However, it is only honest to mention that if these elements made the research more illuminating, they also made the analysis very taxing. I had tried to speak to as many people as possible and spend as much time with them as they would allow me to during fieldwork, but this made for a highly uneven corpus of materials.

One of the greatest difficulties I faced in interpreting the notes and transcripts, analysing within and across cases, grouping people's predicaments, reducing the material and trying to write about it is the tension between wanting to provide rich case examples that are redolent of context, and protecting people's wishes for anonymity. To address this tension, I have written most of the chapters using short extracts drawn from a large number of cases, which do not reveal very much about the life histories of those individuals. There are some extended portraits of people whose situations I found good to think through, but I have omitted those aspects of these people's stories which might be reputationally or legally compromising. I have refrained from drawing on any of the really 'big disclosures' (Gabb 2009) that people made in the interviews. I have not specified whether any informant came from East London or Peterborough. I have used pseudonyms throughout and disguised additional personal details revealed to indicate context. In some sections, notably those relating to sexual relationships, I have omitted any identifying information at all.

Debate on the role of the ethnographer and writer in the production of books like this has become increasingly critical. Since the 'writing culture' debates (Clifford and Marcus 1986; Sanjek 1990) the shaping of ethnographic narratives to construct an apparently objective and authoritative account of another's life and society has been understood to be problematic. Feminist scholars and activists have argued for the need to treat informants as thinkers in their own right (Mascia-Lees et al. 1989; Collins 2000). To make open the backing-and-forth between my interpretations of my informants' lives and their own, I begin each chapter with an epitaph reflecting some of the informants' own terms of analysis, and where these depart from mine I discuss this explicitly in the text.

Outline of the Book

Chapter 2 continues this introduction to the research methods by considering in further detail the analytical challenges posed by a study incorporating longitudinal observational research and multiple perspectives within families, rather than just one-off interviews. It is also an empirical

study of motives for divorce in its own right, via extended case studies of just three individuals. I use narrative theory to analyse the interviews as providing insights into the long and emotionally raw processes through which a marriage is undone and post-divorce relationships are mapped. I return to these points about narrativity and genre throughout the rest of the book. Next, Chap. 3 analyses across the entire corpus of interviews to see what common themes emerge in people's explanations for divorce. The comparison with accounts of divorces in the past sheds light on what is distinct about the present. I identify four broad clusters of explanations for marital breakdown—a lack of commitment, not putting up with any more, sexual unfairness and infidelity (or polygamy), and wanting love and not getting it—which are perhaps less exceptional in the context of British family sociology. Whilst arranged and transnational marriages form the backdrop to the problems that the informants narrated, the key finding seems to be that people's expectations of marriage are changing.

Part II on 'Staying Together' begins to explore the couple, wider family and legal responses to marital conflict. Chapter 4 examines family mediation, something that socio-legal scholars have described as a black box in understandings of legal pluralism. I describe women's sense of entitlement to support from their natal kin following an arranged marriage, which is facilitated by patterns of marrying daughters locally and of husbands coming to live among their wives' kin. It is highly responsive to pragmatic considerations; women in love marriages struggle too to improvise family support. I suggest that kinship support is more of a social practice than a legal rule, and as such it cannot be stably characterized either as a centrifugal or centripetal force. In Chap. 5, I examine couples who stay together in extended estrangements, separations or so-called yoyo marriages because of family and community pressures not to divorce, men's facility in denying their wives an Islamic divorce, and the wish—from at least one party—to hold open the possibility of reconciliation. I argue that marital instability is feeding into the emergence of a matrilateral asymmetry in British Pakistani kinship, as natal families step in to pick up the pieces after marital breakdown.

Part III on 'Splitting Up' explores women and men's interactions with what, following the legalism approach outlined above, people culturally recognized as law. Chapter 6 on the sharia shows that sharia councils, which

have attracted a lot of scholarly and political attention in recent years, are only the most institutionalized part of the sharia in the UK. There are many relational and legal predicaments that do not involve women and men going to a sharia council. There are women and men who stay away from them because they critique these institutions, and even among those who attend them, women and men are not beholden to everything the *ulema* (scholars) say. I argue then that the sharia needs to be seen as more fragmented and less authoritative than other research has implied.

Although Part III shows that Islamic and civil law do not operate in parallel but interact in certain situations in people's negotiations of marital disputes, this does not mean that women and men see them as equivalent. The initiation of civil legal proceedings, explored in Chap. 7, with the possibility of state enforcement, was felt to be more authoritative, disempowering and marginalizing. Though three detailed case studies, I show that people's experience of civil law is inflected by ethnicity, religion and very powerfully by social class.

In Part IV on 'Rebuilding Families', Chap. 8 looks at the choices of the divorcees who did not remarry, who were a minority and predominantly comprised of women. Whilst there were very real financial, emotional and sexual vulnerabilities for the women who did not remarry, they talked too about becoming empowered or learning to 'stand on their own feet', and they built up meaningful relational lives based on their children, their natal families and friendship. The divorced men, meanwhile, were more socially isolated and ill-adjusted, and drawn therefore to remarriage. I argue that recent work celebrating the new forms of relational life that have opened up outside of marriage may need to be reworked for British Asian contexts. Chapter 9 deals with remarriages and documents cultural shifts in constructions of arranged marriages as more stable, with parents supporting their divorced children to remarry with more personal choice than the first time round. Divorcees also worked hard to keep their families on side with their choices. There were some examples of happy endings. Remarriage was not, however, a straightforward move towards consensual relationships. People approached their second marriages with a caution that had its own destabilizing consequences. There were further nuances because of the additional mistrust created by immigration interests in transnational marriages. Chapter 10 on children

and stepfamilies shows continuities with British family sociology in that shared parenting seemed to be the predominant arrangement, contradicting earlier work on British Asian families. I suggest that this is producing divorce-extended families, like those described in other ethnographies of working-class communities. Yet the relational textures of these divorce-extended families were also shaped by *biradari* politics, ideas about blood-lines and long-term considerations about children's marital alliances.

Chapter 11, the conclusion, brings together my arguments about conjugality, legal pluralism and new kinship. It returns to the pressing questions sketched out above concerning the grand narrative of individualization, or whether divorce is a Hobson's choice.

References

- Ahearn, L. (2001). *Invitations to love: Literacy, love letters, and social change in Nepal*. Ann Arbor: University of Michigan Press.
- Ahmad, A. N. (2008). Critical approaches to the study of masculinity: Gender and generation in Pakistani migration. In L. Ryan & W. Webster (Eds.), *Gendering migration: Masculinity, femininity and ethnicity in postwar Britain* (pp. 155–170). London: Ashgate.
- Ahmad, F. (2003). 'Still in progress?': Methodological dilemmas, tensions and contradictions in theorizing South Asian Muslim women. In N. Puwar & P. Raghuram (Eds.), *South Asian women in the diaspora* (pp. 43–65). Oxford: Berg.
- Ahmad, F. (2006). The scandal of 'arranged marriages' and the pathologisation of BrAsian families. In N. Ali, V. S. Kalra, & S. Sayyid (Eds.), *A postcolonial people: South Asians in Britain* (pp. 272–288). London: Hurst & Co.
- Ahmad, F. (2014). British Muslims' relationship crisis: Marriage, divorce and the role of secular and religious support services. Retrieved October 2015, from <http://www.publicspirit.org.uk/assets/Fauzia-Ahmad-Muslim-Women-and-Marriage-13th-Jan.pdf>
- Ahmad, I. (2003). Introduction: Theology, law and the sociology of Muslim divorce practices in India. In I. Ahmad (Ed.), *Divorce and remarriage among Muslims in India* (pp. 13–48). New Delhi: Manohar.
- Alavi, H. (1972). Kinship in West Punjab villages. *Contributions to Indian Sociology*, 6(1), 57–89.

- Allan, G., Crow, G., & Hawker, S. (2011). *Stepfamilies*. London: Palgrave.
- Amos, V., & Parmar, P. (1984). Challenging imperial feminism. *Feminist Review*, 17(Spring), 3–19.
- Aura, S. (2008). *Women and marital breakdown in South India: Reconstructing homes, bonds and persons*. Helsinki: University of Helsinki Research Series in Anthropology.
- Ballard, R. (1990). Migration and kinship: The differential effect of marriage rules on the processes of Punjabi migration to Britain. In C. Clarke, C. Peach, & S. Vertovec (Eds.), *South Asians overseas* (pp. 219–249). Cambridge: Cambridge University Press.
- Bano, S. (2012). *Muslim women and Shari'ah councils: Transcending the boundaries of community and law*. London: Palgrave.
- Basu, S. & Ramberg, L. (Eds.). (2015) *Conjugality unbound: Sexual economies, state regulation and the marital form in India*. Hyderabad: Orient Blackswan.
- Beck-Gernsheim, E. (2002). *Reinventing the family: In search of new lifestyles*. Cambridge: Polity Press.
- Berthoud, R. (2000). *Family formation in multi-cultural Britain: Three patterns of diversity*. Colchester: University of Essex: Institute of Social and Economic Research.
- Borneman, J. (1996). Until death us do part: Marriage/death in anthropological discourse. *American Ethnologist*, 23(2), 215–235.
- Bott, E. (1957). *Family and social network: Roles, norms, and external relationships in ordinary urban families*. London: Tavistock.
- Bourdieu, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.
- Brah, A. (1996). *Cartographies of diaspora*. London: Routledge.
- Cameron, D. (2007, May 13). What I learnt from my stay with a Muslim family. *The Guardian*.
- Carsten, J. (1995). The substance of kinship and the heat of the hearth: Feeding, personhood and relatedness among Malays in Pulau Langkawi. *American Ethnologist*, 22(2), 223–241.
- Carsten, J. (Ed.). (2000). *Cultures of relatedness: New approaches to the study of kinship*. Cambridge: Cambridge University Press.
- Carsten, J. (2004). *After kinship*. Cambridge: Cambridge University Press.
- Carter, J. (2012). What is commitment? Women's accounts of intimate attachment. *Families, Relationships and Societies*, 2(1), 137–153.
- Charsley, K. (2013). *Transnational Pakistani connections: Marrying 'back home'*. London: Routledge.

- Clarke, M. (2008). New kinship, Islam, and the liberal tradition: Sexual morality and new reproductive technology in Lebanon. *Journal of the Royal Anthropological Institute*, 14(1), 153–169.
- Clifford, J., & Marcus, G. (Eds.). (1986). *Writing culture: The poetics and politics of ethnography*. Berkeley: University of California Press.
- Collins, P. H. (2000). *Black feminist thought*. New York: Routledge.
- Das, V. (1976). Masks and faces: An essay on Punjabi kinship. *Contributions to Indian Sociology*, 10(1), 1–30.
- Das, C. (2011). *Adult British Indian children of divorce: Context, impact and coping*. Aldershot: Ashgate.
- de Sousa Santos, B. (1987). Law: A map of misreading: Towards a postmodern conception of law. *Journal of Law and Society*, 14(3), 279–302.
- Donnan, H. (1985). The rules and rhetoric of marriage negotiations among the Dhund Abbasi of Northeast Pakistan. *Ethnology*, 24(3), 183–196.
- Dresch, P. (2012). Legalism, anthropology, and history: A view from part of anthropology. In P. Dresch & H. Skoda (Eds.), *Legalism: Anthropology and history* (pp. 1–38). Oxford: Oxford University Press.
- Duncan, S. (2011). Personal life, pragmatism and bricolage. *Sociological Research Online*, 16(4), 1–13.
- Eglar, Z. (1960). *A Punjabi village in Pakistan*. New York: Columbia University Press.
- Erel, U. (2011). Complex belongings: Racialization and migration in a small English city. *Ethnic and Racial Studies*, 34(11), 2048–2068.
- Ersanilli, E., & Charsley, K. (2015). *Looking for a good match? A comparison of transnational and intra-national couples in the UK Pakistani and Sikh communities*. Paper presented at workshop on marriage migration and integration, 1 July, University of Oxford, Oxford.
- Fallers, L. (1969). *Law without precedent*. Chicago: Chicago University Press.
- Finch, J., & Mason, J. (1993). *Negotiating family responsibilities*. London: Routledge.
- Fuller, C. (1994). Legal anthropology: Legal pluralism and legal thought. *Anthropology Today*, 10(3), 9–12.
- Fuller, C., & Narasimhan, H. (2008). Companionate marriage in India: The changing marriage system in a middle-class Brahman subcaste. *Journal of the Royal Anthropological Institute*, 14(4), 735–754.
- Gabb, J. (2009). Researching family relationships: A qualitative mixed methods approach. *Methodological Innovations Online*, 4(2), 37–52.

- Gabb, J., & Singh, R. (2014). Reflections on the challenges of understanding racial, cultural and sexual differences in couple relationship research. *Journal of Family Therapy*, 37(2), 210–227.
- Giddens, A. (1992). *The transformation of intimacy: Sexuality, love and eroticism in modern societies*. Stanford: Stanford University Press.
- Gill, A. (2004). Voicing the silent fear: South Asian women's experiences of domestic violence. *The Howard Journal of Criminal Justice*, 43(5), 465–483.
- Griffiths, J. (1986). What is legal pluralism? *Journal of Legal Pluralism and Unofficial Law*, 18(24), 1–55.
- Grillo, R. (Ed.). (2008). *The family in question: Immigrant and ethnic minorities in multicultural Europe*. Amsterdam: Amsterdam University Press.
- Grillo, R. (2015). *Muslim families, politics and the law: A legal industry in multicultural Britain*. Farnham: Ashgate.
- Gross, N. (2005). The detraditionalization of intimacy reconsidered. *Sociological Theory*, 23(3), 285–311.
- Grover, S. (2011). *Marriage, love, caste and kinship support: Lived experiences of the urban poor in India*. New Delhi: Social Science Press.
- Harriss, K. (2006). *Muslims in the London Borough of Newham*. Oxford: Oxford University: Centre for Migration, Policy and Society.
- Hirsch, S. (2003). *A courtship after marriage: Sexuality and love in Mexican transnational families*. Berkeley: University of California Press.
- Howell, S. (2003). Kinning: The creation of life trajectories in transnational adoptive families. *Journal of the Royal Anthropological Institute*, 9(3), 465–484.
- Jamieson, L. (1998). *Intimacy*. Cambridge: Polity.
- Jamieson, L. (2011). Intimacy as a concept: Explaining social change in the context of globalisation or another form of ethnocentrism? *Sociological Research Online*, 16(4), 1–15.
- Jeffery, P. (2001). A 'uniform customary code'? Marital breakdown and women's economic entitlements in rural Bijnor. *Contributions to Indian Sociology*, 35(1), 1–32.
- Jhutti, J. (1998). *Study of changes in marriage practices among the Sikhs of Britain*. Unpublished DPhil thesis, Institute of Social and Cultural Anthropology, University of Oxford, Oxford.
- Kaur, R. & Palriwala, R. (Eds.). (2014). *Marrying in South Asia: Shifting concepts, changing practices in a globalizing world*. Hyderabad: Orient Blackswan.
- Langhamer, C. (2007). Love and courtship in mid-twentieth-century England. *The Historical Journal*, 50(1), 173–196.

- Langhamer, C. (2012). Love, selfhood and authenticity in post-war Britain. *Cultural and Social History*, 9(2), 277–297.
- Lewis, J. (2001). *The end of marriage? Individualism and intimate relations*. Cheltenham: Edward Elgar.
- Liversage, A. (2012). Transnational families breaking up: Divorce among Turkish immigrants in Denmark. In K. Charsley (Ed.), *Transnational marriage: New perspectives from Europe and beyond* (pp. 145–160). London: Routledge.
- Malik, R. (2014). *Reflections of a counsellor*. Paper presented at workshop on marital instability and divorce among Muslims in Britain, 25 February, Cambridge Muslim College, Cambridge.
- Mascia-Lees, F., Sharpe, P., & Cohen, C. (1989). The postmodernist turn in anthropology: Cautions from a feminist perspective. *Signs*, 15(1), 7–33.
- Merry, S. E. (1988). Legal pluralism. *Law and Society Review*, 22(5), 869–896.
- Mody, P. (2008). *The intimate state: Love marriages and the law in Delhi*. New Delhi: Routledge.
- Mohammad, R. (2015). Transnational shift: Marriage, home and belonging for British Pakistani Muslim women. *Social and Cultural Geography*, 16(6), 593–614.
- Mohanty, C. T. (1988). Under Western eyes: Feminist scholarship and colonial discourses. *Feminist Review*, 30(Autumn), 61–88.
- Morgan, D. (1996). *Family connections*. Cambridge: Polity Press.
- Morgan, D. (2011). *Rethinking family practices*. London: Palgrave.
- Nath, R., & Craig, J. (1999). Practising family therapy in India: How many people are there in a marital subsystem? *Journal of Family Therapy*, 21(4), 390–406.
- Office for National Statistics. (1996). *Social trends no 26*. London: HMSO.
- Office for National Statistics. (2013). 2011 census table: QS201EW. Retrieved October, 2015, from <https://www.nomisweb.co.uk/census/2011/ks201ew>
- Pool, R. (2000). *Negotiating a good death: Euthanasia in the Netherlands*. New York: The Haworth Press.
- Qureshi, K. (2014). *Briefing report: Migration, marital instability and divorce among British Asians*. Oxford: Oxford University: Institute of Social and Cultural Anthropology.
- Qureshi, K. (2015). Migration, belonging and the body that births. In M. Unnithan-Kumar & S. Khanna (Eds.), *The cultural politics of reproduction: Migration, health, and family making* (pp. 14–32). Oxford: Berghahn.

- Ribbens McCarthy, J., Edwards, R., & Gillies, V. (2003). *Making families: Moral tales of parenting and step-parenting*. London: Sociology Press.
- Roberts, S. (2005). After government? On representing law without the state. *The Modern Law Review*, 68(1), 1–24.
- Rogaly, B., & Qureshi, K. (2013). Diversity, urban space and the right to the provincial city. *Identities*, 20(4), 423–437.
- Rytter, M. (2013). *Family upheaval: Generation, mobility and relatedness among Pakistani migrants in Denmark*. Oxford: Berghahn.
- Salway, S., Chowbey, P., Such, E. & Ferguson, B. (2015) Researching health inequalities with community researchers: Practical, methodological and ethical challenges of an ‘inclusive’ research approach. *Research Involvement and Engagement* 1(9), 1–21.
- Sanjek, R. (Ed.). (1990). *Fieldnotes: The makings of anthropology*. New York: Cornell University Press.
- Schneider, D. (1968). *American kinship: A cultural account*. Chicago: Chicago University Press.
- Schneider, D. (1984). *A critique of the study of kinship*. Michigan: University of Michigan Press.
- Shah-Kazemi, S. N. (2001). *Untying the knot: Muslim women, divorce and the Shariah*. London: The Nuffield Foundation.
- Shaw, A. (2000). *Kinship and continuity: Pakistani families in Britain*. Amsterdam: Harwood Academic Publishers.
- Shaw, A. (2001). Kinship, cultural preference and immigrations: Consanguineous marriage among British Pakistanis. *Journal of the Royal Anthropological Institute*, 7(2), 315–334.
- Shaw, A. (2004). British Pakistani elderly without children: An invisible minority. In P. Kreager & E. Schroeder-Butterfill (Eds.), *Ageing without children: European and Asian perspectives* (pp. 198–221). New York/Oxford: Berghahn Books.
- Simpson, B. (1998). *Changing families: An ethnographic approach to divorce and separation*. Oxford: Berg.
- Singh, A. T., & Uberoi, P. (1994). Learning to ‘adjust’: Conjugal relations in Indian popular fiction. *Indian Journal of Gender Studies*, 1(1), 93–120.
- Singh, R. (2009). Constructing ‘the family’ across cultures. *Journal of Family Therapy*, 31(4), 359–383.
- Sinha, R. (1998). *The cultural adjustment of Asian lone mothers living in London*. Aldershot: Ashgate.

- Smart, C. (2004). Changing landscapes of family life: Rethinking divorce. *Social Policy & Society*, 3(4), 401–408.
- Smart, C. (2007). *Personal life: New directions in sociological thinking*. Cambridge: Polity Press.
- Smart, C., & Neale, B. (1999). *Family fragments*. Cambridge: Polity.
- Smart, C., Neale, B., & Wade, A. (2001). *The changing experience of childhood: Families and divorce*. Cambridge: Polity.
- Smart, C., & Shipman, B. (2004). Visions in monochrome: Families, marriage and the individualization thesis. *The British Journal of Sociology*, 55(4), 491–509.
- Sonpar, S. (2005). Marriage in India: Clinical issues. *Contemporary Family Therapy*, 27(3), 301–313.
- Stacey, J. (1990). *Brave new families: Stories of domestic upheaval in late-twentieth-century America*. Berkeley: University of California Press.
- Strathern, M. (1992). *Reproducing the future: Essays on anthropology, kinship and the new reproductive technologies*. Manchester: Manchester University Press.
- Strathern, M. (2005). *Kinship, law and the unexpected: Relatives are always a surprise*. Cambridge: Cambridge University Press.
- Sweetser, D. (1963). Asymmetry in intergenerational family relationships. *Social Forces*, 41(4), 346–352.
- Tamanaha, B. (2008). Understanding legal pluralism: Past to present, local to global. *Sydney Law Review*, 30(3), 375–411.
- Thiara, R., & Gill, A. (2012). *Domestic violence, child contact and post-separation violence: Issues for South Asian and African-Caribbean women and children*. London: National Society for the Prevention of Cruelty to Children.
- Thiara, R., Gill, A., & Kelly, L. (Eds.). (2010). *Violence against women in South Asian communities*. London: Jessica Kingsley.
- Trawick, M. (1990). The ideology of love in a Tamil family. In O. Lynch (Ed.), *Divine passions* (pp. 37–63). Berkeley: University of California Press.
- Twamley, K. (2014). *Love and marriage amongst Gujarati Indians in the UK and India: A suitable match*. London: Palgrave.
- Vatuk, S. (1971). Trends in North Indian urban kinship: The ‘matrilateral asymmetry’ hypothesis. *Southwestern Journal of Anthropology*, 27, 287–307.
- Vatuk, S. (1972). *Kinship and urbanization: White collar migrants in North India*. Berkeley: University of California Press.
- Vatuk, S. (2015). What can divorce stories tell us about Muslim marriage in India? In S. Basu & L. Ramberg (Eds.), *Conjugality unbound: Sexual econo-*

- mies, state regulation and the marital form in India* (pp.190-216). New Delhi: Women Unlimited.
- Vertovec, S. (2007). Super-diversity and its implications. *Ethnic and Racial Studies*, 30(6), 1024–1054.
- Vivieros de Castro, E. (2009). The gift and the given: Three nano-essays on kinship and magic. In S. Bamford & J. Leach (Eds.), *Kinship and beyond: The genealogical model reconsidered* (pp. 237–268). Oxford: Berghahn.
- Wallman, S. (1984). *Eight London households*. London: Tavistock.
- Werbner, P. (1990). *The migration process: Capital, gifts and offerings among British Pakistanis*. Oxford: Berg Publishers.
- Weston, K. (1991). *Families we choose: Lesbians, gays, kinship*. New York: Columbia University Press.
- Widmer, E. (2012). *Family configurations: A structural approach to family diversity*. Ashford: Ashgate.
- Wilson, A. (2006). *Dreams, questions, struggles: South Asian women in Britain*. London/Sydney: Pluto Press.
- Yanagisako, S. (1977). Women-centered kin networks in urban bilateral kinship. *American Ethnologist*, 4(2), 207–226.
- Young, M., & Willmott, P. (1957). *Family and kinship in East London*. London: Routledge.

Part I

Grounds for Conflict

2

Storying Marital Conflict

You can't just hear one side of the story, you've got to hear both sides.
Sukaina

Carol Smart (2007) remarks that in relation to divorce, it is striking how readily 'what might be called one's "memory box" ... can be switched from one containing precious times and moments to one completely overflowing with remembered slights, abuse, neglect and diminishment' (p.41). During fieldwork, my friend Shareen sometimes played the role of 'memory box'. After sitting in on a grim interview with a woman who depicted her marriage as violent and loveless, she told me that this particular couple had once been known as the 'lovebirds of the *biradari*'. How can we make sense of the narratives that people tell about marital breakdowns if they are so partial and contradictory? This chapter draws in theory on narrative, from a number of disciplines, to explore the challenges of analysing the interviews with just three women and men and to suggest ways of approaching them. As such, the chapter seeks to offer more sustained methodological reflections about the

interpretive difficulties posed by research involving longitudinal ethnographic observation and multiple perspectives within families. It is also an empirical study in its own right of the marital problems that lead to divorce, serving as a reminder about the complex inter-subjective processes entailed by the breakdown of a marriage, which are present as traces in the interviews.

There is a large body of work on narrative which argues against any naïve supposition that narrative represents descriptions of events, experiences and feelings drawn from the repository of people's memories in any straightforward sense. In his early manifesto of 'life as narrative', psychologist Jerome Bruner (1987) proposes that experience includes actions and feelings, and also reflections on those actions and feelings. Narrative does more than offer a window onto such subjective reflections, but real-life interactions can actually take the shape of stories, such that people eventually 'become' their autobiographical narratives:

ways of telling and ways of conceptualizing that go with them become so habitual that they finally become recipes for structuring experience itself, for laying down routes into memory, for not only guiding the life narrative up to the present but directing it into the future... a life as led is inseparable from a life as told. (p.31)

Anthropologist Michael Carrithers (1995) adds importantly that stories have a social as well as a mental life. They do not arise through the narrator's independent train of thought, but rather, 'the flow of action of the story... is understood partly through the flow of action of its telling' (p.268). He proposes to examine narratives as collectively made, as acts of 'confabulation' (p.275). In a more methodological contribution, oral historian Daniel James (2000) entreats us to think critically about the politics of what happens when an informant and a researcher confabulate. He calls attention to the hierarchy built into the research relationship, which allows one party to be asking all the questions and requires the other to tell their story. He cites from historian Ronald Grele to propose that interviews generate a 'conversational narrative', shaped by the researcher's particular line of questioning, which is often profoundly disruptive of the informant's 'narrative as such', namely the narrative

that the informant actually wants to tell (p.135). These insights present another challenge to the supposition that narratives can be treated as simply referential of past events.

In the case of marital conflict, the blur between past action, subjective reflections and collective confabulation gives us what Joseph Hopper (1993) calls 'motives for divorce narratives' rather than factual descriptions of why marriages break down. Hopper argues that divorce narratives are essentially rhetorical: they achieve the purpose of justifying why the narrator got divorced, and persuading the self and others that they were right to behave in the way that they did. Anthropologist Bob Simpson (1998) agrees that interviews about divorce are rhetorical. Many of his informants saw the meeting as 'an important chance to correct mis-representations, assumed or actual, perpetrated by ex-partners, solicitors or the community at large' (p.22). In the end of his book, however, he argues that these narratives do more than satisfy the informants' need to see themselves as fundamentally good people but more radically, they actually constitute part of the process through which ex-partners disentangle themselves from one another. He writes of narrative as an 'architectonic process' by which divorcing couples 'evaluate and communicate their endeavours and thereby map themselves in relation to others' (p.127).

This insight into the relational work accomplished by narrative has been appreciated by other studies of family life. In their study of twenty-first-century motherhood, for example, Thomson et al. (2011) see the process of 'storying pregnancy' as a central practice through which families are 'named and brought into being at dynamic moments', showing 'what people claim in terms of relatedness to others' (p.27). On these grounds, we might see the storying of marital breakdown as a particularly interesting form of family practice as it does the work of severing, not producing relationships. Literature on new kinship has argued that this kind of family practice has gone unrecognized because of the folk and anthropological bias towards theorizing kinship in positive terms (Edwards and Strathern 2000; Peletz 2001).

Richard Werbner (1991), in his masterful study of the life histories of a single Kalanga family in modern-day Zimbabwe, agrees that we need to see narrative as a form of family practice. He seeks to represent 'the force memories have in sentiment and passion, their force in the creation of

family knowledge, and thus their force in the actual making of the family itself' (p.4). But to this, he adds the insight that genre may also be essential to understanding the relational work achieved by narrative. In his study of Kalanga 'quarrel stories', he demonstrates how narrators use storytelling to depict themselves as a particular character in accordance with their self-placement towards the ongoing dispute. He identifies four genres of narrative; heroic adventure, cautionary realism, nostalgia and romance, which index contrasting stances towards the quarrels they recount. The different genres make the life histories not only 'products of those arguments, but ... also self-assertions carrying those arguments forward' (p.147). We may then need to consider divorce narratives as actual instantiations of marital conflict, as sites where conflict is carried forth.

Before we begin, a few words are needed to introduce the three cases I examine in this chapter. They are not representative of the wider corpus of marital breakdowns. They are all migrants from Pakistan rather than UK born, and two of them are second marriages. As interviews, they are particularly saturated with acrimony. Later chapters will provide examples of conflicts that were more cordially resolved and allow us to situate these marital breakdowns alongside a wider range of predicaments. I have simply chosen these cases because they illustrate with particular clarity the storying of marital conflict.

Naila was a single mother in her early 50s during my first period of fieldwork, who had been diagnosed with clinical depression. In late 2005, with the assistance of Punita Chowbey, who was working as a research associate in the wider project in which my PhD was embedded, I did a life history interview with Naila which illustrated very vividly the ways in which she made sense of her embodied distress as the product of marital conflict. In 2012 and 2013, I went back to Naila on my own to try and understand more of her situation as a single mother and she gave me two more tape-recorded interviews about the breakdown of her marriage. I have pieced together additional parts of the story from snippets of life history that I noted down on other occasions for participant observation during the two periods of fieldwork. The interviews with Naila allow us to see the limited extent to which we can treat narrative as a source of facts about past events, but also, perhaps more constructively, suggest ways in which narrative can tell us about the present.

Afzal and Kulsoom are a divorced couple with whom I carried out one of the nine sets of husband–wife paired interviews in 2013. Their parallel interviews allow us to glimpse how the narratives of ex-husbands and wives develop in relation with one another.

Naila

Naila has a diagnosis of clinical depression, and she experiences medically unexplained pains and other symptoms—what Pinto (2014) has called ‘the bodily voicing of unspeakable critique’ (p.160). But she is still a vivacious woman. She was born and educated in Pakistan and migrated to the UK in the early 1980s after marrying a man who was an outsider to her family. It was Naila’s first marriage, but her husband was a divorcee with two children from his previous marriage. Naila lived with her husband for ten years and had four children with him before the marriage broke down in the mid 1990s. Naila now considers herself separated, whilst her husband considers them to be Islamically divorced, a discrepancy I return to in Chaps. 5 and 6. Naila has been a single mother for two decades. She has survived on a combination of welfare benefits and a small informal income from teaching Quranic Arabic to local children. She lives with three of the children in the marital home, a three-bedroom terraced house; she was awarded residence in the house following a court case over the payment of their jointly awarded mortgage, because of the need for her to provide accommodation to the children.

By 2005, I knew Naila quite well, as I had attended a weekly women’s group with her for more than a year. My interest in interviewing her piqued after I heard her address the women’s group on the topic of depression. She urged us to tell each other about our life experiences, and gave the example of her own illness because of ill-treatment by her ex-husband and later too by her eldest daughter, who, she told us tearfully, had betrayed her and chosen to go and live with her father. I later learned that some of the other women from the group thought that Naila exposed herself by talking so openly about her mental illness and her marital problems. Mrs Gulzar, another long-term separated woman, said to me in a sniping way that ‘I do not “advertise” my problems, unlike

Naila'. When Punita and I went to interview Naila in 2005, as detailed below, she referred to numerous events in her narrative that indicated that she probably talked quite incessantly about her marital breakdown with her teenage children. In her interview, however, she told us explicitly that she kept her family life completely private, that she held her suffering inside her and shared it with no one, and that she had borne the trials of her marriage with *sabar* (patience, endurance). Like Mrs Gulzar, she was claiming moral authority by enacting the virtuous figure of the all-enduring woman or *sabarwali*. Benedicte Grima (1992) in her work on Pakhtun women's narrative performances identifies silent suffering as inextricably connected to, and productive of, Pakhto constructions of feminine ideals. In earlier work, I have discussed *sabar* as a gendered cultural and religious ideal and described women's encouragement to one another to exercise *sabar* in face of misfortune, as well as the moral high ground that women may claim through its enactment (Qureshi 2013). As a result of this moral high ground, however, I have also identified contradictions between women's narratives of suffering and sacrifice, and their everyday life when faced with relentless, interminable chronic ill-health and the problem of securing care from their family members. With Naila, there are the same slippages between her self-presentation as a *sabarwali*, and her frequent airing of her unhappy marital history to try and secure attention from her family members.

At the first interview Naila talked non-stop for the four hours we were at her house, in a fast and refined Urdu. After we turned on the tape recorder, she began with the story of how her marriage came about. Their *nikaah* (Islamic marriage) had been conducted over the phone, she in Pakistan, her husband in the UK. Three months later, she flew to England to begin her married life.

He came to get me from the airport. With him was another friend of mine, the one who fixed our alliance. They were very nice towards me.

Punita: When did you come to this country?

[Gives precise date]. Now, when I got home ... I was a religious type of girl, I did not know much about these things. When I got here everyone welcomed me well. There was this lady, Zainab, who lived next door. She knew him, and me as well. In fact, my wedding alliance came through her;

she lived close to where my husband lived back home [in Pakistan]. She was distantly related to my husband as well. My husband's sister used to study with me in college. When she brought this alliance home, my sister called Zainab up to find out about my husband. Zainab asked my sister not to worry at all and said 'You can send your sister here.' She said that my husband was a very good person, well educated... and has maintained a good home.

[Translated from Urdu]

From these opening sentences Naila constructed a version of herself as an unassuming, religious young woman who had little knowledge of the base sides of people and relationships. She had entered the marriage on good faith, she told us, acquiescing with her family's wishes and with the reassurance of an intermediary that her husband was educated and from a good family. No sooner had she told us the circumstances of the marriage, than she found herself at a loss for words, unsure where to begin with her story of how her hopes as a newly married bride had been shattered.

Then after I got here, every day... What can I say!... He used to get hold of my head and strike it. This is what he used to do every day. [Falls silent]

Punita invited her to speak again by asking when she had got married.

I got married... My wedding was registered here on the [precise date]. [From the date of arrival in England to the date of registering the marriage], day and night he "mentally tortured" me [the expression in "s" was said in English]. He would say things like 'I will not register your wedding.' [See Chap. 3 on UK immigration law shoring up patriarchal power.] He would bring his ex-wife round.

Punita: His ex-wife?!

He had an ex-wife.

Punita: Had you known about this before?

Yes. His sister told us. His mother told us that he was not very old... that he had young children and that the children stay with their mother. And that she [his ex-wife] would not come around... Now, my father had brought us up in a good way, both my sisters look after their families well. I hope you understand what I'm trying to say. We wanted somebody who

was well-educated, and in our Sayyad *biradari* [a high-ranked caste said to descend from the lineage of the Prophet Muhammad], because we go by the *biradari* (patrilineage, caste) criteria a lot. Based on this, the marriage was fixed. They said that he was young, his children were small....

Now, what happened was that my husband got married to me and used his ex-wife against me. Because of the presence of another woman [i.e. Naila, as the new wife], his ex-wife became jealous, and he opened the door for her. Now the two of them started troubling me ... and when asked, they would say they were doing it for the children's sake.

She slowed her narrative right down to describe the point at which the ex-wife came back on the scene. Her husband had dropped her at a hair salon, she recalled. Zainab, the go-between friend who had arranged the marriage, turned up in the salon in a state of consternation.

He told me to do up my hair in the salon while he went out on an errand, but actually what he did was get his ex-wife into the house. Now Zainab, the lady who fixed our alliance, saw this and she ran up to the salon to see me. She kept asking me 'How long is your hair going to take.' She kept coming over and over to see ... and seeing her all flustered, I asked her 'Why are you getting impatient? I hope the other woman has not come over to my place!' She kept staring at me. I was joking, but it turned out to be true. The salon was just round the corner from where she lived, so she kept coming to hurry me up and I had the inkling that something was the matter. I was joking, but it turned out to be true. Then another of his friend's wives who was around, she came to fetch some clothes which I brought her from Pakistan. She told me '*Bhabhi ji* (brother's wife, used here as an honorific), go and take charge of your home or she will ... she is sitting over there.'

Punita: Did she bring all her stuff back to the house?

Well, she was just there to tease me. What she saw [Naila's second friend] was that she [the ex-wife] was on the sofa and my husband was there sitting on the floor at her feet.

Punita: So she just came there?

Yes ... just to tease and irritate me. This story continued till two children were born.

Something very fascinating in the above extract is the way in which Naila, like the women and men in Simpson's (1998) study, used

‘double-voicing’—assuming or impersonating another person’s speech—in order to animate the characters in her narrative. Naila literally acted out in front of us the agitation of her friend Zainab, the intermediary, dramatizing Zainab’s desire to warn her of the disaster that was unfolding at home; how she had wriggled in her chair in the salon and stared at Naila so meaningfully. We can also see Naila here attributing motives to her ex-husband, imputing, although she could not have known this concretely, that he sent her to the hair salon in order to sneak the ex-wife into the house. As Simpson identifies, a distinctive characteristic of the narratives of divorcing couples is how they are compelled to imaginatively enter the minds of their ex-spouses.

After this dramatic story, the temporal sequence of Naila’s narrative began to skip and she speeded up, skating over ten whole years of the marriage before settling on another event that she described in detail. It has taken me many readings to realize that, as Jacqui Gabb (2009) observes, Naila’s account was simply not ordered chronologically but ‘constituted through relational connections, weaving together a story of continuity, structured through feelings’ (p.42). Surprisingly for us, the event Naila described next was her discovery of the possibility of women experiencing sexual pleasure (see Chap. 3 on sexual unfairness and infidelity as explanations for marital conflict). This was a revelation that threw Punita and me so soon into the interview, because Naila used the English word ‘relax’ as a euphemism for sexual pleasure, a usage that neither of us had heard before. Naila told us she had made this discovery when her husband showed her an article about it in an English newspaper and then hid it away—a point she enacted repeatedly as evidence that he was deliberately hiding knowledge from her, taunting her and testing her. The possibility of experiencing sexual pleasure was connected in Naila’s mind to the spectre of the ex-wife, because she felt that her husband had used the threat of the ex-wife to coerce her to make herself sexually available whenever he wanted. Naila was angry that he had denied her the knowledge of sexual pleasure, serving his own needs without thought to her enjoyment.

As time passed we had children, one after another. And then one day he was reading the newspaper, an English paper and asked me to read a

psychology column which said ‘Whenever my husband has intercourse with me I can never “relax” with him ... maybe my husband thinks that don’t love him any longer.’ I could not make sense of it. I asked him what it was. But all he did was take the paper back and he kept it aside [acts out rolling up the newspaper and putting it on top of a cupboard]. Now: who is the cheat, me or him?

Later, when my daughter was much older I told her about it and she said ‘You could not understand even then? They teach us about this in primary school in this country.’ But that was not the case with me. We are not taught all about this in our country. I asked her not to touch my raw wounds. He has cheated me so much. Every night he murdered me.

Punita: What do you mean?

I mean that he got what he wanted [his sexual needs were being fulfilled] and the woman [i.e. Naila] was so innocent that she did not realise she was being used.

Do you understand what I’m trying to say?

Punita: Not really...

You are unmarried ... How can I explain.

Punita: No, I am married... I can understand? You mean you never cared about your needs, only about his own?

Well. He would come close to me ... be “intimate”, ask me to kiss him. He used to eat my brains with this stuff. And in the end all I felt was ... I just had to comply to his needs. Just felt that he should be satisfied. Every night he did this to me. I used to think what kind of a mad person am I married to?

Here again we can see Naila attributing motives to her ex-husband, asserting that he deliberately instilled this fear of the ex-wife, and the notion of a woman’s experience of sexual pleasure as a measure of her love, as a device to force her to make herself sexually available.

She then skipped forward to the present, connecting her husband’s ‘cheating’ to the more recent dispute that preoccupied her at that time. Many years after she and her husband had separated, her daughter had switched sides and gone over to live with her father.

He was the person to be blamed. If he had given me love, I would have reciprocated it. But he did not love me, so how could he expect it of me? This is what I was discussing with my daughter. But now he has snatched her away from me, and her response is that ‘All men are like this.’

Naila now skipped abruptly to another event connected in her mind to her daughter's comment on her revelation of her marital discontent. She had once hinted about her problems to a friend in Pakistan, and the friend wrote back with pragmatic advice: that she should suppress her own needs and comply with her husband's demands, lest he return to his ex-wife. The friend's words provided the connect to the most eloquent part of Naila's narrative, where she elaborated on the qualities of *sabar* (patience) that she had cultivated in her marriage and the sacrifices that she had made to sustain it.

Actually my life has become a *paheli* (puzzle). What happened was, when my sister got to know that things were not alright with me (actually she is a sister and a friend as well ... we studied together) ... she wrote to me saying that I should always comply with my husband's desires at night else he would keep going back to his ex-wife. And I did not understand anything. Only after ten years I got to know that women also have rights. I haven't told her much—cause she loves me a lot and would be very upset if she got to know everything.

I spoke to her and she said that whatever has happened, stick by your husband. Because in our religion a man is allowed to have two or three wives, so she told me not to deny my husband his rights, not to stay away from my husband else he would keep going back to his ex-wife. She told me this, and this stayed in my mind always So I always complied with his wishes, never denied him ... I was always concerned about his pleasure and not mine. And now after ten years, when I got to know that women too can experience pleasure, I was devastated ... I felt that he violated me over the years every night [breaks down into tears]. He thought that *I* was cheating on *him*.

My daughter fails to understand my pain. She does not understand me! My daughter's attitude really pains me. She says 'Men are all like this.'

As Simpson observes, people 'demonstrate the sense they make of their relationships through the stories they tell, that is narratives which locate others in relation to the self' (1998, p.151). To think further about how Naila's narrative does this relational work, I suggest it may be illuminating to turn to Werbner (1991) on the Kalanga life history genres. Naila's narrative seems closest to his 'heroic' genre, a kind of self-account where 'the subject as hero actively and consciously finds his way past

obstacles despite the efforts of his antagonists to defeat him' (p.146), with the exception that her heroism lies specifically in her capacity to endure unwarranted cruelty from her husband. She depicts herself as an innocent, defenceless victim, identifying no grounds of provocation for each argument. We are left to conclude that her husband was a perverse tormenter. In considering Naila's interview to fall into a narrative genre, I do not wish to suggest that her husband was *not* a cruel tormenter, or cast doubt on her suffering. I mean merely to observe that, as a type of self-account, the victimhood genre seems to map out a very final placement towards the marital breakdown. Everything is blamed on the ex-spouse and his fathomless cruelty. There are no extenuating circumstances, there is no possibility of forgiveness, and no looking back.

In 2012–13, I got the chance to interview Naila again. As well as learning about how the relationships in her post-divorce family had evolved, I hoped to clarify some aspects of the story that had confused me. However, it proved impossible to draw out many further details about why the marriage broke down. Listening to the recordings, I was fascinated to observe the consistency in her narrative over an interval of seven years. Repeating her earlier interview word for word, she said once more that her life had become a *paheli* (puzzle) in connection with the same story about how she had written to her friend to tell her of her unhappiness in the marriage.

My life has become a *paheli* (puzzle)! My sister wrote to me this sentence which I did not understand: '*Mard hote aise hee* (men are just like that), 90 per cent of men are like that, all the time they wander around women. Whether they're young or old, they'll still go after them, doesn't matter if the woman is good looking or older, he will still go after her.'

Intriguingly, she embellished exactly the same scenes, describing in great detail the scene in the hair salon in the first week after she arrived and then skating forward over the same ten-year interval to the newspaper article that had set her mind spinning.

Like that, he made a roll of that newspaper and put it up there [on the cupboard]. He intentionally gave it to me to read. It wasn't my problem—it was that *gori* (White woman) who wrote in to the newspaper

with *her* problem, ‘When my husband does “intercourse” with me I never “relax” with him.’ I couldn’t understand. Do you understand? I couldn’t understand the meaning of this, “relax”. I asked ‘What is r-e-l-a-x?’. I didn’t understand, but he didn’t reply to me, instead he rolled up that newspaper and put it up there.

My attempts to probe and question met with disastrous results. In my notes after our final interview, I recorded paroxysms of regret at having pushed her into uncomfortable territory.

I felt dirty inside, as if I had done a terrible thing. She was clearly not able to talk about many of the topics I’d tried to ask about—the custody arrangements with the stepchildren, how long she continued to see them for, how she got on with the stepchildren or what exactly was the relationship between him and his ex-wife—and kept repeating instead the story she told last time about how it was in her *naseeb* (destiny) to have stepchildren because she’d been so kind to the stepchildren in their neighbourhood, teaching them and sewing them clothes, that if she’d done all this then how could she be bad to her own stepchildren.

For me, the repeated interviews with Naila become a parable about the importance of taking each interview as it comes—as narrative—and holding back from trying to probe further or push forward into areas about which people are reluctant to speak. There are points where narrative falls to pieces, where suffering becomes unspeakable (Pinto 2014).

There are limitations, then, in the extent to which we can use narrative to dig up facts about the past. As in the other cases where I was able to carry out repeated interviews or compare the accounts between interviews and field notes, I did not find Naila’s stories changing substantially over time. She told and re-told the same stories to me, as she does to her friends and her teenage children. Marital breakdown is a powerful life experience that provokes people to tell stories to make sense of what happened. If we can hold back from trying to probe or cross-check, these are interviews that can give us not ‘conversational narratives’ but ‘narrative as such’ (James 2000), forged prior to the research encounter. And it is perhaps more accurate to see these narratives as demonstrating the sense that people make of their relationships today, rather than as true reflections of the past.

I did not get to interview Naila's ex-husband, so we are unable to compare her account of the marriage with his. Her accusations about the inappropriateness of his relationship with his first wife after their divorce, about his dark motives for taking Naila as a second wife, and how he used the spectre of his first wife to make Naila comply with his desire for sexual gratification are left hanging.

The next two cases, Afzal and Kulsoom, are paired, which allows us to try and compare the two versions of events. Yet their interviews leave just as much unresolved, suggesting that we should not approach the paired interviews with a view to triangulation, but as illuminating mental life.

Afzal

Afzal was 32 at the time of the interview. He completed ten years of education in Pakistan and then migrated to the UK illegally at the age of 18. It was his marriage to Kulsoom that allowed him to work legally and remain indefinitely in the UK. Kulsoom was another migrant from Pakistan who had settled in the UK after a brief first marriage that resulted in a daughter, but lasted only six months. Afzal and Kulsoom had three children together before they separated after 13 years of marriage. At the worst point in their marriage, Afzal had a second Islamic marriage to a UK-born woman named Haseena. Haseena died young and suddenly, and Afzal is now alone. He works as a minicab driver.

Afzal was difficult to pin down for the interview. He postponed twice at the last minute, and Shareen, who introduced us, reported that he was unenthusiastic about taking part in the study and only doing it for her as a favour. Shareen warned me that he might not be very forthcoming, and that I should go armed with a battery of questions to encourage him to talk. In the event, though, it couldn't have been further from the case.

I met him in the evening after he finished his long shift in his minicab: he had been driving since 5 a.m. We sat parked up in his cab opposite a McDonalds on a main road. He was wearing a slouchy navy tracksuit, trainers and a sweaty white t-shirt which was stretched over his stomach. There was a family-size bottle of tropical juice in the door of the passenger seat. This was the environment of a man who lived in his car. The sky

darkened above us as he talked. His face lit only by the neon lights of the McDonalds, Afzal spoke, almost entirely unprompted, for three and a quarter hours. He seemed to have completely retreated into his memories. He was talking to himself, or rather 'talking himself', as much as he was talking to me (Simpson 1998, p.141). He talked chronologically and told detailed stories about each stage of his 13-year marriage to Kulsoom. It was therefore different from most of the interviews, like Naila's above, where people slowed down their narratives to describe the early days of their marriage and then sped up over the intervening years.

Afzal opened the interview with his arrival in the UK as an 18-year old. He had smuggled himself via an agent and then applied for political asylum. He had two elder brothers, a sister and her husband—one of his cousins—already settled in the UK. His sister had advised him to marry in order to regularize himself as soon as possible. In this way, Afzal introduced his marriage with the same narrative structure as Naila. He was a simple 'man from the village'. The marriage was his sister's choice, and he entered into it on trust. He said he had reservations from the beginning, about marrying a woman from the UK.

My sister wanted me to marry here ... [But] after I came here and saw the condition of the girls, the style of the girls here, my heart was saying that I should marry in Pakistan. Because I'm properly from the village, I'm a *gaon-type admi* (village guy). I hadn't even visited Islamabad, I hadn't seen the big cities of Pakistan, I haven't even visited Lahore properly, I only went to the airport and from there I came straight here. Because the life of the village is very ... different. You know, there are animals, cows, buffaloes, sheep, that kind of thing, horses. We have our own land and home and all different livestock. I was fond of the animals, I used to feed them. All of that kind of work, that way of living, I like that a lot. But then my parents' wish was that I should go to England.

[Translated from Urdu]

Afzal described the *rishta* (proposal) with Kulsoom rather bluntly. She was an older divorcee with a daughter, not the stuff of dreams, but as an illegal immigrant he did not have *rishte* knocking on his door. A friend of his sister introduced the two families.

She was already divorced and she had a daughter from her first marriage. Her daughter was at that time eight or nine years old... My sister's friend talked to my sister about Kulsoom, saying that she will arrange a *rishta* with your brother. It was not a love marriage but it was an arranged marriage.

Afzal stayed at this slow pace to contextualize the initial problems that arose in the marriage. Here, his narrative genre begins to depart from Naila's. He was very specific in his allegations and careful throughout his interview to set the scene for each of the arguments he recounted, remembering what he had said and what she had said so as to re-live Kulsoom's point of view as well as his own. They were living in the box room at Afzal's sister's overcrowded house. Afzal was still an asylum seeker with no permission to work, and was therefore working in the black economy and for low pay. Whilst acknowledging Kulsoom's frustration with their living arrangements, he maintained that she should not have expected him to be able to provide for independent accommodation immediately, as she had known from the beginning that he was still illegal. Under the circumstances, he felt that Kulsoom should have been prepared to wait until they could save some money and move out. But after a very short while, she became fed up of living with Afzal's sister and arguments ensued.

I was already looking for a property but my "missus" didn't have *sabar* (patience, endurance). I had already tried to make her realize. I already told her that 'This is a small place for two families to live, but just think, they have done a lot for us. They let us live here and they arranged a marriage for me. Ok', I said, 'wait a little while; they are also fed up with the situation.' But she did not wait, she started this drama of swearing. I ran up the stairs behind her but she shut the door and locked it. Then my sister pulled me downstairs and said 'Don't, you've only just got married. Why are you quarrelling, just leave her. If she's talking like this and that, then leave her alone.' She calmed me down and then I went to work. But then she [Kulsoom] demanded that she wouldn't stay at the house. The next day when I got home in the evening, she had left the house, to her brother who used to live here.

After Kulsoom was granted council accommodation in order to house her daughter, she and Afzal had three children together. But they continued to have their ups and downs and fought frequently. Careful again to

set the scene in sufficient detail, Afzal explained that, as the years went by, he had begun to leave the house whenever they would fight. Kulsoom would lock the front door from the inside so that he could not get back into the house. He was too ashamed to tell his sister or his cousins that his wife was throwing him out, so he started to sleep in the car. This was the context to a singular act of violence that, according to Afzal's version of events, undid the marriage irreversibly.

That day she dropped the kids at school and came in my room. She told me 'Get up, give me some money. These are the bills.' I said 'Ok, the bills are there. Let me sleep, I have to go to work, I'll get up after a while and I always pay the bills, keep them there, I will take them.' Then she said 'No, no, get up.' I didn't know that she was in the mood for fighting. If a person is asleep and someone is pressurizing them to get up, you know at that time how a person will feel. I said to her 'Keep them over there. Who pays the bills? Not your father [a proverbial saying in Urdu and Punjabi to quash a person's expression of automatic entitlement to something]. I always pay them. What are you complaining about. Don't irritate me, ok.' She was saying 'No, get up.' And then she pulled the blanket off me and threw it there saying 'Give me money, *nikalo paise* (get out your money).'

I said to her 'I don't have the money now.' Then she said 'You have money to send to Pakistan.' And then she started saying bad words. I said to her, whenever she fought with me, I used to say to her 'Don't swear at my parents. Whatever you want to tell me, fight me, do with me whatever you like but don't say bad words about my parents. I will not tolerate it. I will die before I tolerate hearing bad words about my parents. Your relation is with me. You live with me, so then what is my parents' fault, they live in Pakistan.' Ok. Then she threw the blanket over there. And then she was cursing that 'You send money to your mother over there, you did this and that for them.' I replied 'I always pay the bills. I'm saying to you. I don't have money now.' But then she started saying bad words about my mother. And then I swore at her and said 'Don't misbehave with me, ok. If I had the money then I'd give it to you now, but I don't have money so now I can't give you anything. What's your problem.' And then she started misbehaving with me because I swore at her. Then she swore at me back, she used bad words and then I pulled her over here and I beat her, ok.

When she started using bad language, then I beat her up. Because I was fed up with her behaviour. She used to fight with me every two weeks and kick me out. I was fed up with her. There was no reason—if you're working from morning till evening all day long, if you go home and you don't have peace at home then what will happen, obviously you'll get fed up, isn't it.

Main ne us ki achhi pitai kiye (I beat her up good and proper). I was extremely fed up. Very fed up. Truly I was very fed up. My heart was saying *ke main us ka galla kat loun* (I should cut her throat).

At this point, registering the horrified expression that came over my face, he tried to explain his actions further and digressed, trying to rebuild a version of himself as an essentially good person despite the violence that shook him as he remembered it, his knuckles whitening over the steering wheel. He spoke of the intensity of his disgrace at being thrown out of the house, an emotion which he made very readily intelligible.

At that time perhaps my luck was good. Or maybe her luck was good. If she hadn't run away from home I'm sure I would have killed her. I was sure I had to kill her. She would have been killed by my hands. Thank God—otherwise I would have been in jail. Because I was very fed up.

Ok, I am different. Everybody is different, everybody has a different style, ok. I never hurt anybody, I never bother anybody. It was never in my heart to do like that, even today I never hurt anybody. Rather, I like to do things for other people—if somebody asks me for help, if I can help them I help them, it doesn't matter if that person is Black, White or Asian, Hindu, Muslim, Sikh, if I can help then I help them. I never ever hurt anybody—anybody.

So I was fed up, ok. By that time my entire family knew that I was sleeping in the car. So, everybody started giving me *taane* (taunts). The staff who used to work with me, because I used to wash my hands and face in the morning in the toilets of the nearby hospital. I had my toothbrush with me and I used to clean my teeth over there as well.

Returning to his story, Afzal described Kulsoom running into the street to cry for help.

I had hit her so hard that she had signs of that kicking and bruising. There was a broom, one of those brooms on a stick; I had hit her with that stick. She had bruises from that hitting. When the stick broke, that's when I went

to pick up my wrench. When I was about to hit her and she ran away, she had bruises. Then she told the neighbour that story. She told her that she will put me in jail and deport me. Then she [the neighbour] told her such *ulti seedhi baaten* (nonsense). She took her to the police station. She took my two daughters but she left my son.

He reached an expressive climax. He put his hand to his chest and came out with an unexpected revelation: a complicated statement about his enduring love for Kulsoom as the first woman who had come into his life. He knew Kulsoom intimately, had a ‘deep knowing’ (Jamieson 1998, p.8) of her and disliked many things about her character, but he still loved her.

My sister told me ‘Don’t go back home.’ My cousins and all my friends also told me not to go back home, they told me, ‘She is doing things intentionally. When she wants to fight with you then she does it, after one, two, three weeks, after one month then she’ll call you back because she know that you can’t live without her, ok.’

And I don’t like her. But from the bottom of my heart, ok, even despite that, even now I’m still in love with her. I could get married a hundred times, but I will never forget her, ok. Because she was the first woman who came into my life.

In contrast with Naila’s narrative of victimhood, Afzal’s is more similar to the realist genre as outlined by Werbner (1991), where the narrator assumes the apparently more dispassionate role of ‘witness’ or ‘family historian’ (pp. 84–6). Rather than depicting his ex-wife to be a perverse adversary, he laid out each scene meticulously so as to explain the circumstances and contextualize why both behaved as they did. His judgements on her conduct as a wife are certainly excoriating: he endeavours to show that he was right to do what he did. But the genre of his narrative is different. His fairness to the past seems to map out a different stance towards the present, not mentally severing the post-divorce relationship so much as looking back with regrets, coming to terms with how things are.

Afzal went on to speak for another two hours after this. I will draw on his narrative again in Chap. 6, where I examine his account of their Islamic divorce, and in Chap. 8 where I describe his terrible loneliness and some-

thing like madness at being prevented from seeing his children after the court cases that followed. But I will stop with his narrative here in order to draw out the points of contrast and continuity with those of his ex-wife, Kulsoom.

Kulsoom

When I met her, Kulsoom, 46 years old, was living in a three-bedroom council house with her four children and supporting them on a combination of Jobseekers Allowance and a small income from sewing *salwar kameez* suits for other Pakistani women. With her dyed hair tied back in a bun, no *dupatta* and a face whose lines bore the troubles of her life, Kulsoom cut a severe figure. She spoke to me in a strong, knife-edged voice, and I never once saw her smile.

Kulsoom's narrative of the breakdown of their marriage was staggeringly different to Afzal's. It was narrative of victimhood like Naila's, rather than realism. She neither spoke chronologically, nor did she identify any of Afzal's specific failings or relate individual conflicts between them with any level of detail. The singular act of violence that had, for Afzal, broken the marriage irreversibly was unidentifiable—compressed into a litany of similar attacks. The love she described once having had for him shades into 'deep acting' (Jamieson 1998, p.149), a pragmatic resolve not to become a twice divorcee or to return to her natal family.

My husband used to beat me up, pull my hair and beat me up with the electric wires, he beat me so badly I went to the hospital. He was only with me for the sake of his visa. He was desperate for his visa. But whatever the reality was, even then I wanted to live with him. I was in love with him, I was thinking that this is my second marriage, and I wanted to live here [as a married woman], I don't want to go back to my own family.

Then I got made homeless because of my pregnancy [i.e. the council accepted her on the waiting list for housing], I stayed for six weeks in the guest house. At that time we were not allowed to cook, we were bound to be in one room. I don't have money at that time, and my husband used to be at work from morning until night. He was not giving us anything and at that time he was keeping girlfriends.

Oh... [puts hand on heart]

I used to go to drop my daughter at six o'clock at the bus stop. I used to go with her and pick her from school. During my pregnancy I did not have food to eat. I used to have only banana and milk to give to my daughter, she used to be hungry all the time. He used to go with his girlfriends. I was not asking for money from my sister due to shame.

[Translated from Urdu]

There are vast discrepancies between Afzal's and Kulsoom's version of events. But rather than seeing these as factual discrepancies, as a historian or a detective would, it can be more illuminating to see them as Simpson (1998) suggests, as 'parallel accounts' developing 'in relation to one another' (pp.19–20). Reading Kulsoom's narrative about their arguments over money helps to make sense of some of the detailed expression of Afzal's narrative above, for example. Kulsoom maintained that throughout the 13 years of their marriage, he refused to give her housekeeping money, tell her about his earnings or the money he sent to Pakistan (see Chap. 3 on women's complaints about men failing to 'take responsibility').

He was not ready to give me money. I lived with him for 13 years, but I don't know how much he earns in his wages. I don't know about that. When I asked him, he got angry with me saying 'Give it to me for food.' He spent his money on his family.

And it seems likely that Kulsoom's criticisms were in Afzal's mind eye as he spoke to me, the very slips of his tongue revealing that he was responding to her in his head:

When she came back from the school she made me get up and showed me the post. There were bills for the gas and electricity. *Which I often paid* [Afzal's emphasis] [notice that here, he cannot say 'always'].

Another example: Kulsoom complained that Afzal had left her during her third pregnancy and returned to Pakistan on his family's instigation; 'his family sent him to Pakistan, "go to Pakistan, then she will cry for you"'; 'when I was pregnant, he went to Pakistan, in that condition. Is that a time to leave your wife?' By contrast, Afzal said he returned to

Pakistan because of parental illness, and added a muddled story about how he had cancelled his ticket and postponed it specifically so that he could attend the birth.

My “missus” said to me not to go. So then I went the very day my second daughter was born. I already had my first daughter. Then I went to Pakistan. Because it was the day of my second daughter’s birth, so I cancelled my ticket and stayed beside my “missus” in the hospital. Then after one month I got the ticket and went to Pakistan.

The muddle in his story, about whether he went ‘the very day’ his daughter was born, or ‘after one month’, suggests Afzal’s memory of Kulsoom’s criticisms. Meanwhile, knowing that Afzal was so broken by the loss of his children suggests why Kulsoom, apropos of no prompting, railed quite so vehemently about his lack of interest in the children.

I made him *pukka* (regular), today he is British, he’s got his nationality, he’s walking around happily, he’s driving a cab. When he sees his kids he turns his face away. He demanded that I should give him the kids. Once I said ‘Ok, take them.’ Then he said ‘No not them, only with the house.’ I said ‘If you only need them, ok take them then.’ I wrote it on a piece of paper and signed it and put it in his hands. I said ‘If you need the kids then take them.’ He tore up that piece of paper, ‘What will I do with the kids.’ I said to him ‘I am here for kids.’ I wrote to him to take them, but he did not take them. He did not have affection for the kids.

As these examples show, Afzal and Kulsoom are literally ‘haunted’ by one another, in the sense of being mentally ‘inhabited by traces of the lives of others’ (Roseneil 2009, p.411; Alexander 2009; Smart 2011). Afzal and Kulsoom have not actually spoken to one another for five years, but as their interviews reveal, they were still having an angry conversation with one another in their heads. And they continued to have such intimate knowledge of each other that they could go in for ‘ritualized needlings’ (Simpson 1998, p.139), winding each other up in their mind’s eye. This is exemplified in their differences over the figure of Afzal’s second wife Haseena, who died, as I mentioned, very suddenly at a young age. Here is Afzal’s disgust at Kulsoom’s self-righteous response to the death:

She [Kulsoom] began to phone me and this and that. She said ‘Look, you did injustice with me and that’s why she died, I gave you *baddua* (cursed you), Allah is with me he is not with you.’ I said to her ‘Look, I did not leave you, you kicked me out from the house and now you are saying that God is with you but not with me.’ I said ‘Ok, please don’t upset me and leave me alone.’

And here is Kulsoom, expressing just the sentiment that disgusted Afzal:

His girlfriend died. God listened to me, not him. Her brain got damaged, he also made her upset. Then after she died then he used to follow me—it upset me a lot and he used to sometimes cry, grab hold of me outside the house when I went to drop the children to school, he’d just come in front of the door. I used to be very upset.

We can glimpse here the painstakingly long and emotionally raw process through which marital relationships are severed after divorce, but also how difficult it is to sever them entirely. These are narratives about relationships that were ‘once intimate and which are no more. Nonetheless, individuals continue to have a biographical knowledge of one another which is both privileged and deeply entangled’ (Simpson 1998, p.133).

Conclusion

What we can understand of individual cases of marital breakdown often comes to us through narrative, but narratives do not provide us with straightforward accounts of past events. They offer us ‘life as told’, inseparable from ‘live as lived’, as Bruner (1987) has suggested.

In 2005, I observed Naila talking openly and fixatedly about her marital breakdown with her friends, with myself and Punita and clearly also with her teenage children. However, the narrative she wished to convey to us and to herself was of a *sabarwali* (patient woman) who bore the trials of her marriage silently, kept everything inside and shared nothing. She depicted her husband as a perverse tormenter who wrought unwarranted cruelty upon her. Her narrative, which I have identified

following Werbner (1991) as falling into a genre of victimhood, was a feat of imaginative power as she entered her husband's mind and attributed horrible motives to explain why he had behaved as he did. Over a seven-year interval, her narrative changed little and my attempts to probe and question and produce a fuller, more rounded account met with failure. As Simpson (1998) suggests, she was compelled to tell and re-tell her version of events to try and make sense of what happened in the marriage. It is a story that holds a great deal of personal meaning. It has been forged and told many times outside the interview encounter and is propelled by a force of its own, not so much a 'conversational narrative' but 'narrative as such' (James 2000, p.135).

Naila's interviews leave a lot hanging. We are not able to cross-check her accusations against her ex-husband's version of events. In principle, Afzal and Kulsoom's paired interviews allow us to do this, but when we try, we are left with two versions of events that are very discrepant. Kulsoom's narrative, in the genre of victimhood like Naila's, makes accusations against Afzal in very general terms; that he was violent, kept money from her and kept girlfriends. Afzal's interview, more detailed and realist, purports to be fairer and explain the circumstances that produced each of their arguments, re-living both their perspectives. Yet in the end we are unable to resolve the question of whether Afzal kept girlfriends or not, and the comparison of their two interviews leaves just as much hanging as Naila's. The narratives are in some sense psychologically true for the narrators.

Afzal and Kulsoom's interviews provide further evidence for seeing divorce narratives as what Simpson (1998) calls an 'architectonic process' (p.127) whereby people reconfigure what was once an intimate husband-wife relationship and has now been derailed. Despite not having spoken to one another for five years, the two remain deeply entangled with one another mentally, the way they compose their narratives expressing how they are still responding to one another's criticisms in their minds' eye. These are two people who are reeling from the unravelling of one of the most significant relationships in their life. Afzal is as haunted by her as she is by him. As Simpson argues, these are narratives that locate now-absent others in relation to the self, and 'by entering this rich mental life' we can grasp the way that people 'move themselves within emergent networks of relationship after divorce' (p.151). To this we can add, follow-

ing Werbner (1991), that the genre of the narrative places the narrator in the post-divorce relationship. The victimhood narrative persuades the self and listener that there is no going back, whilst the realist narrative may offer space for regrets and a mental rapprochement with the absent spouse. In subsequent chapters, I will provide further examples of narrative genres and point to how they carry people's arguments forward.

The narratives about marital breakdown turn out to be as unstable as those marriages, but this is itself ethnographically revealing of the family practices by which people disentangle themselves from one another over a protracted period of time.

The narratives that I go on to analyse in the following chapters are not then simply about past events, experiences and feelings. My purpose here is not to abandon the search for reasons for marital breakdown, or to turn away from narrative as a method for approaching the experience of others. Indeed, there is sometimes no other way of approaching another's experience other than through their words. But it is to be aware of divorce narratives as inter-subjective dialogues between the narrator and their absent other, sometimes ineptly disrupted by the researcher, and to be aware that understanding narratives requires particular analytic tools. In the following chapters, I will return to these ideas from time to time to identify elements of narrativity and genre and think about what they shed light on ethnographically.

References

- Alexander, S. (2009). 'Do grandmas have husbands?': Generational memory and twentieth-century women's lives. *The Oral History Review*, 36(2), 159–176.
- Bruner, J. (1987). Life as narrative. *Social Research*, 54(1), 11–32.
- Carrithers, M. (1995). Stories in the social and mental life of people. In E. Goody (Ed.), *Social intelligence and interaction* (pp. 261–277). Cambridge: Cambridge University Press.
- Edwards, J., & Strathern, M. (2000). Including our own. In J. Carsten (Ed.), *Cultures of relatedness: New approaches to the study of kinship* (pp. 149–166). Cambridge: Cambridge University Press.

- Gabb, J. (2009). Researching family relationships: A qualitative mixed methods approach. *Methodological Innovations Online*, 4(2), 37–52.
- Grima, B. (1992). *The misfortunes that have befallen me: The performance of emotion among Paxtun women*. Oxford: Oxford University Press.
- Hopper, J. (1993). The rhetoric of motives in divorce. *Journal of Marriage and the Family*, 55(4), 801–813.
- James, D. (2000). *Dona Maria's story: Life history, memory and political identity*. Durham: Duke University Press.
- Jamieson, L. (1998). *Intimacy*. Cambridge: Polity.
- Peletz, M. (2001). Ambivalence in kinship since the 1940s. In S. Franklin & S. McKinnon (Eds.), *Relative values* (pp. 413–444). North Carolina: Duke University Press.
- Pinto, S. (2014). *Daughters of Parvati: Women and madness in contemporary India*. Philadelphia: University of Pennsylvania Press.
- Qureshi, K. (2013). Sabar: Body politics among middle-aged Pakistani migrant women. *Journal of the Royal Anthropological Institute*, 19(1), 120–137.
- Roseneil, S. (2009). Haunting in an age of individualization: Subjectivity, relationality and the traces of the lives of others. *European Societies*, 11(3), 411–430.
- Simpson, B. (1998). *Changing families: An ethnographic approach to divorce and separation*. Oxford: Berg.
- Smart, C. (2007). *Personal life: New directions in sociological thinking*. Cambridge: Polity Press.
- Smart, C. (2011). Relationality and socio-cultural theories of family life. In R. Jallinoja & E. Widmer (Eds.), *Families and kinship in contemporary Europe: Rules and practices of relatedness* (pp. 13–28). London: Palgrave.
- Thomson, R., Kehily, M. J., Hadfield, L., & Sharpe, S. (2011). *Making modern mothers*. Bristol: The Policy Press.
- Werbner, R. (1991). *Tears of the dead: The social biography of an African family*. Edinburgh: Edinburgh University Press.

3

Explanations for Divorce

Women don't want to put up with crap any more. Even the aunties are getting divorced these days! The other day I was at mosque and there was a couple of uncles there I've known since I was a kid. One of them goes to the other [pretends first-generation accent] 'It is something in the water here, once the women drink a drop of that water they want their freedom.'

Amin

This chapter is about why British Asian marriages are breaking down. In spite of the difficulties with interpreting motives for divorce narratives, discussed in Chap. 2, is it possible to identify any common constellations or patterns in the explanations people give for marital breakdown? The existing slim literature on divorce or lone parenthood among British Asians, like the literature from South Asia, has suggested that divorces often result from what is particular to South Asian cultures, such as traditions of arranged marriage, instances of forced marriage, 'interference' from in-laws or 'incompatibility' in marriages involving transnational migration. This idea was echoed by the women and men I interviewed. They told stories of marital breakdowns in their families in Pakistan that were prompted by

such problems, and in their own first-hand narratives of marital breakdown also made explicit connections to Pakistani or Asian culture. The relationship counsellors and family mediators I interviewed stressed the element of cultural difference in British Asian divorces too, sometimes alongside signs of 'professional disempowerment' (Kai et al. 2007) due to their uncertainty about how to work with couples in a culturally sensitive manner.

As I listened to interview after interview, however, I realized that in spite of sometimes blaming their broken marriages on their Pakistani heritage, the informants also explained their marital conflicts in more proximate terms that were perhaps less exotic and exceptional. I identified four constellations of proximate reasons for divorce narratives: problems of there being a lack of commitment; not being prepared to put up with any more; problems of sexual unfairness or infidelity; and wanting love and not getting it. These clusters of explanation are different from those that people offered for divorces in the past, and turn out to be comparable to those outlined in the wider marital therapy literature (James and Wilson 2002; Noller and Feeney 2002). I therefore suggest it is possible to approach the narratives in ways that suggest commonalities with other relationship breakdowns in Britain today, even if it is clearly not a story of acculturation.

In approaching the material discussed in this chapter, it is important to recall that we are dealing with a corpus of narratives produced specifically by people whose marriages have broken down. It should not be taken as representative of British Pakistani marriages more generally. Later in the book, I will explore narratives of happy second marriages produced by the same women and men. A final point is that the extremely negative portrayals we find in this chapter might not even characterize *those* marriages very stably. As the previous chapter demonstrated, divorce often switches people's 'memory boxes' (Smart 2007, p.41) from ones containing precious times to ones overflowing with remembered unhappiness.

Divorces Past and Present

I noted in the introduction that the informants cited some examples of earlier divorces in their family trees. This illustrates that divorce is not

entirely new, but the explanations given for those earlier marital conflicts shows that neither is there a seamless continuity with the past.

Naila, whom I introduced in the previous chapter, revealed to me in 2012 that her father had been brought up by a stepmother. I recorded the story in my notes:

Her *dada ji* (paternal grandfather) was married to a woman who only bore him one daughter, and eventually his mother made him remarry so that his father would have a *waris* (a male heir). He remarried and the second wife bore him sons, including her father, but the first wife was so jealous that she used *jadu* (black magic) to kill one of his brothers. Naila felt that the fact her father had been brought up by a stepmother had made him a very *sukht* (strict) parent and this was why she was so *hassas* (sensitive).

The story made the point is that marital instability and the jealousies resulting from multiple marriages went back in the history of her family. A similar story was related to me by Nusrat, a woman in her mid-60s who had migrated from Mirpur to the UK in 1971.

Her own father had two wives. The first wife bore him one son, who died in France during the Second World War, and she never conceived again. It was actually her father's first wife who pushed him to take a second wife so that he might have more children to carry on the family name and inherit the land. The first wife permitted the second only to sleep with him and produce babies, and otherwise also controlled the time that he was allowed to spend with her. She used to take out her frustration with the situation by beating the second wife.

Nusrat remembered this with strong emotions, as she was one of the ten children who had been born by the second wife. Turning to a different branch of the family tree, Nusrat told the story of her husband's eldest brother, who had been the most educated person in the family.

He had a divorce against his wishes because of problems arising from a *doatee* exchange marriage (a form of exchange marriage involving the simultaneous marriage of a brother-sister pair from two households, also

known as *vato-sata*). When his sister was divorced by his wife's brother, his mother made him divorce his wife in revenge.

She described the divorce as a tragedy, because her brother-in-law had truly loved his first wife and didn't want to leave her. He remarried to another divorcee, a cousin of Nusrat's who had also emigrated to the UK. She had taken a divorce from her first husband after he lost his mental balance when his émigré brother in the UK divested him of his land.

These stories are about infertility, or the need to produce a son, and marital conflicts associated with *doatee* or *vato-sata* marriages; a form of exchange marriage understood to routinely produce marital conflicts (people say that *vato-sata* marriages cause trouble because if one of the two couples does not get along well, the other couple is expected to behave like in manner; Eglar 1960, p.106). It is interesting to note too the attribution of marital conflict to the stresses associated with out-migration. The stories that UK-born Shazia told me about her *mamoo* (mother's brother) fitted into this vein. Her *mamoo* had two divorces.

His first marriage was to a woman from Mirpur whom Shazia described as *shehri* (urban), 'a little bit educated' and 'greedy'. At that time, Shazia's *mamoo* was living in the UK and he had told the Inland Revenue that he had two children in Pakistan, whilst in actual fact he had only one, so as to reduce his tax payments. When he was due to sponsor his wife to come to the UK, he had to produce a second child so he told his wife to bring his sister's daughter with her, but she refused to do so and told the British High Commission in her immigration interview that she only had one child instead of two. This jeopardized their case and he could not secure her UK visa. She then became romantically involved with a return migrant, one of her own cousins, who had come back to Pakistan from Germany and America and promised to take her abroad. She asked Shazia's uncle for a *talaag* divorce. He then remarried to a woman from a nearby village but he could not obtain a UK visa for her either because the first wife had 'spoiled the case'. Her brother asked Shazia's *mamoo* to give her a *talaag* when they discovered that he could not take her with him to the UK.

These are second-hand stories, which allow for less exploration of motivations than is possible in people's first-hand narratives. Cruelty,

jealousy, desolation and love are appreciated as powerful forces, but unelaborated. Even if we discount the telescoping effects of family storytelling, however, the contrast between the explanations that the informants gave for instances of earlier divorces in their families, and those that they gave for their own marital breakdowns is striking and instructive. The next four sections explore the proximate explanations the informants gave for their own marital breakdowns, which stake out a rather different terrain of pressures and expectations on marriage.

Lack of Commitment

The first major cluster of motives for divorce narratives centres on the word 'commitment'. The women and men in this study used this word largely as a synonym for 'not giving *kharcha*' (expenses) or not 'taking responsibility' financially, but its meanings seeped out to include other signs of not being genuinely committed to the marriage. Jane Lewis (2001) argues that financial arrangements have become an important sign of commitment in couple relationships because social and economic change, specifically the feminization of the workforce and decline of the breadwinner model, has rendered householding so 'negotiable' (p.163). Her study documents a change from a baseline of refusing financial selfishness among older couples to more negotiation about finances among young couples in keeping with increased expectations about communication over everything. However, Lewis did not address conflicting couple relationships, and most of her informants were middle class. Among the working-class women and men I worked with, by contrast, 40 of the 59 divorce narratives were about disputes over finances, in a context of financial hardship, or accusations of out-and-out selfishness. The contrast between Lewis' findings and mine shows that structures of gendered power within the family are not timeless, but intersect with structures of class, race and migration status.

Thirty-seven-year-old UK-born Nafisa is a soft-spoken woman. She married at the age of 17 to a cousin of her father's, whom she brought to the UK from rural Mirpur. Nafisa stopped working shortly after the marriage to raise their five children, whilst he worked in a bread factory. Nafisa felt that their marriage had been dogged by problems related to

finances from the very beginning. She brought up the question of her husband's 'commitment' first in this context.

There is a lot going on, a lot. He listens more to other people. And if he would be like... more committed and things, but he's not.

How do you mean, committed?

Like he invests his money, like he sends it to Pakistan a lot, but he doesn't need to do it all the time. Like, there are three or four of them [her husband and his siblings in the UK], they can share the burden [of sending money], he doesn't have to do it all, you know.

As this extract indicates, her husband's situation as a marriage migrant with financial responsibilities for his parents back in Pakistan, subject to economic pressures in two countries simultaneously, was a source of conflict in their marriage as it was in so many others. But Nafisa's financial arrangement with Cobra—her husband's nickname has the same connotations as in the English—appeared so very inequitable that it meets definitions of economic violence (Fawole 2008).

There had been a time few years previously, when Cobra had left her and Nafisa had registered for lone parent welfare benefits. After he came back to the marital home, she had hoped that he would start 'taking responsibility'. She had even informed the Jobcentre that he was back, but when Cobra found out, Nafisa said he was furious and made her go and tell them that he had left again. 'It's not telling the truth', she regretted in her characteristically understated way, 'but I don't know what else to do, cause then they're gonna cut the housing benefit and everything else, and he's not going to pay it, is he'. At the time of our first interview, she was running the household out of her Income Support. Cobra wasn't giving her a penny of his income, even though he was working overtime in the factory, living in the house and contributing to the bills.

He says 'Oh I just need that money, it's mine and you can't have it.' He feels that he's working so he has a right to blow that money, he shouldn't give it to us. And whenever I do the shopping it's gone in two days, but then we've got five mouths to feed so you can't expect it to stay... 'I don't have the money', 'I've got to send it to my parents and I've got the car to pay' and

you know, he just says things like that. But it's like, 'When it comes down to us you don't have it', but otherwise he has money. [Stages an argument with him in her head] 'You know, your pockets are always filled up, you're just saying that because you don't want to give it to us. And that's not really fair. Cause you're using the TV, you're having baths and things. So why should I have to pay for what you're doing?'

Nafisa's vision of commitment began with money, but it didn't end there. She saw his commitment as an expression of the extent of his love for her and the children. His limited emotions for his family were materialized, for her, in his cheap and thoughtless Eid gifts.

He should do it cause he wants to for his own kids. I shouldn't be forcing him to do it. He should want to do it. Like when it was Eid, he got them some clothes from his sisters, his sisters bought some really cheap clothes somewhere and the kids didn't like them. And I told him, I go 'These are your sisters' cheap clothes.' And it's once a year, Eid comes after ages, he should buy decent clothes for them. Then he gave money but like... you know, after a fight and everything. And that's not fair. I shouldn't have to fight for us for them, he should just go and do it.

Later, when I tried to ask her more directly about the quality their relationship, I reiterated the normalizing assumption about 'disclosing intimacy' (Jamieson 1998) being the marker of a good couple relationship. Nafisa endorsed this view in her response, but she subtly corrected my assumption about the importance of talking, to 'closeness', by sensitizing me that without making a financial contribution, the couple relationship was of little use to her. As she explained in so few words, intimacy and closeness are not separable from financial provisioning.

Your husband... do you feel at all close to him?

Not really, no. We do talk about issues with the children and things, and you know, he tries to see it my way. He does tell them off and brings them up the way we think is right. He's ok in that way, with the children... He could be ok. It's just about money and commitment really. If he worked on that sort of way then he'd be alright. And like, if he helped more with the kids and the shopping.

Like Nafisa, two-thirds of the women in my study were dependent on their husbands for money during their first marriages, in keeping with national statistics on the low employment of all but degree-educated British Pakistani women, and especially among migrants (Dale et al. 2002; Salway 2007; Ersanilli and Charsley 2015). This is not to trivialize women's economic roles in their marital homes—in cooking, cleaning and bringing up children, as well as in their engagement in informal paid work, most commonly as seamstresses—but to state that they were less involved in wage economies than their husbands, and that they relied on their husbands to bring in money. As a corollary, the model of the husband that was idealized was of one who took 'responsibility' for his family through financially fulfilling them. The expectation articulated by my informants was that the husband should be running the household and that any wife's income was for additional expenditures. Whenever working women were running the main household expenses—in this study, these were all UK-born women in transnational marriages—this was an enormous source of discontent. Here is UK-born Rani on her frustrations in her first marriage, to a cousin from Pakistan.

He was giving about £30 a week, that was his contribution, and then I had to pay for everything else, and then he stopped giving that because he felt I was spending it unwisely. And I thought 'With a child and three people, that covers the gas, electricity, then the council tax, water rates, food, any clothing et cetera and grocery shopping as well. For £30 a week, and then you spend £300 a month on the telephone to your parents?' ... So this was the point when I snapped and said, 'No, I'm not doing this anymore!' This is not what I want for the rest of my life, asking him to give me the grocery money and waiting for two weeks. I am not having this anymore! I've got my money for the month, but what's his contribution?

Rani's last words are revealing. She had sufficient income to run the household herself, but she thought it was his job to do so. Men's narratives, too, revealed that women's expectations that the man should be the main provider could be a point of conflict. In the context of low income and high unemployment—long-standing characteristics of the neighbourhoods where I worked, but heightened after the 2008 financial crisis—men

articulated trenchant grievances about their wives' expectations. UK-born Zulfi, who had a love marriage with a British Pakistani woman from a different *biradari* in his late teens, was one of the informants whose narrative fitted into the 'nostalgic' genre identified by Werbner (1991), here turning not only on a 'moral opposition between past and present' (p.109) but also on a moral opposition between Pakistan, the country of his parents' birth, and the UK. Zulfi invoked the Islamic normativity that if a husband faces financial hardship then he should be given respite from his wife, and complained that 'Asian women these days' have become materialistic:

I think to a certain extent it's that a lot of Asian women are not considerate of the ups-and-downs situation of their guys. Does that make sense? Cause you've got to remember Islamically, they say if the guy hasn't got an apple to give you, then you're supposed to just get on with it.

And I think a lot of it is that... we were financially... we had everything, and I gave her everything, but the fact of the matter is it's like there's always something, and then people fight.

I think the values have gone down the pan. We talk about Asian culture on the surface and being Muslims and this and that, we have the beards and the trousers on top of the ankles [both signs of Islamic male piety] but there's no real culture.

The complaints of Farhan, another UK-born man in a love marriage, suggest that Rani, above, is not alone in expecting the husband to be the main provider even if the wife earns more than him. Farhan's wife was a mortgage broker, he was a minicab driver. Yet according to Farhan, she kept her earnings aside for her own personal use and contributed nothing towards the mortgage, the bills or the children's schooling. Whenever they argued over their finances, she would say that Islam taught that the husband provide. But Farhan felt that she was being rather selective in her recourse to the Islamic norms for married life.

She's saying that [in Islam the husband is the breadwinner]. I say, 'Ok, ok, fair enough. Let's do it that way then. You sit at home then, no more pedicures, manicures or whatever, and I will provide everything as best I can. And it says that in Islam, you have to provide as best as you can, and I will.'

She don't want to give anything up, then, and she wants to be the modern girl, but you can't have it both ways, can you?

Financial management in British Asian families has been little studied. Bhopal (1999) found the common pattern in low income households to be male control, except where women were educated or working themselves. Whilst identifying a high prevalence of economic violence, Chowbey (2015; 2016) reports greater diversity in financial arrangements as well as in their relationships with female education and employment. My findings, drawn from a corpus of conflictual marriages and a few happy second or third marriages, may not be generalisable. Nonetheless, I found that the dominant norm in these working-class British Pakistani families was the model of the husband as the main breadwinner, and that women put forward this model as an important part of the conjugal contract. Women expected their husbands to pay for the housing and bills from their own earnings and then either provide *kharcha* (expenses) if the wife was not earning, or if she was, then allow her to keep her income for her personal use and not draw on it to run the household. More suggestively, my findings indicate that financial fulfilment was important because, as we saw in the case of Nafisa above, money was seen an expression of loving one's spouse and of wanting to stay together.

What was perceived as a lack of commitment or failure to take responsibility in the marriage was very deeply embedded in the wider emotional dynamics between the couple. A couple who were otherwise happy with one other might accept quite inequitable household finances and household division of labour, whereas lesser inequalities could be a sticking point for another couple. This embeddedness is illustrated by UK-born Noreen's complaints about her second husband, Hanif. She had met Hanif when he had recently migrated from Pakistan, and they had fallen deeply in love. They had cohabited for several years before getting married; she talked about the marriage as the first genuinely loving relationship in her life. She was therefore devastated when, after a decade together, the marriage broke down. But it was only when he remarried to a cousin from Pakistan and started providing much more financially to his cousin than he had ever done to her, that she began to dwell on his lack of financial commitment and reassess him as not having been genuine in the marriage.

With Hanif... when we were together, he never would move on. I'd say 'Come on, let's just buy a house together' and that's why I could see that he weren't giving me that 100 per cent commitment, he'd always say like, working-wise, 'No, I'm working there, that's my brother's place' [his excuse for not buying a house was that he was running a business with his brother and needed to invest in expanding it]. But I always knew that him and his brother, they're not going to go anywhere. And then when we got divorced, when I gave him the divorce the wife came over so quickly, he bought a house, bought a brand new car, and I think maybe sometimes I do get angry and I think maybe he just did play a game with me, in my head.

The evolution of Noreen's discontent with her husband's commitment shows that it is the meanings of a couple's financial arrangements, rather than the arrangements themselves that underlie conflict (see also Smart 2007, p.177 on the personal meanings of domestic finance). Accounts of conflict over financial commitment were frequently also reports about conflict over a lack of love.

Not Putting Up with Any More

When I made a rough tally of the explanations given for the 59 divorces in the corpus, I was disturbed to realize that in 32 of the cases, the interviewees had described some form of domestic abuse. By abuse, I speak in keeping with recent redefinitions which have expanded its field of reference from incidents of physical violence to broader patterns of controlling, coercive and threatening behaviour by family members (Home Office 2013). Given my efforts to organize the study in such a way that cases of violence would not be over-represented, this is an alarmingly high proportion. It is nevertheless similar to that reported by Smart and Neale (1999) in their study of White British divorcees (pp.152–3), reminding us that domestic abuse is a problem across the board in the UK.

Smart and Neale distinguish between 'one-off' violence and violence which was 'destructive of the self', 'the sort of violence which had a long history and which had generated physical damage as well as psychological damage' (pp.148–9). The same patterns were found in my interviews. Of

the 32 narratives involving domestic abuse, 22 involved such damaging abuse that the informants had developed signs of embodied distress that were clinically interpreted as depression. Furthermore, as other research on gender-based violence in British Asian communities has also shown, the interviews revealed that informants were likely to suffer abuse from multiple family members as well as their partners and fathers (Gill 2004; Wilson 2006; Thiara et al. 2010; Thiara and Gill 2012). In two cases, patterns of domestic abuse were also described by men (see Samad 2010).

UK-born Afshan offers a starting point for understanding narratives of divorce as a refusal to put up with abuse, as well as developing an understanding of patriarchy as being produced by the intersection of structures of class, race and immigration. Now 23, Afshan was sent at the age of 15 by her father to live in Pakistan, ostensibly to get an Islamic schooling. But when she got there, she was forced by her paternal grandmother to marry one of her cousins. Afshan stressed that neither her mother nor her father knew that it was happening and that both were horrified when they found out, thus distancing them from stereotypes about British Asian parents as 'overbearing, unsympathetic and unrelenting' (Ahmad 2006, p.272). Intriguingly, like other informants in the same situation, Afshan did not explain the problems that arose in the marriage as the automatic result of the marriage having been forced. She said she had initially taken the marriage to be genuine, and hoped that love would result. In her case, things changed after she brought her husband back to live with her in the UK.

The embassy gave the visa, after I was 16. But the problem was that he wasn't actually in love with me, we later found out. When he came here as a fiancé, he came into this country and then he was supposed to get stay. He got his stay. And that's when he just changed. He said 'I got what I wanted, and that's it, now.' He started drinking and he would beat up my older one, she was only two, three years old. Once he punched her so much that she fainted. I was scared to call the police. My mum was scared. You know, we thought 'Are they gonna take the girls away from us', and it wasn't even our fault. My older one, she had a really traumatic life. I don't blame her if she's having all these tantrums now, I don't blame her. They've both had a very bad childhood, they've suffered a lot. And my little one,

she used to hide when her father used to come home, she used to hide in little corners and you know, he would pull her out. He would say ‘Come out’, you know, ‘Just sit with me.’ They wouldn’t. Because they just hated him so much they would hide. And at first I didn’t want to leave him because he had put into my head that, ‘You’re nothing, you won’t be nothing, you can’t do anything, you’re this, you’re that.’ And I actually started believing him. I thought, ‘Yeah he’s right.’ And when the kids used to call me names I wouldn’t say ‘No, don’t say [that], your father is right, I’m nothing. I can’t do anything, so you’re better off away from me.’ It was like hell. Kaveri, it was total hell. It was, if I would cook something, he would chuck it away. He would try and hit me with a plate.

Afshan’s narrative was one of victimhood; it becomes difficult to imagine what could drive her ex-husband to be so incredibly cruel. In Chap. 2, I suggested that these narratives reveal the storying of divorce and illuminate mental life. They map out a severed post-divorce relationship—an apt description for Afshan, as we will see in Part IV. Later, she revealed details that might allow us to understand the violence somewhat more, talking about her husband’s involvement in Afshan’s father’s family business and, after the business folded, their financial pressures and the emotional demands on them as a couple living at Afshan’s parents’ house. Chopra (2009) has examined the discomfort of the *ghar jawai* or live-in son-in-law in Indian Punjab, and Charsley (2013) has described the troubles of Pakistani transnational *ghar jawais* as the product of downward mobility in employment and social status terms, and their humiliation in front of their wife’s family. Afshan’s interview is more evidence that patriarchy is not intrinsic to Pakistani families but that the disadvantages produced by class, race and immigration are given expression in the assertion of male power in the family. If migrant men have to be subservient in their wives’ families, they can assert power over their wives.

Despite the escalating problems, Afshan’s narrative indicated that she still had hopes for intimacy with her ex-husband. She said love was something she craved from him ‘but he couldn’t give that’. Everything came to a head in late 2001 when they had a major argument and he threw her out of the flat. This was the climax that made her decide to leave.

That's when I decided 'It's enough.' Because he kept on saying 'I'm gonna divorce you', he thought I didn't have the guts. Well, at first I didn't have the guts. I was too scared. I thought 'If he leaves me what's gonna happen to the kids, what's gonna happen to me? I won't have no-one. I'm gonna be a lone parent. How am I gonna support myself?' All this was in my mind. I was too scared to leave him. Not because of the money but because of... just having someone there. I was scared because I thought 'Who's gonna be there for me? Who's gonna love me?' Because he used to say to me 'You're never gonna have a man who will love you.' He always used to say that to me. 'You will have no-one. No-one will love you, all your life, because you're not worth it.' And after hearing all this, it got a too much to me at the end.

There is a difference between deciding to leave the marriage, and being able to leave; I will return to Afshan's narrative and that of her mother Mumtaz to explore their stories about family mediation in Chap. 4. But first, we need to compare it with other narratives of abuse.

If UK-born women, and sometimes also men, could be oppressed in their marriages, then the intersection of patriarchy and immigration meant that the narratives of marriage migrants from Pakistan were usually worse. Nida, now 26 years and divorced from her UK-born husband, was a migrant from Mirpur. She gave an account of outlandish abuse at the hands of her in-laws. From her narrative, there was no way to make sense of the cruelty she described. Her mother-in-law did nothing to stop her brother-in-law slapping her because 'he can do whatever he wants with you because *ham ap ko khareed ke laeen hain* (we have purchased you)'. She was made to sleep on the kitchen floor with the dogs; she said her mother-in-law even instructed the grandchildren to spit in her food. When Nida finally told her father in Pakistan about her ill-treatment, he instructed her to put up with the abuse until she had her Indefinite Leave to Remain—then two years after her arrival in the UK on a probationary spouse visa; but her in-laws never applied for it. Nida argued very vehemently that immigration laws support UK families to abuse migrant women. It is revealing that Nida echoes Afshan's refrain about how things change the moment that a spouse arrives in the UK almost word for word, but reverses it, applying the same to the UK-born party.

You think you're marrying one person, but as soon as you come over here they change. *Ghulam banaa ke rakhte hain* (they keep you like a slave), they don't let you speak to your parents and they make your parents sick with worry by threatening that they're going to deport you. My in-laws kicked me out of the house in the middle of the night with nowhere to go. They threatened to deport me if I didn't start earning money and handing it over to them. They *kept on* giving me *damkian* (threats) about the Indefinite Leave [her emphasis]. The person that doesn't yet have Indefinite Leave, *woh banda na jee sakta na mar sakta hai* (she or he can neither live nor die)... It's not the *gore* (White) people but it's the law of this country.

[Translated from Urdu]

Nida's last words are searing. Although she observes that 'it's not the *gore* people' who are abusing migrant wives, she accuses them of making policies that allow abuse to happen, and therefore, of treating migrant women in a way that they would not treat White women.

The probationary spouse visa policy is publicly legitimated by concerns about 'bogus husbands', the kind that change the moment after they get their visa, as Afshan described (see Wray 2006 and Charsley and Benson 2012 on 'sham marriage' as a category deployed to close borders to marriage migrants). But the corollary is the heightened vulnerability of migrant women to abuse (Anitha et al. 2008; Sharma and Gill 2010; see also Liversage 2012; 2013 on Danish Turks). Nida went on to observe that migrant men, too, are affected by these laws.

There is another person I know... He's married to a woman from over here and she gives him *gallian* (curses) all the time because he's not from a very wealthy family and he needs to send his parents money. She won't let him send them even a penny. She beats him, his mother-in-law beats him, his father-in-law beats him, they give him such bad *gallian*, you would not believe that they are Muslim... She tells him not to call his parents, he can't even speak to his sister. After you come here, people change.

Charsley (2013) and Charsley and Liversage (2015) have argued that migration status may reverse, or at least level out the gender order as migrant men may also be vulnerable to abuse or exploitation by their wives' families, on threat of deportation. Simultaneously, they may be

disadvantaged by legal caricatures of migrant men as violent ‘bogus husbands’. I will also discuss examples along these lines later sections and chapters. There are certainly migrant men who feel powerless in their wives’ families, as there are men who feel powerless during the divorce process. But according to my study, migrant husbands do not report abuse in their marriages nearly as routinely as migrant wives. They may indeed abuse their wives, as we saw in Afshan’s case above. The relationships between gender, migration, law, power within the family and power within the marriage thus interact with great complexity.

These kinds of manifestations of patriarchal power have been explored extensively in the gender-based violence literature. Nonetheless, my interviews do provide a different vantage point from this picture of domestic abuse, fleshing out the picture of what women, and men, attempted to tolerate and what they took to be unacceptable. Many of the women complained not of domestic abuse per se, but of husbands or in-laws who were overly ‘controlling’. This was also captured by the Urdu/Punjabi term *rok-tok* (being stopped from doing something). An example is 57-year-old Billi, a UK-born woman, explaining what she was no longer willing to put up with in her transnational marriage.

He was always saying that we [her and the children] have to do what he tells us to, because—you know what people are like from back home, you know what they’re like. There’s a lot of them who are controlling. They say ‘Oh, you’re not allowed to wear that, you’re not allowed to do that, don’t do that and that without permission.’...

You want a life, you want to get out, you want to see the world. He didn’t like me going to my family’s home, he didn’t like me having no friends at home, nothing. I was always alone with my children, and he was never there.

Complaints of *rok-tok* or being controlled included not being allowed to study or work; being reprimanded for wearing Western clothes or brightly coloured clothes; being told off for meeting the gaze of members of the opposite sex; looking up whilst sitting in the car; speaking to strangers; trying to make or see friends; being forbidden from listening to Indian film music or watching British TV serials; and for migrant spouses, not being able to phone or visit Pakistan or speak to their own relatives in the

UK. What it shows is that when it comes to what women, and men, were prepared to put up with in their marriages, the benchmark was not just domestic abuse, but more insidious manifestations of patriarchy.

Sexual Unfairness and Infidelity

In this section, I bring together the third largest cluster of accounts, which were to do with unhappy experiences of sex or problems of sexual infidelity (and sometimes polygamy). To respect people's wishes for the utmost anonymity in discussing this material, I do not provide any pseudonyms that might allow the cases to be tracked across the book.

Traumatic sexual experiences broke marriages. In the context of arranged marriage, where initial sexual experiences could come ahead of intimacy, some women had emotional scars from the wedding night. Here is one woman re-living an experience that ate away at her throughout their marriage and made a kernel of hate for her husband in her heart.

All I wanted to do was just talk, you know, and get to know him. And I was ready to give him my time and myself, at a good time when I felt comfortable. And then what happened, I remember, it was like he raped me, he ripped my clothes off, he pushed me on the bed and I was so scared I just... I'd never had sex before, I was a virgin, I never believed in sex after marriage so it was like... I felt just helpless, so helpless.

Over the long term of marriage, too, some women had emotional scars from their husbands' use of pornography or sexual suggestions with which they were not comfortable.

He used to have those films and stuff, you know those dirty films? I told my mother-in-law and she said 'Oh don't worry, all men watch those.' But I said 'I don't feel comfortable you know, he's got a wife, why does he need to watch these now?' And I think once or twice I did break them, those DVDs. And once or twice he had those videos on his mobile phone, and while we were doing something he would watch them. I told him 'I don't like it, why are you doing that'.

The last extract seemingly recalls the problem commonly observed in the therapy literature, of men's unsatisfied desire for sexual intimacy, particularly following the exhaustion of caring for small children (James and Wilson 2002, pp.35–9, 45–6). But the following extracts show women in their narratives also voicing unfulfilled desire for physical affection.

Since [the youngest child] was born our relationship is really, sexually, you know, once a month or maybe not even that... With me, I like to hug him and then go to sleep while he, he does not want to hug me, he says 'You've got body heat and that, I can't sleep', he turns that way. And then I feel a bit, I need something to hug and then I sleep. So what I do, I put [the youngest child] in the middle and hug him [laughs]... I've told him [husband] 'I want to hug, at least five minutes before you go to sleep, talk for a bit, just even for five minutes, then go to sleep. I'm not saying we should have full sex but just show me a bit of love.'

The extract above is redolent of Gabb and Fink's (2015) recent work, which argues for the need to re-embed sex among the repertoire of other intimate practices that make couple relationships work. Among the long-term couples in their study 'the meanings of sexual intimacy and physical affection, as relationship practices, are negotiated and experienced by partners' (p.14). The next extract is equally remarkable in the extent to which they show women in their narratives connecting their unfulfilled sexual desire to wider inequalities in the marriage.

In those days I had a friend... She told me 'Put a red curtain over the bed and make the bed as if for a new *dulhan* (bride), spread rose petals over it, they have a good scent, wear a sexy nightgown. And when he comes to you for sex, present yourself openly, whatever he wants to do with you and however he wants to do it, let him do it.' I tried doing that... But he never noticed the scent of the flowers [laughs]. He never noticed that I had changed the curtains or the expensive bed sheets I had bought. So then where was the balance in the relationship?

[Translated from Urdu]

As with tolerating financial unfairness or domestic abuse, then, there seemed to be no fixed benchmark that makes people decide to leave the

marriage, and narratives about divergences in desire or a lack of sexual satisfaction are embedded in the emotional dynamics of the relationship and in the process of retrospectively making sense of marital conflict.

A total of 32 of the accounts about marriage breakdown concerned sexual infidelity, of which 11 concerned infidelity by the wife. These were more dramatic narratives.

He [her husband] caught me with him and he [her lover] was going to take me with him and go but my husband said, 'Look, brother, just leave, I'll give her a divorce, you can marry her.' And I don't know why I believed it, but I went back with my husband and he [her lover] thought that's what my husband's gonna do, 'Give her the divorce and then I'll marry her', but it didn't work out like that. He [her husband] went to his house and told his wife and created trouble there and then he used to torture me, 'What kind of kind of sex did you have?' And he used to slap me and he was abusing me. This happened for maybe two, three weeks before I found a refuge.

In cases of infidelity by the husband, some men formalized such arrangements by remarriage polygamously. Their narratives argued that they did so in order to enjoy intimacy that they had not found in their first marriages. Here is one man talking very explicitly about the role that unfulfilled desire and a need for intimacy played in his second Islamic marriage:

The underlying problem was sexual really. I was active and she wasn't. You could say I was overactive! [Chuckles] And that *is* important! That, for me, was the thing that was literally tearing me apart [clutches hand to heart].

We're still married, on paper. And I'm very loyal. Loyalty, for me, is very important—she's still the mother of three of my kids, we're still married. But I just happened to meet somebody. It was an accident, really. And we was like, likeminded! I started seeing her, I got into her, and she got into me. And this was different. It was a meeting of minds and hearts and I just went for it, regardless.

Charsley and Liversage (2013) have sympathetically assessed the situations of polygamously married men like the interviewee just cited, seeing them as pursuing 'dual aspirations', testing out their parents' choice in an arranged marriage but feeling free to marry someone of their own choosing

if they find that intimacy is not forthcoming. The flip-side, however, is of course the discontent of their wives. The formalization of such arrangements was often the final straw in women's motives for divorce narratives, as women who said they had put up with suspicions about there being 'another woman' decided to leave their husbands upon finding out that they had actually remarried. But others did put up with the presence of a co-wife and lived with the endless compromise and self-sublimation (see Chaps. 5 and 9 for further discussion). One woman, after ten years of sharing her husband on alternate days of the week with a second wife who had been his girlfriend at school, applied for an Islamic divorce and stopped him from coming to her house. Full of bravado, she told me

I tell all my friends now, I tell them 'Just leave and be happy, fuck them [the *biradari* or extended family], they don't wanna see you happy, you see, they wanna see you miserable and done in.'

When I asked if she had any interaction with his other wife, however, her bravado faltered. 'To be honest, if I see her around I still go a bit numb.' Polygamy might not be so very different from other forms of sexual infidelity, then, only too painfully intelligible across cultures.

Wanting Love and Not Getting It

This takes us to the last cluster of narratives: the unfulfilled desire for love. This was threaded the most pervasively throughout the corpus. As we have seen, women and men reported being able to sustain marriages that were financially unequal, controlling or sexually unfair so long as the emotional tenor of the marriage—this elusive quality—was right. It was the feeling of being unloved that made things change, and they came to see these interlinked problems as unacceptable. The importance the informants gave to love illustrates the falseness of the dichotomy between presumed Western preferences for basing marriage on love and South Asian preferences for arranged marriage, which have led to a neglect of the study of love in South Asian contexts (Ahearn 2001; Mody 2008). It also illustrates the specific meanings given to love in a kinship setting where marriages at the

arranged end of the continuum were normative and people expected to live closely with their spouse's families after marriage (Fuller and Narasimhan 2008; Netting 2010; Grover 2011; Twamley 2014).

UK-born Farhat, 32, had married a paternal cousin, Fiyaz, who had grown up in the same neighbourhood. She offered moving reflections on the elusive ideal of love in her experience of arranged marriage and patrilocal residence. She called her ideal of love 'understanding', a concept seemingly very close to Jamieson's (1998) definition of intimacy as 'knowing, loving and being "close to" another person'; 'a relationship in which people participate as equals' (p.1). Farhat attributed the lack of 'understanding' between herself and her husband to the fact that the marriage had been chosen by their parents. She described the circumstances in terms of significant emotional coercion from her parents:

I got married at 20. I had no choice, I had to get married to him. Because he was 26 at that age, my husband, I put my parents' feelings first. [I was thinking] If I do say yes then maybe I might feel wanted, feel loved by the one that I'm going to be married to. Maybe he might have this understanding with me. But oh, it just got worse. It really got worse. I got married, we had our *nikaah* (Islamic wedding) done four months before the actual wedding day. But after that he wouldn't contact me, no phone calls, no going out, nothing, four months, we were complete strangers on the wedding night, terrible. I couldn't believe it at the end of the wedding night. [Long pause.]

In thinking through Farhat's complaints it is helpful to think back to the process of storying marital conflict. As this extract indicates, Farhat had hoped for love in her arranged marriage and expected that her future husband would try to develop an 'understanding' with her through a kind of courtship after marriage. Yet her husband had not fulfilled her expectations, and she was now thinking more about her lack of personal say in the matter and reassessing her arranged marriage as forced. Although academic and policy work has tried to insist on a strong separation between forced and arranged marriage (Samad and Eade 2002; Anitha and Gill 2009), people think about and use these categories in a way that is flexible and contingent, often defying such a separation.

Farhat blamed the lack of love in her marriage on her mother-in-law, who had put on her a heavy burden of domestic work in the early days of the marriage and prevented her and Fiyaz from getting to know one another. She had objected to them ever doing anything as a private couple.

The morning after I got married I came downstairs, dressed up, I sat on the settee and it was like [claps hands] ‘What job shall we give to her?’ Not just that, it was like, ‘Oh, we spent 15 grand on her wedding.’ ‘Hello’, you know, ‘it was not just my wedding, it was your son’s wedding too at the end of the day’ [stages an argument with her in her head]. I respect her, but at the end of the day she was a tough, tough mother-in-law then.

What was the tough mother-in-law like?

Ohhh. ‘Why are you going out for? Why are you going out for?’ We couldn’t go out as a couple. And ‘You’re wasting money’ and.... That’s what I think led to my sister’s husband getting married to some other woman, cause he wasn’t able to spend time with his wife [she and her older sister had both married two brothers].

And it was not just in the house but you know, going out. It would just be a big issue for them. ‘Why are they going out for?’

Farhat and Fiyaz had been together for 11 turbulent years, but Farhat still felt that their relationship was an ‘empty shell’. They had a physical relationship, but did not communicate.

We, we... sleep together, everything’s fine, it’s just—I would like to know the *inside* of him [her emphasis], what’s his ambitions, his hopes, you know? There’s just nothing there, it’s just an empty shell. That doesn’t mean he’s a bad man, but I was hoping for someone to share these thoughts with. To this day if I ask him, ‘If you fell in love with me, if you love me, you will understand... my feelings, my emotions.’ Do you understand? He goes quiet. He just goes quiet when I mention the word love.

She drew a distinction between love and being in love, and asserted that Fiyaz had never ‘fallen in love’ with her. She drew another distinction between love and care. Care was something pragmatic, a feeling materialized in thoughtful actions. She gave the example of how, since Fiyaz was working and living in another city from Monday to Friday, cooking food

for him to take with him and eat during the week was one way through which she could show her care. This was important for a marriage, she said, and it could create a sort of love. But even saying this, she began to laugh depreciatively.

I put food into containers, freeze it because he really likes my cooking... It helps him to think of me as well, 'My wife's cooked me a meal' [laughs at herself], do you understand, I like to keep it like that as well. So.

It's just those little things that do help, you know, it counts at the end of the day, I mean if I was not thinking about him then, putting a bit aside from him and then he'd be getting out takeaways, you know, he wouldn't be thinking of me.

Even though I can't say that I love him, it's hard to say that I love him, but I do *care* for him to the extent that I can say I love him. But I didn't *fall in love* with him and he didn't *fall in love* with me [Farhat's emphasis]. Do you understand? It wasn't a love affair. And I think he credits me for that, as well, because we didn't fall in love—it's what we made of it, at the end of the day. We're making the most of it, challenging it. And it's just the hardest thing to do, Kaveri. It's the hardest thing to live with someone when you care for that person but you don't love that person.

And I can understand him as well, I mean literally, he's in tears sometimes when we argue, and same here, it's like '*Ohh* I hate you' [laughs at herself again]. But then again, it's dinner time, I've gotta cook chapattis for him, it'd be like that.

It is striking how much Farhat's conception of love, and her expectations about what husband-wife relationships should be like, reproduce broader discourses about intimacy. However, the setting in which she hoped for intimacy to develop is very particular. Indian relationship counsellors and family therapists have picked out patterns of family intimacy in cases of patrilocal residence like Farhat's and identified systematic marital problems along precisely the lines she identifies (Singh and Uberoi 1994; Nath and Craig 1999; Sonpar 2005). In such a kinship system, this literature states, strong boundaries around the couple are not preferred, particularly by the husband's mother, who has endured years of subservience in the hope of reaching the apex of a loyal nuclear family and does not wish to let go of her son. The 'marital subsystem' is awkwardly 'triangulated'.

My findings support some parts of this literature, but not all. First, it would be wrong to pathologize patrilocal residence per se. In unproblematic marriages, such as the happy second marriages in this study and other families I have worked with elsewhere, couples very deftly maintain the 'frontstage' indifference that is expected of them in front of the wider family but still enjoy the 'backstage' of emotional and sexual attachment which is understood and accepted even if it is not publicly displayed or celebrated (Das 1976; see also Trawick 1990). It would therefore be wrong to characterize such marriages in terms of male denial.

As mentioned earlier, family therapist Renee Singh (2009) and with her sociologist Jacqui Gabb (Gabb and Singh 2014) have argued that the couple may be an inadequate or meaningless unit of analysis for understanding intimacy. The couple in the British Indian patrilineally-extended joint family they examined did not privilege private couple time or space at all, and seemed to prioritize other relationships. Farhat's narratives support their call to suspend assumptions about what constitutes the couple unit and be open to there being a diversity of intimacies. However, they do not support the conclusion that conjugality is culturally meaningless here. Farhat described the intimate couple relationship as an important if elusive goal, and its absence, something that led her to question the marriage.

My findings demonstrate that importantly, too, South Asian kinship forms are not fixed. In the UK, traditions of patrilocal residence have attenuated as a result of families' preferences for marrying their daughters nearby, the tendency for couples to move rather rapidly out of the parental home, transnational marriage, where the parents of migrant husbands remain in Pakistan, and the evolution of urban working-class kinship patterns privileging closer sociality and relationships among the kin of the wife/mother (Shaw 2004; Charsley 2013; Mohammad 2015; Qureshi 2015). And significantly in this respect, I found that men were also complaining about the difficulties of forming an intimate bond with their wives amid excessive 'interference' from their wife's family.

Guddu, aged 28, was a migrant who came to the UK as a student at the age of 18 and married at 24 to a UK-born woman in an arranged marriage. I knew the couple from their engagement and thought they were rather a romantic couple. In 2012, I was therefore surprised to learn that they were divorcing within two years. One of the few men whose

narratives fell into the genre of victimhood, Guddu blamed everything on his wife's family. He had wanted to live separately, but his wife insisted that they stay living at her parents' house so that they could save money. He had felt extremely uncomfortable living as a *ghar jawai* at his wife's parents' house (a live-in son-in-law, see Chopra 2009; Charsley 2013). The marriage broke down over petty 'little things', he regretted, but the lack of opportunity for him and his wife to spend private couple time together was a key factor.

We couldn't go anywhere because her mum was asking me questions all the time. If we think, 'Oh, let's go out for shopping', then along she comes [his mother-in-law] and she'll say 'Oh how come, where are you going? Why are you going? What do you want to buy? Why are you going?' Or if we wanted to celebrate my birthday or her birthday, then she would always call us after an hour, 'When are you coming home?', 'I'm waiting for you', and so on. It was hard for me, you know, because we just wanted to go out, have a good time.

We should be able to spend time together. You need a bit of privacy. I don't want to have to hear 'Oh, what time are you come back?' So it was little things that got to be bigger issues, because obviously she was interfering so much.

So then I thought 'Maybe it's time to move out', but she [his wife] always took her mum's side. She never understood my feelings, how I feel.

Perhaps more surprisingly, the complaint about having an unfulfilled desire for love was echoed too in the accounts from the minority who had a primary love marriage. The narratives of unhappy love marriages bear resemblances to the wider sociological and therapeutic literature, which has identified difficulties in 'the transition from falling in love to loving' in the long-term cycles of relationships (James and Wilson 2002, p.46). However, there could be additional cultural nuances as a result of the moral connotations of love marriages in this particular context. Unlike in Twamley's (2014) descriptions of middle-class British Gujaratis, for whom self-arranged marriages are the normative ideal for young people as well as accepted pragmatically by parents, those in my study who had primary love marriages faced initial opprobrium and disrupted relationships with their natal kin. And the non-conformist character of love marriages could create problems for couple intimacy after the marriage, as was the

case for this woman. Her husband turned cold on her after they married, and she suspected that it was because he had doubts about her character:

[Before the marriage] I used to wait for him, I used to love him so much, I used to talk to him all the time in my mind. But it was all just my imagination [deep sigh]. We didn't have any physical connection for many days [after the marriage]. Then after a long time a friend told me that, Pakistani culture produces a strange sort of psychology in men; she told me that some men do that intentionally to observe what kind of character the woman has, does she start to approach you or not, does she have any tactics to seek your attention or stimulate you for sex. They want to see *ke woh kitni chali phiri aurat hai* (to test whether she is a loose woman).

[Translated from Urdu]

The high rates of marriage breakdown in the UK have been blamed on the elusiveness and ephemerality of contemporary constructions of love (Giddens 1992; Beck-Gernsheim 2002). My findings suggest that the unfulfilled desire for love motivates marriage breakdowns in working-class British Pakistani families too. But they also suggest that love takes on some very particular meanings in these families. In arranged marriages, women and men expect to fall in love following a courtship after the introduction or engagement, and to prioritize private couple time after the marriage; whereas the non-conformist character of love marriages can also create a challenging context for conjugal intimacy to develop.

Conclusion

The accounts of earlier marital breakdowns in people's family trees can provide only tentative evidence of cultural change. But it is clear not only that marital breakdowns were less abundant in the past than they are now, but also that the earlier marital breakdowns reflect a smaller set of explanations, namely infertility, the complications of exchange marriages or unfulfilled hopes for outmigration. The informants' own narratives confirm that there are still distinct pressures in arranged and transnational marriages, but this chapter has suggested the importance of thinking in terms of the proximate explanations people offer for divorce, and thereby

bringing in some of the greater complexity suggested by wider research on relationship breakdown (James and Wilson 2002; Noller and Feeney 2002). The narratives imply that women and men feel entitled to leave a marriage because they object to financial unfairness, feel oppression is unacceptable, insist on sexual enjoyment or on being demonstrably loved. Most of these problems arise in marriages across the love-to-arranged continuum and in local as well as transnational marriages, so it is unsatisfactory to pin the rise in marital breakdowns to the fall-out from arranged and transnational marriage. Relationship counsellors can also engage with these proximate problems without pathologizing what is different in the cultural heritage of British Asians. After all, separation and divorce is still lower among British Asians than in the UK ethnic majority, which implies that there are even greater numbers of people in arranged and transnational marriages who feel them to be perfectly ordinary.

My findings thus indicate that there is an insistence on some kind of mutual regard and intimacy within marriage. This is not a straightforward story of the advance of individualization, however. Part II, to which we now turn, shows that when people end marriages they feel are oppressive or unfair, they do not do so as autonomous individuals, but supported by their kin.

References

- Ahearn, L. (2001). *Invitations to love: Literacy, love letters, and social change in Nepal*. Ann Arbor: University of Michigan Press.
- Ahmad, F. (2006). The scandal of 'arranged marriages' and the pathologisation of BrAsian families. In N. Ali, V. S. Kalra, & S. Sayyid (Eds.), *A postcolonial people: South Asians in Britain* (pp. 272–288). London: Hurst & Co.
- Anitha, S., & Gill, A. (2009). Coercion, consent and the forced marriage debate in the UK. *Feminist Legal Studies*, 17(2), 165–184.
- Anitha, S., Chopra, P., Farouk, W., Haq, Q., & Khan, S. (2008). *Forgotten women: Domestic violence, poverty, and South Asian women with no recourse to public funds*. Birmingham: Saheli.
- Beck-Gernsheim, E. (2002). *Reinventing the family: In search of new lifestyles*. Cambridge: Polity Press.
- Bhopal, K. (1999). Domestic finance in South Asian households in East London. *Journal of Ethnic and Migration Studies*, 25(1), 81–93.

- Charsley, K. (2013). *Transnational Pakistani connections: Marrying 'back home'*. London: Routledge.
- Charsley, K., & Benson, M. (2012). Marriages of convenience and inconvenient marriages: Regulating spousal migration to Britain. *Journal of Immigration, Asylum and Nationality Law*, 26(1), 10–26.
- Charsley, K., & Liversage, A. (2013). Transforming polygamy: Migration, transnationalism and multiple marriages among Muslim minorities. *Global Networks*, 13(1), 60–78.
- Charsley, K., & Liversage, A. (2015). Silenced husbands: Muslim marriage migration and masculinity. *Men and Masculinities*, ahead of print, 1–20.
- Chopra, R. (2009). *Ghar Jawai* (House husband): Notes on mis-translation. *Culture, Society and Masculinities*, 1(1), 96–105.
- Chowbey, P. (2015). *Household resources and 'institutional intersectionality' in Britain, India and Pakistan*. Paper presented at Social Policy Association annual conference, 6–8 July, Belfast Metropolitan College, Belfast.
- Chowbey, P. (2016). Economic violence and financial strategies: Narratives of South Asian women in Britain and South Asia. *Psychology of Violence*, forthcoming.
- Dale, A., Shaheen, N., Kalra, V., & Fieldhouse, E. (2002). Routes into education and employment for young Pakistani and Bangladeshi women in the UK. *Ethnic and Racial Studies*, 25(6), 942–968.
- Das, V. (1976). Masks and faces: An essay on Punjabi kinship. *Contributions to Indian Sociology*, 10(1), 1–30.
- Eglar, Z. (1960). *A Punjabi village in Pakistan*. New York: Columbia University Press.
- Ersanilli, E., & Charsley, K. (2015). *Looking for a good match? A comparison of transnational and intra-national couples in the UK Pakistani and Sikh communities*. Paper presented at workshop on marriage migration and integration, 1 July, University of Oxford, Oxford.
- Fawole, O. (2008). Economic violence to women and girls: Is it receiving the necessary attention? *Trauma, Violence and Abuse* 9(3), 167–77.
- Fuller, C., & Narasimhan, H. (2008). Companionate marriage in India: The changing marriage system in a middle-class Brahman subcaste. *Journal of the Royal Anthropological Institute*, 14(4), 735–754.
- Gabb, J., & Fink, J. (2015). *Couple relationships in the 21st century*. London: Palgrave.
- Gabb, J., & Singh, R. (2014). Reflections on the challenges of understanding racial, cultural and sexual differences in couple relationship research. *Journal of Family Therapy*, 37(2), 210–227.

- Giddens, A. (1992). *The transformation of intimacy: Sexuality, love and eroticism in modern societies*. Stanford: Stanford University Press.
- Gill, A. (2004). Voicing the silent fear: South Asian women's experiences of domestic violence. *The Howard Journal of Criminal Justice*, 43(5), 465–483.
- Grover, S. (2011). *Marriage, love, caste and kinship support: Lived experiences of the urban poor in India*. New Delhi: Social Science Press.
- Home Office. (2013). *Information for local areas on the change to the definition of domestic violence and abuse*. London: HMSO.
- James, A., & Wilson, K. (2002). *Couples, conflict, and change: Social work with marital relationships*. Cambridge: Cambridge University Press.
- Jamieson, L. (1998). *Intimacy*. Cambridge: Polity.
- Kai, J., Beavan, J., Faull, C., Dodson, L., Gill, P. & Beighton, A. (2007). Professional uncertainty and disempowerment responding to ethnic diversity in health care: A qualitative study. *PLoS Medicine*, 4(11), 1–20.
- Lewis, J. (2001). *The end of marriage? Individualism and intimate relations*. Cheltenham: Edward Elgar.
- Liversage, A. (2012). Gender, conflict and subordination within the household: Turkish migrant marriage and divorce in Denmark. *Journal of Ethnic and Migration Studies*, 38(7), 1119–1136.
- Liversage, A. (2013). Gendered struggles over residency rights when Turkish immigrant marriages break up. *Önati Socio-Legal Series*, 3(6), 1070–1090.
- Mody, P. (2008). *The intimate state: Love marriages and the law in Delhi*. New Delhi: Routledge.
- Mohammad, R. (2015). Transnational shift: Marriage, home and belonging for British Pakistani Muslim women. *Social and Cultural Geography*, 16(6), 593–614.
- Nath, R., & Craig, J. (1999). Practising family therapy in India: How many people are there in a marital subsystem? *Journal of Family Therapy*, 21(4), 390–406.
- Netting, N. (2010). Marital ideoscales in 21st century India: Creative combinations of love and responsibility. *Journal of Family Issues*, 31(6), 707–26.
- Noller, P., & Feeney, J. (Eds.). (2002). *Understanding marriage: Developments in the study of couple interaction*. Cambridge: Cambridge University Press.
- Qureshi, K. (2015). Migration, belonging and the body that births. In M. Unnithan-Kumar & S. Khanna (Eds.), *The cultural politics of reproduction: Migration, health, and family making* (pp. 14–32). Oxford: Berghahn.
- Salway, S. (2007). Economic activity among UK Bangladeshi and Pakistani women in the 1990s: Evidence for continuity or change in the family resources survey. *Journal of Ethnic and Migration Studies*, 33(5), 825–847.

- Samad, Y. (2010). Forced marriage among men: An unrecognized problem. *Critical Social Policy*, 30(2), 198–207.
- Samad, Y., & Eade, J. (2002). *Community perceptions of forced marriage*. London: Foreign and Commonwealth Office, Community Liaison Unit.
- Sharma, K., & Gill, A. (2010). Protection for all? The failures of the domestic violence rule for (im)migrant women. In R. Thiara, A. Gill, & L. Kelly (Eds.), *Violence against women in South Asian communities* (pp. 211–236). London: Jessica Kingsley.
- Shaw, A. (2004). British Pakistani elderly without children: An invisible minority. In P. Kreager & E. Schroeder-Butterfill (Eds.), *Ageing without children: European and Asian perspectives* (pp. 198–221). New York/Oxford: Berghahn Books.
- Singh, A. T., & Uberoi, P. (1994). Learning to 'adjust': Conjugal relations in Indian popular fiction. *Indian Journal of Gender Studies*, 1(1), 93–120.
- Singh, R. (2009). Constructing 'the family' across cultures. *Journal of Family Therapy*, 31(4), 359–383.
- Smart, C. (2007). *Personal life: New directions in sociological thinking*. Cambridge: Polity Press.
- Smart, C., & Neale, B. (1999). *Family fragments*. Cambridge: Polity.
- Sonpar, S. (2005). Marriage in India: Clinical issues. *Contemporary Family Therapy*, 27(3), 301–313.
- Thiara, R., & Gill, A. (2012). *Domestic violence, child contact and post-separation violence: Issues for South Asian and African-Caribbean women and children*. London: National Society for the Prevention of Cruelty to Children.
- Thiara, R., Gill, A., & Kelly, L. (Eds.). (2010). *Violence against women in South Asian communities*. London: Jessica Kingsley.
- Trawick, M. (1990). The ideology of love in a Tamil family. In O. Lynch (Ed.), *Divine passions* (pp. 37–63). Berkeley: University of California Press.
- Twamley, K. (2014). *Love and marriage amongst Gujarati Indians in the UK and India: A suitable match*. London: Palgrave.
- Werbner, R. (1991). *Tears of the dead: The social biography of an African family*. Edinburgh: Edinburgh University Press.
- Wilson, A. (2006). *Dreams, questions, struggles: South Asian women in Britain*. London/Sydney: Pluto Press.
- Wray, H. (2006). An ideal husband?: Marriages of convenience, moral gate-keeping and immigration to the UK. *European Journal of Migration and Law*, 8, 303–320.

Part II

Staying Together

4

Family Mediation

They [partner's sisters] said to me 'If he gives you trouble again just come round to my house', they live really near to us, 'You can come and talk to us any time.' But they didn't get it. That's not how I've been brought up. I was brought up to stick up for myself! If somebody's treating me like shit then I'm not going to be sticking with him and going round his sister's house for help.

Lisa, a White British woman in a long-term relationship with a Pakistani man

In the literature on marital breakdown in Euro-American families, the focus has been on official relationship counselling and family mediation, and processes of informal marital dispute resolution within the family have received little attention. In her classic study, Elizabeth Bott (1957) described how women 'could use their maternal kin as an informal insurance policy for themselves and their children' (p.138), but subsequent work has only touched on wider family involvement in so far as to comment on the supposed erosion of family support networks (James and Wilson 2002, pp.52–3). Rare exceptions are Ferguson et al. (2004) and

Smart (2005), who document the role of grandparents in picking up the pieces after parental divorce. This oversight contrasts with the situation in British Asian families, where family mediation has been observed to take culturally elaborated forms including the convening of family meetings and appointing of mediators (Shah-Kazemi 2001; Jhutti-Johal 2013).

In the epitaph above, Lisa's sceptical descriptions of her partner's sisters' attempts to mediate in their relationship, from the perspective of a White British woman, resonate with the sketch of family mediation that is found in the socio-legal literature on British Muslim women. Scholars have expressed concerns that family mediation is a pressure on women to stay in unhappy marriages and accept the status quo. The women interviewed by Bano (2012) expected family mediation and actively claimed it as the benefit of having had an arranged marriage. Yet equally, they reported pressure to stay in the marriage from their families, and thus she observes that 'what at first seemed like a new space of dialogue and autonomy in the family could, in some cases, still depend upon the traditional framework of power' (p.198). As Bano explains, this Janus face of family mediation has been criticized by Black feminist organizations such as Southall Black Sisters, who resigned from the Home Office Working Group when family mediation was proposed as a culturally appropriate way to combat forced marriages. In this, they join other feminist voices which have critiqued the move towards family mediation, particularly following the 1996 Family Law Act, as a way in which the state has absolved itself of responsibility for protecting women by conceptualizing certain areas as 'private' and made it harder for them to have their disputes adjudicated by law.

Bano concludes that family mediation is a black box in the literature, little understood and difficult to research because of the level of understanding of women's wider families that would be required. This chapter seeks to provide such an examination of family mediation. I draw on the ethnographic design of the research, which involved not only interviews with individuals but also using those interviews as an introduction from which to learn more about the context of the kinship relations in which the couples were embedded. To analyse the material, the chapter draws from the more detailed literature on family mediation in South Asian anthropology which approaches family mediation not as an instantiation

of law but as a form of kinship practice through which relations between natal kin and affines—which tend towards the terse—may be negotiated. In so doing, the chapter speaks to debates about whether family mediation undergirds asymmetrical models of female compromise in marriage, as the ethnographic record on this is not unanimous.

All in all, the chapter affirms the assumption of the socio-legal literature about family mediation taking on culturally distinct forms in British Asian families. Just as importantly, however, it shows that kinship support is a flexible practice, responding to changing ideas about what is tolerable in marriage and in subtle ways to the pragmatic context.

Kinship Support in Arranged Marriages

As surmised above, the socio-legal literature on divorce among British Muslims locates family mediation efforts in traditions of arranged marriage. In fact, there is a larger literature in South Asian anthropology that has gone over similar terrain in the endeavour to link regional patterns in women's power within marriage to their social and geographic proximity to their natal kin.

Eglar's (1960) descriptions of marriage in rural Pakistani Punjab in the 1950s portrayed women coming and going very fluidly between their conjugal home and natal home as a result of close-kin marriages and the preference for marrying daughters nearby. She notes the significance of parental refuge in the event of marital crisis, and how this responsibility passes over to a woman's brothers after the death of her parents. The parental home is a woman's 'place of refuge under all circumstances' (p.96), her 'life artery' (p.111). Eglar offers a positive view of parents' willingness to support their married daughters: 'the doors of her parental home are always open to her' (p.96).

This picture of married daughters' entitlements seems to contrast with depictions of North Indian Hindu societies, where traditions of exogamy and patrilocality are supposed to isolate women from their natal kin, and the expectation is that they will assimilate completely into their husbands' families. However, Patricia Jeffery's (2001) cross-community study of marital breakdowns in rural North India suggests that in

practice, Muslim women fare no better than their Hindu counterparts. Despite Muslim women's denser connections with their natal families after marriage, parents in both communities hold that it is 'inappropriate for parents to become involved in their daughter's marital problems' (p.13) and that 'a married daughter is in "her own" house and is expected to deal with her own difficulties' (p.14). If separated women try to return to their natal homes long term, they are seen as an economic drain by their brothers' wives, and frictions ensue. She concludes that women's natal kin 'provide shelter and support only grudgingly and temporarily' (p.19).

Shalini Grover's (2011) work on marital instability in a Delhi slum agrees that parental refuge requires intense and continual negotiation, and that women do not lay complete trust in their natal kin. Yet she maintains that depictions of women as estranged from their natal kin are inaccurate, especially in urban settings where, as Vatuk (1971; 1972) observed, the tendency is for women to assert their ties with their natal families more strongly. In the Delhi slums, she says that women in arranged marriages see the option of parental refuge as a significant support, and even as a right, 'a moral and social entitlement possessed by a woman in an arranged marriage, a right that persists after her parents' death' (p.60). Her ethnography is full of husbands complaining about their wives spending too much time at their natal homes and running away from their marriages at the slightest upset, and accusing their in-laws of meddling and selfish economic interests. Indeed, amid the extreme financial hardship of the slums, it can be difficult for women's natal families to relinquish their adult daughter's economic contributions. Grover stresses the 'double-edged' character of the kinship support that is provided to women (p.74). As much as it may help women in times of crisis, she finds that kinship support may actually exacerbate marital breakdowns as it so frequently encourages women to leave their husbands and return to their natal homes.

In my study, I did not find that the doors of women's natal homes were always open to them. Many women cited sayings similar to those reported by Jeffery, about how a married woman is in 'her own home' and should stay there her whole life. However, my findings confirm that the fluid coming and going between conjugal and natal homes that women are able to enjoy in urban settings allows them easier access to kinship support,

and that this may be enhanced in transnational marriages where husbands move from Pakistan to live with their wives and wives' families in the UK.

Rani, 43 years old, is a case in point. Rani is an articulate woman who got herself educated as a single mother in her 20s, her determination making up for missed opportunities as a teenager; back then, her parents' priority had been her marriage rather than studying post-16. Rani recounted that she had quite willingly married her mother's sister's son from Mirpur. But when he migrated to join her in the UK, they did not bond. She complained that he was sending all his money to his parents in Pakistan and expected her to 'live below the poverty line'. She felt that he was trying to control her movements, wanting her to stay at home all the time, despite him being out working long hours in a factory, rather than go to her natal home where her parents were ageing and infirm and she felt more needed. They separated when their daughter was two.

The ease in Rani's relationships with her parents is conspicuous in her narratives about kinship support. She recalled how her parents had been the first to broach the issue of her marital problems with her; they 'sat me down and said "look, we don't know what's going wrong, but we can see that something's wrong"'. And it was this 'little chat', she said, that gave her the confidence that her parents would support her if she needed to leave.

So we'd had this little chat. It's about three months or so after that chat, when he'd actually started to become more difficult, he'd refuse to give any [financial] help. [Stages an argument with him] 'I've just bought a fridge-freezer that's broken down and used that money to pay for that, then I don't have surplus money and my parents are feeding my child, and it's my child, it's yours, so what the hell's going on?'

So it was like 'No, I'm not having this anymore', and as culture and community would have it [i.e. her husband's views], it was like 'Yeah, that's fine, it's not a problem because you're a girl, so therefore you'll have to come back running to me.' But obviously he didn't know me or my family that well, because it never happened. Never ever. I was like No, I'd rather die than carry on a relationship like this, cause I see no future to it.' It was that terrible. And I'm so grateful to my parents for that opportunity.

Rani's husband had expected that she would not be able to live without him and that she would come 'running back'. She saw this as a typical

aspect of Pakistani 'culture and community', a judgement to which I return below, and credited her parents for going against the grain.

Rani's parents invited her to come back and live at their house, which was now a joint family comprising her parents, her eldest brother and his wife and children. Rani ended up staying there for nearly a decade before she divorced. She described those years as the hardest in her life. She felt she had been subjected to intense scrutiny and disapproval from the local community:

The Asian women, the Pakistani women, basically, would stop and look.

On the street?

Yes! Very much so. And I wouldn't socialise in groups of lots of Asians, or Pakistanis to be correct, because Asians is such a diverse ethnicity, and I need to be specific that it's the Pakistani people I'm talking about here. Because it would be that I'm a danger to them somehow, I could contaminate them because I'm separated. There was a huge thing about, 'Oh, she's separated! We don't want to hang out too much with a separated woman', 'Don't talk to her in case your wife gets ideas' [the objection from the husbands] or 'What if my husband sees it' [the objection from the wives]. They would pull away not to have a relationship, but they would want to know the juicy details of why we'd separated.

Her parents were subject to the same grasping curiosity, although Rani remembered with gratitude their steadfastness in standing up to unsolicited inquiries.

People would turn up at my father's house. Oh, the number of people that ended up ... people they hadn't seen for ten, fifteen years would knock on the door and say, 'We want to talk to you about your daughter. We need to sort this out. She needs to go back to her husband.' And my father would say, 'What concern is it of yours? That's the way it's done in your family, fine. At the end of the day if it's not what my daughter wants, it's not what my daughter wants. Who are you to come and tell me to send my daughter there?' They had quite a lot of them, my mother had to shut the door on some of them, ask them to leave and say, 'Do not return to this house again.' It was a very hard period for my mum and dad.

Rani praised her parents for having supported her and her daughter in every way. She was back in the folds of her natal family. Her mother and sister-in-law looked after her daughter so that she could earn a living and do evening classes. Touchingly, she said that her daughter had known Rani's brother and sister-in-law as second parents, and even called them by those names, copying her cousins. Rani felt that her brother had taken them completely under his wing. Looking back, she joked that she had enjoyed a much more comfortable experience of single motherhood than most women:

My daughter, bless, she grew up in an integrated family, cause I'd already got a nephew and a niece and she was the youngest of the three then, and they called my brother 'dad', so she called my brother 'dad' as well to copy things! As far as she was concerned, she was a third child belonging to my brother's family, it was like she had two mums, it's like, her aunt [Rani's brother's wife] she calls her 'big mother' and I'm 'mother', so it was that kind of relationship... Her father was my brother, and that's how things are taken care of. So she still had male figures very strongly in her life, and we'd moved back in with my family, so we were back in a family, we weren't isolated. I wasn't doing shopping, cooking, cleaning, like single mothers of these days. I've got to give them credit, it's hard work!

She lived separately from her husband for five years before she applied for a divorce. This too was a move she inched towards with the support of her family, taking them with her on her journey of reading up about Islam and learning about the rights that women have to divorce. Although her father was resistant to the idea of a divorce at first, he eventually came to support her.

And at that point both my parents and myself never thought I could get a divorce, because we were taught... 'taught'—'blindly following' [sarcastically], about the fact that it's the man's job to give a divorce. It was a five-year journey before I actually got the information through the Quran, through talking to people, that actually I could initiate a divorce... I said 'Dad I found this in the Quran, which says I have rights. If I'm not happy, just on the basis that I'm not happy, I can ask for a divorce. It's called *khul* (woman-initiated divorce) rather than *talaq* (unilateral male Islamic

divorce). Can you find out more?’ So dad said he’s like to speak to the *imam* or whatever, saying ‘What’s this *khul* about? How does it happen?’... So I did, after five years, initiate a divorce. Took another three years to get it, but it was a long road and finally I did get divorced. And that was a learning for my father as well.

Rani’s was one of the few divorce narratives told within the romantic genre (Werbner 1991, p.147; see Chap. 2 on narrative genres). When I met her, she was happily remarried and her much-loved father had recently died. She cried to think of him, describing him as an exceptionally supportive parent and quite unlike the stereotype of the Pakistani patriarch which she endorsed when talking about Pakistani families in general. However, there were many women like Rani, whose parents and natal families were greatly upset to see them in unhappy marriages and did what they could to help.

I found that there were discernible differences between families in the extent of people’s willingness to support their adult daughters to leave. This was partly a matter of family culture and the different levels of experience that families had previously, to the jeopardy that marital breakdowns brought to kin relations and the reputational threats implied. A case in point is Afshan, who had married a paternal cousin from Pakistan under pressure from her paternal grandmother. In Chap. 3, I noted Afshan’s defence of her parents’ role in the marriage. She stressed that her parents had not known about what her grandmother was doing, thus distancing them from stereotypes about Pakistani parents as overbearing or unwilling to acknowledge their daughters’ problems. In fact, according to the paired interviews with Afshan and her mother Mumtaz, Afshan’s forced marriage was the trigger that caused Mumtaz’s marriage to fail too; she could not live with her guilt about what had happened to Afshan and she could not contain her anger with her husband and his family. Mumtaz said that the strength to separate had come from her mother, who had compromised with a violent marriage for nearly five decades, but had the generosity of spirit to encourage Mumtaz not to follow her example.

She [Mumtaz’s mother] said ‘You know I’m sorry, please don’t feel that I’ll be angry with you, don’t feel pressurized... don’t feel that being a mother

from Pakistan I will be angry with you. The day you feel that you can't cope with this life please feel...you can leave him.' And it wasn't like giving permission, it was just telling me that whatever happens in my life she's always going to be there for me.

In turn, Mumtaz's separation from her husband seems to have been a precedent that made it easier for Afshan to divorce her's. In her interview, Mumtaz expressed her vehement encouragement to Afshan to leave, echoing her own mother's advice almost word for word.

I used to say to her you 'I'm not going to interfere in your life but at any time you feel like you can't cope with this life, with living in that degrading situation', I said 'Should you feel the need, I'm always, I'll always be by your side you know and whatever you decide.'

Afshan too attributed her strength to divorce to her natal family. After the final climactic argument with her husband in 2001, she went to her mother's house for a few days and then headed up to her grandmother's house in another city in the North of England. There, Afshan cited one of her maternal uncles as making a religious argument to authorize her decision to leave, demonstrating that Rani's story about making the foundational Islamic texts speak to her life context and permitting her to divorce was not an isolated example either.

The day he kicked me out, he didn't even let me collect the kids' clothes [coughs] and I had to, I stayed at mum's. The kids couldn't go to school, they had no clothes, they had nothing so they couldn't go to school. So we went to mum's, stayed there for a little while, we tried to get into the house, he wouldn't let us.

And then I went to [mother's natal city], to my nan's, and she took care of me. My family got together, my mum's family, and they said 'No. You're not gonna spend your life like this. We're not gonna accept it, we're gonna break his legs. If you don't leave him, we're gonna make you leave him'...

My uncle explained to me 'Look, you can't live this life any more. It's not the 18th century, we've come into the 20th. You have to leave him.' He said, 'Ok we're Muslims, but the Quran doesn't say you have to suffer.' So then my uncle and everybody said 'Leave him.'

Their family chain interviews are fascinating as they show a building conviction in their maternal family that it was right for a woman to leave an oppressive marriage. Afshan described her awe at her grandmother's capacity for *sabar* (patience, endurance) and how she had lived up to her own father's demand that she stay in the marriage. 'We want you to die in the house you marry into' was a saying cited by other informants too, as I describe below.

My nan was an inspiration for us because she spent 50 years in domestic violence by *her* husband. That's why she didn't want me to spend my life like this.

Her father told her that 'You're going to marry into this family, and we want you to die out of this family, not to come back like this'. She did do that, she kept her father's honour. [Voice trembling]

There is a repeat in the interviews in how both women praised the supportiveness of Mumtaz's mother's family and identified the oppressive influences in their lives as coming from their fathers' family, into which they both married. Afshan described her natal family as 'independent and broad-minded' in so many words: 'ever since we've been kids my family's the type that they never said "oh, you girls are supposed to stay home, you're supposed to wear this, you're supposed to do that", no'. This can be a simple matter of family culture, attributed to the influence of Mumtaz's mother, with her powerful conviction that her daughters should not follow in her own footsteps, or to the cumulative effects of one unhappy marriage unfolding after another making it more acceptable to acknowledge a marital breakdown. However, my findings suggest that the differences in the extension of kinship support may link to family culture in the sense of *biradari* membership, too. One of the multiple points in the 'sliding semantic structure' of *biradari* is as groups ranked, however unstably, in a caste hierarchy of status and *izzat* (honour) (see Werbner 1990, pp. 91–6, from Alavi 1972). I found that women from high-ranked *biradaris* such as Sayyad *biradaris*—who consider themselves descendents of the Prophet—or women from high-ranked landowning *biradaris* described more pressure to exercise patience and stay in their conjugal homes for fear of reputational damage. Their acquiescence with their

parents' choice for their marriage was an embodiment of old-style, male-centred narratives of *izzat*. Saima and Gogo, two UK-born sisters from a Rajput *biradari*, were particularly articulate about how their parents' rigid response to their marital problems was part of the Raja family culture.

Saima: With us Raje you can't say anything, you can't speak up, you can't tell your parents, 'I'm suffering' or 'I'm in pain' because they'll say, 'No, no, no, you've got to make your marriage. You've got to give it a try. That is what you've got to do.'

Gogo: Our dad, he's the worst! His dialogue is, 'Now that my daughters are married, you don't come back to this house. I'm happy.' 'Now that I've married you, that's it. That is your home. That's where you live. That's where you die. That's where your *kaffin* (funeral shroud) will come out and that's where you'll get buried and that is it.' That's his mentality, the way he is.

Saima and Gogo both had unhappy marriages within their *biradari*. Saima, the younger sister, tried to seek refuge at her parents' house on at least three occasions but was returned to her husband's house each time after being told some variation of the saying they cite in this extract. Gogo, for her part, didn't even dare trying to return to her parents. She even stayed with her father-in-law for two years after her husband left her, for fear of disappointing her parents. Similarly, Nazia, another UK-born woman, stayed in her unhappy marriage for a whole 13 years because of her parents' resistance to her expressed intentions to leave. She felt that the fact of being a Chaudhry (a traditional title for a village headman or landowner) and having to embody the expectations about the 'respect' of the Chaudhries had played significantly into their insistence that she reconcile with her husband.

Everybody knew me as Chaudhry sahib's daughter, it makes you so exposed. We're meant to be the most respectful people in the community, and if Chaudhry sahib's daughter's left her husband, then how can they show their face in the community. They'll be ruined.

The tendency for married women to maintain very dense social interaction with their natal kin, remarked upon by Eglar (1960) but seemingly intensified with the alterations to the norm of patrilocal residence

in the urban and transnational setting, seems to support married women in securing kinship support. There are further fascinating indications that the increased exposure that UK families have to marital breakdown seems to make families more willing to acknowledge their married daughters' problems and accept the breakdown of a marriage. However, other women reported being told that once they married they should consider their conjugal home to be their 'own home' and that they should face their problems there themselves. I have pointed to there being family differences in parents' willingness to extend kinship support and to the significance of reputational concerns in particular *biradaris*. Another reason for parents to deny their daughters this responsibility was the pragmatic difficulty entailed by kinship support in close-kin marriages.

Pragmatism

Parents' responses could change very subtly in response how they calculate the risks of jeopardizing kin relations. In order to understand women's experiences of kinship support, we need to know more about the *biradari* politics involved. This is illustrated by the case of Iman, a UK-born woman from a Mirpuri landowning *biradari* that I knew well.

Iman is a chatty woman who has lived separately from her husband for more than a decade. She married one of her father's brother's sons from Mirpur at the age of 16, and hers was the first marital breakdown in her generation. Despite the lack of earlier precedents among her siblings and cousins, she was vocal in claiming support from her parents and they were initially forthcoming. In fact, she did not even have to leave her home to seek their help, as in the start of her marriage she and her migrant husband were living at her parents' house—another case of transnational marriage eroding the norm of patrilocal residence. Iman described formalized family meetings taking place in which she and her husband would sit either side of the kitchen table and 'have their say' in front of Iman's parents, who would encourage them to be more reasonable in their expectations of each other.

Their marital problems escalated until they came to a head ten years into the marriage, at the time when she and her husband were moved

from a tiny flat in a tower block to the two-bedroom council house where she lives today. Rather than the move heralding a time of greater comfort, Iman's husband helped neither practically nor financially to move into the house, and it was Iman's father who helped her to furnish and redecorate it. This was a flagrant transgression of her husband's role as a provider, which the family firmly endorsed (see Chap. 3). Despite the risk of rupturing their relationship with her father's brother, Iman's parents therefore decided that Iman was within her rights to leave the marriage.

I spoke to my dad, I go 'He doesn't give me no money in the house, he hasn't done anything.' I go 'You've been there, you decorated my house, you done everything', cause they paid for a lot of the things as well. So then my parents said to me 'Listen, if he's doing all that and you think it's not good, then just get rid of him.' They go, 'Listen, this person's never going to change. He's been here for so many years. Just get rid of him. We're with you 100 per cent. Just tell him to get lost.' So that same night when he came home, I don't know what happened but we had a really big argument, and that's when I called the police and I said 'Get out.'

Following this initial extension of kinship support, Iman's story became more complicated because Iman's mother-in-law, taking offence at Iman's involvement of the police, then took Iman's husband back to Pakistan to get him remarried. Iman was devastated when she found out. 'My world fell apart and I didn't know what to do'; 'I used to be sitting at home crying.' At this critical point, she sought her parents' help again, but at this escalation in the conflict between the two branches of the family they now failed to intervene, something about which Iman still feels a biting resentment.

I went round and said 'He got married.' They said to me 'Ok, keep quiet and lets' see what happens.' This is what they said to me! They go, 'Keep quiet and lets' see what happens.' You know, sometimes parents, they ring up the father-in-law, they'll ask him, or speak to my husband. But they didn't do *nothing*!

Why do you think that was?

I don't know why. Even now I feel really angry towards them, cause parents should take some action. It wasn't a love marriage when I married

him, it was an arranged marriage. [Stages an argument with her parents] ‘You arranged my marriage, you sort it out for me now! You should ring your brother [Iman’s father-in-law] and speak to him, “Why did your son do that to us? If your son doesn’t want to live with her then just tell us and give her a *talaag*. He can’t have her and he can’t have a woman in Pakistan as well.”’ But my parents never spoke and that makes me so angry. Even til today I get very angry towards them. And my brothers, I’ve got four brothers, they didn’t do nothing either.

Why do you think they didn’t speak up?

I have no idea.

My mum didn’t want to get my brothers involved because my brothers are all doing good jobs, and she thought if they go and speak to my husband, things might get out of hand and he might call the police on them, they might get locked up and obviously they’ve got wives and they’ve got homes, so she was protecting the sons wasn’t she.

This story-within-the-story is a dense passage that tells us a lot about the *biradari* politics entailed by kinship support, and about the pragmatic considerations that parents have to weigh up. Iman’s parents had already given her a firm endorsement of her right to leave the marriage given her husband’s shortcomings, and in doing so they had already jeopardized their relationship with Iman’s father’s brother and his wife. But the situation escalated when Iman’s mother-in-law, namely Iman’s father’s brother’s wife, got Iman’s husband remarried. The political cascades grew; Iman attributed her mother’s unwillingness to intervene to her desire to prevent her brothers from taking revenge and ending up in trouble. Fascinating in the above extract too is what it reveals about how the modalities and lived experience of kinship support change in response to the emotional dynamics of the marriage. Iman had previously approached her parents for their support in separating from her husband, but she did not want to be fully divorced, something I explore further in Chaps. 5 and 6. Upon discovering that her husband had remarried, her feelings therefore changed. As much as she had objected to her husband’s failings, she could not tolerate the existence of a co-wife and she now wanted her parents’ help to make him divorce the other woman. As stridently as she had sought her parents’ support to leave the marriage, she now sought their support to reinstate it.

Iman's parents, limited in their ability to rebuke in their errant son-in-law, decided to appoint a more influential intermediary to try and resolve the problem. Her father rang up another of his brothers, Uncle Asif, to ask for help. Uncle Asif was an obvious choice. He was poised perfectly between the two disputing sets of kin; he was a *chacha* (father's brother) to both of them. He is a postgraduate who commands respect and is generally regarded as a 'middleman' able to sort out all manner of family problems, not only marital disputes. On top of this, as a college lecturer in Pakistan Uncle Asif had supported several of his nephews' education, including Iman's husband. He was therefore able to prevail upon Iman's husband to make him give his second wife a *talaaq*.

My Uncle Asif called him, my husband, to his house, and I went there as well. And my uncle, in front of my husband, he said 'Listen, you know what you've done is really wrong because you've got two sons, you've got a family here, she's from the family' and all that. He goes, 'How dare you go and get married to somebody else without any reason. What reason did you have?' He goes 'There's always *larai jaghre* (arguments) in the family anyway, everybody has *larai jaghre* and all that, and because of silly *larai jaghre* you lied to your wife, you do silly things. So why did you get married? And now you have to make a decision, either you can keep your wife here or you keep that woman there, because you can't have both.' And my uncle goes 'You have to make the decision now here, because otherwise I'm not gonna let this drag on for too long.'

I asked how her husband responded to this ticking-off. Iman told me exultantly

My uncle always has the upper hand on them [her husband and his brothers] because my uncle was a professor in Pakistan and they stayed with my uncle, they grew up with my uncle, he used to teach them school things and give them beatings [has a good laugh]. They can't speak in front of my uncle! [More laughter]

The upshot of Uncle Asif's intervention was that Iman's husband signed a *talaaq* then and there. But apparently, he did not send this to his second wife, and later, he falsified Iman's signature on a civil divorce in

order to be able to apply, as a divorcee, for his second wife's immigration. This developed into legal action in which Iman successfully used the civil courts to reinstate her marriage as well as shore up her financial hand in the relationship (see Chap. 7 on disputants' unintended uses of the law). I want to stop with her narrative here, however, to draw out the nuances it reveals about the politics of kinship support.

It is clear that women perceive kinship support as a right due to them as a condition of having an arranged marriage. Iman's narrative is fascinating for what it reveals about the extent of 'legalism' (Dresch 2012) entailed in kinship support, which is one way of trying to think about whether it makes sense to view a normative order such as kinship support as an instantiation of law. Iman described the expectation of kinship support as a kind of rule, in the sense Dresch glosses that 'we feel that something is amiss when people fail to follow it' (p.6). Iman describes telling her parents 'you arranged my marriage, you sort it out for me now!'; Uncle Asif told her husband 'what you've done is really wrong because she's from the family'. We can see the actors thinking through Iman's situation using 'categorizing concepts', such as the concept of parents in general and what they should do, as distinct from Iman's own particular experience of her parents, or the idea that a woman who agrees to an arranged marriage in the family is due some respect. But in the way in which Iman's expectations of support unfolded, we see all the workings of practice rather than legal rules: her parents weighing up the pros and cons of coming down on Iman's side, and the open-endedness of any particular action for those caught up in the flow of social life (Bourdieu 1977, pp.3–7). Dresch argues that such social practice is distinct from 'legalism', which means that 'the world is addressed through categories and explicit rules that stand apart from practice' (p.15). Kinship support as social practice is highly situational. It depends on actors' calculations of the implications of coming down on one side or another, amid a complexly evolving situation with significant ramifications in the *biradari*.

Where women complained of a lack of kinship support, my findings suggest that it was usually for such pragmatic reasons. Nadia, a 25-year-old migrant woman, is another case in point. After an unsuccessful first marriage to a UK-born cousin, she married Nauman, the brother of her brother's wife, when he came to Pakistan for the wedding. It was thus a

doatee or *vato-sata* marriage, between two brother–sister sibling pairs, but it took some work to convince Nauman’s parents to accept the proposal because of Nadia being a divorcee. One of Nadia’s *khallas* (mother’s sisters) took on the role of intermediary and persuaded Nauman’s parents to accept her. When Nadia joined Nauman in the UK and problems began to arise in their marriage, Nadia was unwilling to ask her brother for help because, as they were in a *vato-sata* arrangement, he might have retaliated by mistreating Nauman’s sister, his wife, which would have made matters worse (see Eglar 1960, p.106 on the belief that *vato-sata* marriages cause trouble). Nadia therefore relied upon her *khala* to talk sense into Nauman whenever they fought. At the time of our first interview, however, this helpful *khala* had recently died, and Nadia was worried about who would step in to help now.

She was one of the *barhe* (elders) in the family so Nauman did use to listen to her. She used to speak separately to both of us and then get the two of us together and tell us not to fight. [Adopts the informal *toon* form of the second person in Mirpuri to impersonate her *khala*] She used to tell us ‘Be good to each other’, ‘What are you fighting for’, ‘Stick with it’, ‘*Bardasht kar*’ (try to tolerate).

I told him ‘You better make sure you don’t fight with me again now, because there’s nobody now who’s going to step in and sort things out for us!’

Interesting in this extract is just how much of a support to her Nadia felt family mediation to be in her marriage. Indeed, she conveys the sense of theirs as a marriage that actually *ran on* family mediation. And without the helpful interventions of her *khala*, Nadia found herself unable to rein her husband in. By the time of our second interview, Nadia and Nauman had another big fight. Nauman had in fact lashed out at Nadia violently for the first time. She hooked open the back of her *kameez* and showed me the bruise on her right shoulder, which was large and still black-green but starting to fade to yellow. Desperately, she told me she had turned to her mother-in-law in the hope that she would reprimand her son, but predictably, she had not taken Nadia’s side.

I told my mother-in-law. To be honest, who am I supposed to tell? If I don’t tell her then who else I can tell? If I’m gonna tell my brother, he’ll be

furious about it, obviously he's not gonna like it. I did go to my sister-in-law's house [her brother's wife] and I showed her but she's obviously, she didn't tell her husband cause then it might affect her, you know what I mean. So then I told my mother-in-law.

My mother-in-law said she can't come, she's fasting and all that [it was the month of Ramazan], she said 'Don't ring the police, just give him a warning.' And at that time of day it was so difficult to talk to him. He went to the gym, he bought his chicken and chips, he was acting all normal. And then I showed him that I've got bruises and that. And then he said 'Go put some Deep Heat on' and he was just snoring on the sofa. I sat on the sofa, I wanted to talk to him but he was sleeping.

I said 'Ok, I'll give him two hours to sleep and then I'm gonna talk to him cause I'm not gonna let this go.' I was really upset, really and I was thinking to call the police and get him arrested and that, so that he learn his lesson and if I have to go somewhere I will, I'll take my daughter and son and bring them up myself, I was thinking at that point in time. But then sometimes... I dunno, when in life you make these decisions, ok *mujhe mar pari hai* (I took a beating) and I got bruises but the bruises will go, but if I went now, then that means that's it, you know, you're ending the relationship and that's gonna affect three lives, it's not just my life, I've got my son and daughter as well and she's really close to her dad and I was just thinking about her as well and then I thought 'No, just *bardasht kar lo*' (bear it). [Long silence—tears]

The contingency on the *biradari* context made it particularly difficult for migrant women to secure kinship support because most migrant women had fewer numbers of relatives in the UK than Nadia. This is illustrated by 25-year-old Shumaila. She had only one cousin of her mother's to whom she could turn when her marriage broke down. Her *khala* (mother's sister) took her into her house and was initially sympathetic, but before too long, she told Shumaila to take herself off to a women's refuge. She had little appetite to pick a fight with Shumaila's in-laws: 'my *khadoo* (auntie's husband) told me "take the support of the police because we're afraid that they might do *badtameezee* (misbehave) with us."' From that point on, she refused to involve herself in Shumaila's problems. When Shumaila asked her for help in her court case, her *khala* excused herself saying 'They are my *rishtedar* (relatives), if I go there *ger*

ber ho jaye gi (there will be a mess)'; Shumaila's *khala* is a cousin of her mother-in-law.

Kinship support is not therefore a predictable force on women to reconcile with their husbands and compromise in unhappy marriages. It is indisputable that kinship support is a normative order, but it does not seem to work as a rule so much as a social practice. If kinship support does not seem very 'legalistic' (Dresch 2012) then, how else might it be conceptualized? My suggestion is Stack and Burton's (1994) notion of the 'kinscript', a concept they offer to describe the set of certainties surrounding rights, roles and responsibilities that people, in their family contexts, seemingly take to be self-evident and natural. This point can be fleshed out if we turn to consider unhappy love marriages.

Love Marriages

In this section, I consider how kinship support unfolds in situations that depart from conventional arranged marriages. Grover (2011) again offers an illuminating comparison in her treatment of kinship support in love marriages. Unlike Mody (2008), who documented eloping couples being rapidly broken up or separated even violently, Grover found that couples in love marriages eventually reunited with their families and often even ended up living nearby—a situation which resonates with my research. However, she warns that 'women cannot expect the same levels of care and support that they would usually receive in the case of arranged marriages' (p.113). She found that love marriages were more stable than arranged marriages, but this was because natal kin did not intervene to support women in walking out of them. Love marriages therefore endure, but with women enduring 'greater vulnerability over the life course, feeling the need to adjust to the status quo' (p.117).

My study does not allow me to judge whether love or arranged marriages are more stable, as marriages throughout this continuum did break down. However, the fact of a marriage being self-chosen did impact on women's recourse to kinship support. I too found women regretting that love marriages did not offer them the same kinds of guarantees as arranged marriages and questioning the wisdom of having entered them. They told

me they tried very hard to keep the marriage going because they didn't want to 'prove mum and dad right' or let them say 'we told you so', but in the end the lingering bad feelings over the marriage reasserted themselves in the apathy of their families towards their difficulties. This is illustrated by the example of Rabia, a 49-year-old UK-born woman.

Rabia is a strong-willed personality and has a reputation for being a non-conformist. She was the first woman in her *biradari* to wear short hair, to learn to drive, and she was reportedly the first to take a divorce. Her first marriage, a forced marriage to a much older man, had taken place when she was only 17. She put up with the marriage for ten years and they had four children together before she made him leave the marital home. She then waited another five years before gathering the courage to demand a divorce, which she did with the help of one of her younger *mamoos* (mother's brothers) with whom she had a warm and friendly relationship. The story now becomes more complicated. The reason for getting the divorce then was that she had been introduced to a man named Altaf, and after so many years as a lone mother, she wished to remarry. I asked whether her mother's brother, the intermediary in the divorce, had known about that at the time. Rabia regretted that she had not told him, and then made a very important statement about the lack of family involvement in choosing her second husband, which she felt had undermined her throughout her second marriage.

If a third party is involved then you're answerable to them, then you're bounded because they can go to him and say 'Look, what the hell is going on?' But because, when a third party is not involved, it's just you two, and when you make that decision then you can't point the finger at anyone and say 'Look, you got me involved, you did this to me, now you sort it out for me' or something, you can't. And that's the position I got myself into, where I didn't involve my parents, I didn't involve my brothers and sisters, where I didn't involve my *mamoo*. So that was a big mistake on my behalf which I, being naïve and not having that sort of experience, I overlooked which was very important because *mamoo* could have done so many things and then he [Altaf] would have known that there's her family members involved in this, and he would have been more committed or more serious about it.

Rabia surprised me by saying that despite how unhappy she had been in her first, forced marriage, she had felt herself to be in a stronger posi-

tion than in her second. In her first marriage, she had at least the security that came from knowing that her problems were her parents' fault and that they were implicated in whatever happened. In her second marriage, she lacked this psychological escape route, and when the problems became apparent, she felt helpless.

I was so desperate to make the marriage work, because I did it myself this time and I didn't want to be a failure in front of the *biradari*, they would laugh at me if this breaks up, 'Oh she done it herself anyway, she went and did it with her own choice, and what happened? Wasn't she better off with the first one', that sort of stuff.

Such was her disappointment with Altaf that in her narrative, she identified the problems as apparent on the wedding night itself. Her understated description of her unfulfilled desire for love reveals the hopes she had dared to entertain for her second marriage.

The first night I spent with him I realized it was the biggest mistake of my life I've made. What I had, my expectations, and what I thought, and 'This is going to be really different now', and it was the start of a nightmare.

He didn't say much, you know you talk and so on and you make the person comfortable and willing and all that sort of stuff, but it was all quietness and he didn't really want to and then he just turned around and went to sleep. And I was just sitting there and saying, 'What is this it? Just a couple of minutes and that's it, what the hell!' And I just started crying and thought 'Oh my god, why are you doing this to me?' And I was upset going to sleep.

The four, five days we spent [on honeymoon] he was just more like looking at the scenery and stuff like that, there was not much conversation at all, the little conversations that we used to have before, they all just fizzled out.

The 'fizzling out' of intimacy between them made it unacceptable to Rabia when he then failed to take financial responsibility. She started demanding that he provide for her. Altaf began to leave the marital home for weeks and even months at a time whenever they would fight. Rabia was unsure how to negotiate the marriage without intervention from the 'big people in the family', as she called them; people with the authority to make him mend his ways. She had to approach Altaf directly to beg him to return, which she felt had weakened her hand.

I would ring him up after a week or so and I'd say sorry to him, begging him in a way and telling him to come back and he was so used to that, 'She's going to come running after me, she can't live without me.' So he became big-headed in that sort of way, he started using that against me.

Trying to deploy her habitual expectation of addressing marital problems through family mediation, Rabia tried to improvise routes for kinship support. She involved the same *mamoo* who had intervened before, whom she was close to, but the *mamoo* lacked the command or respect to prevail over Altaf, and Altaf was able to answer him in an over-facile way.

I called *mamoo* and I said 'I can't cope with this anymore, he's bringing £80 and I can't live with this, what am I supposed to do? I'm struggling, whatever little savings I have, I have to pop that in too, I can't do this anymore.' And my *mamoo* had a word with him and he goes 'I go to work in the morning, I come back in the evening, if I get £80 in the week that's not my fault, that's all I make. If she wants to live within that money she has to, if she can't, she can't. I can't do nothing more than this.'

By the time my fieldwork began in 2012, they had been continually separated for five months. Rabia kept on trying, turning to people outside the family. She got one of Altaf's colleagues from his home removals company to approach him with a view to reconciliation, but as with Rabia's *mamoo*, Altaf was impervious to any attempt to rein him in.

He tried to talk to him about it but my husband turns around and goes 'I will talk to you on any subject but this.' So he said to him 'Ok fine, you don't want to talk about it, but at least back home when such a situation arises people approach the big people in the family and they come and they try to sort it out, if they can't sort it out then they decide ok fine you go on your way.' He goes 'At least tell me what she has done wrong, people do not divorce their wives or separate from their wives or leave them just because she asked them "When are you coming back?" A wife has a right. That's not the reason here, I can't understand the reason here, you've got to give me a reason, what's her *kasoor* (fault) and then I can understand, I can support you in that, if it's her *kasoor* I will support you.'

He goes, 'I don't want to talk about this subject.' He's not even letting them get involved. He goes 'I'm 55 years old, I know what I want from life and I've got three daughters, I've got no son, I need to think about my life, where I'm heading.'

After seven months of separation, during which there was no direct communication between Rabia and Altaf at all, in June 2012, Altaf took Rabia to court over an application for contact with their daughter Manahil, an episode I recount in detail in Chap. 7. But as Rabia's narrative shows, if having a conventional arranged marriage provides women with the right to ask those who had got them into the marriage to help them get out, and of there being recognizable or even scripted ways of acting and negotiating, then having a love marriage was like having the script pulled out from between your fingers.

Conclusion

This chapter affirms the sketch of family mediation that has been provided by the existing socio-legal literature on marital conflict in British Asian families. Informal family mediation is given a strong emphasis and takes culturally elaborated forms, which are structured by the cultural norms of arranged marriage. Grover's important portrayal of Delhi slums, of married daughters turning automatically to their natal families and their expectations for assistance being readily affirmed, resonates partially in the social context here. Patterns of marrying daughters locally and of husbands coming to live among their wives' kin, as a result of transnational marriage, seem to facilitate women in claiming kinship support. In families where there have been many prior marital breakdowns, parents seem to acknowledge their daughters' difficulties more easily and support them to leave unhappy marriages rather than compromise. However, my findings indicate more variation between families than Grover's study, perhaps because of the greater diversity of caste contexts in my study and the concerns expressed about reputational damage in some conservative families.

Women in arranged marriages do stridently claim kinship support: 'You arranged my marriage, you sort it out for me now!'. But the entitle-

ment to support is, in Dresch's (2012) terms, a rule that is not very 'distinct from practice' (p.1). Seeing it as an instantiation of the law does not therefore get us as far with understanding it, I suggest, as seeing it as a form of kinship practice. I have shown that some parents deny their responsibility to support their married daughters because of pragmatic considerations. Kinship is thus a 'kinscript' (Stack and Burton 1994) that is not read out or followed so much as 'worked out' (Finch and Mason 1993) amid complex considerations of *biradari* politics. Love marriages do not grant women the same rights to kinship support, yet this did not mean that women held back from demanding it. They often strived hard to improvise kinship support, albeit with varying degrees of success. I have suggested that such marriages can make women feel as if the 'kinscript' they were trying to read has been plucked out from between their fingers.

My findings indicate that Bano is right to be wary of the unpredictability of kinship support. Women consider kinship support to be a significant entitlement and prop to them in negotiating their marriages, but in some cases it can in backfire and thus appear to women to depend on the 'traditional framework of power' (Bano 2012, p.198). Nonetheless, family mediation does not uniformly encourage women to patiently endure unhappy marriages. Family mediators judged their grievances with a view to gendered understandings of asymmetrical conjugal roles, and if the husband is found to be at fault, they may well be supported to leave. Chapter 5 takes forward the points in this chapter by exploring how kinship support can be implicated in producing situations of estrangement, separations and yoyo marriages, but also come to the fore in picking up the pieces in the long term.

References

- Alavi, H. (1972). Kinship in West Punjab villages. *Contributions to Indian Sociology*, 6(1), 57–89.
- Bano, S. (2012). *Muslim women and Shari'ah councils: Transcending the boundaries of community and law*. London: Palgrave.
- Bott, E. (1957). *Family and social network: Roles, norms, and external relationships in ordinary urban families*. London: Tavistock.

- Bourdieu, P. (1977). *Outline of a theory of practice*. Cambridge: Cambridge University Press.
- Dresch, P. (2012). Legalism, anthropology, and history: A view from part of anthropology. In P. Dresch & H. Skoda (Eds.), *Legalism: Anthropology and history* (pp. 1–38). Oxford: Oxford University Press.
- Eglar, Z. (1960). *A Punjabi village in Pakistan*. New York: Columbia University Press.
- Ferguson, N., Douglas, G., Lowe, N., Murch, M., & Robinson, M. (2004). *Grandparenting in divorced families*. Bristol: The Policy Press.
- Finch, J., & Mason, J. (1993). *Negotiating family responsibilities*. London: Routledge.
- Grover, S. (2011). *Marriage, love, caste and kinship support: Lived experiences of the urban poor in India*. New Delhi: Social Science Press.
- James, A., & Wilson, K. (2002). *Couples, conflict, and change: Social work with marital relationships*. Cambridge: Cambridge University Press.
- Jeffery, P. (2001). A 'uniform customary code'? Marital breakdown and women's economic entitlements in rural Bijnor. *Contributions to Indian Sociology*, 35(1), 1–32.
- Jhutti-Johal, J. (2013). How parties to Sikh marriages use and are influenced by the norms of their religion and culture when engaging with mediation. In M. MacLean & J. Eelekaar (Eds.), *Managing family justice in diverse societies* (pp. 203–219). Oxford: Hart.
- Mody, P. (2008). *The intimate state: Love marriages and the law in Delhi*. New Delhi: Routledge.
- Shah-Kazemi, S. N. (2001). *Untying the knot: Muslim women, divorce and the Shariah*. London: The Nuffield Foundation.
- Smart, C. (2005). Textures of family life: Further thoughts on change and commitment. *Journal of Social Policy*, 34(4), 541–556.
- Stack, C., & Burton, L. (1994). Kinscripts. *Journal of Comparative Family Studies*, 24(2), 157–170.
- Vatuk, S. (1971). Trends in North Indian urban kinship: The 'matrilateral asymmetry' hypothesis. *Southwestern Journal of Anthropology*, 27, 287–307.
- Vatuk, S. (1972). *Kinship and urbanization: White collar migrants in North India*. Berkeley: University of California Press.
- Werbner, P. (1990). *The migration process: Capital, gifts and offerings among British Pakistanis*. Oxford: Berg Publishers.
- Werbner, R. (1991). *Tears of the dead: The social biography of an African family*. Edinburgh: Edinburgh University Press.

5

Estrangements, Separations and Yoyo Marriages

If a woman gets a divorce here, then the social security will help her but not in Pakistan. That poor woman *zinda mar jati hai* (is alive but dead), *sari zindigi pess ke rah jati hai* (she's crushed for the whole of her life). That's why people say *ke jab beti ki doli jati hai to kehte hain 'yeh tumari mayyat ja rahi hai, ta ke tum vapas na aao'* (when a daughter leaves her parents' home on her wedding palanquin, the parents say 'this is your dead body leaving the house', so that she never think to return). If her parents won't take her back then how will she survive?

[Translated from Urdu]

Shakoor

This chapter examines the arrangements that people devised to deal with marital conflict which did not involve divorce. Of the 62 men and women I interviewed about their own marital breakdowns, 16 had not taken a divorce by the end of my fieldwork. A further 17 of the 45 divorcees had spent more than five years separated from their spouse before finally moving towards divorce. There are thus many couples who stay together for very long periods of time in marriages that are perennially

unstable. Some of these marital breakdowns will be hidden in the statistics on marital status, as with those couples who remain together under one roof but estranged. Other arrangements do show up in the official statistics. My analysis of the Quarterly Labour Force Survey showed that separated or divorced Pakistani and Bangladeshi Muslims report themselves more often to be separated than actually divorced. The only other ethnic groups where divorce is not more common than separation are the Indian Hindus and Muslims (illustrated in Fig. 5.1). This chapter informs this quantitative finding by exploring the predicament of women and men who remain legally married but live separately, or in what my informants called yoyo marriages, for very long periods of time.

Kanwal Mand (2005) observes that separation rather than divorce allows Punjabi women to 'gain power and an honourable position' (p.410) and notes the significance of state policies and labour markets, as well as kinship support, in allowing women to live this way. The separated women in the transnational families she studied chose to move to their natal kin or children in the UK rather than remain in Punjab or Tanzania, because of the paid work and welfare resources that were

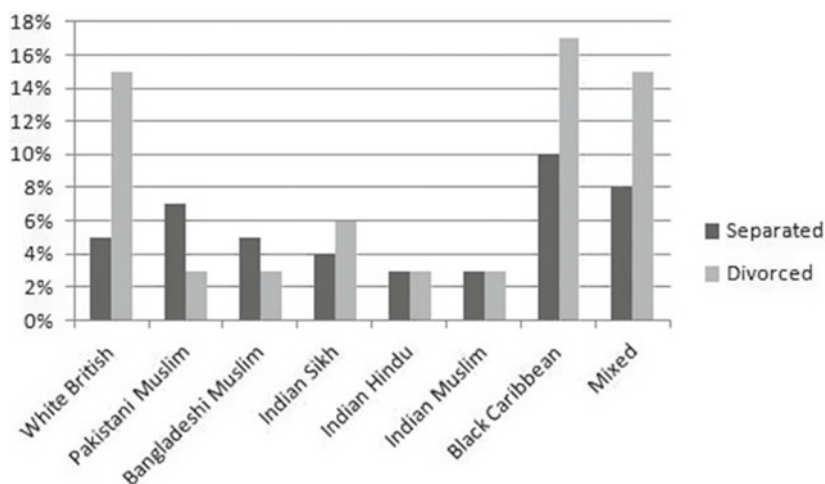


Fig. 5.1 Separated or divorced by ethnic group, ever-married adults aged 16–59 (Source: UK, 2010–13 Labour Force Survey)

available to them in the UK. In this chapter, I echo Mand's observations about moral and reputational concerns feeding into arrangements of long-term estrangement or separation rather than formal divorce. The economic sustenance provided to women through the UK labour market and welfare state form the backdrop to each case. Additionally, though, I emphasize how women and men may be pushed towards estrangements and separations by the workings of kinship support, and I show the significance of dynamics internal to the couple relationship. I argue that marital instability is feeding into the development of matrilateral asymmetry, as introduced in earlier chapters. I show that long-term estrangements and separations bring temporal changes whereby women and men became less dependent on their spouses for intimacy and more and more embedded in their natal families, but conclude that these arrangements are unstable and may have legal proceedings as their endpoint.

Estrangements

In the previous chapter, I discussed efforts at family mediation aimed at reining in the unhappy party and influencing the errant spouse to mend their ways, and the factors that differentiated kinship support. Where the conjugal relationship had really broken down but the family successfully pressured them to stay together, the result was a long-term estrangement under one roof. Such living-together-separately arrangements entailed complex uses of living space in order to negotiate privacy and reduce propensities for conflict, as well as a phenomenal exercise of patience.

Karim migrated to the UK from rural Mirpur in the 1960s, and his wife Khadija arrived in 1975 with two of their six children. Theirs had been an unusually violent marriage; in the late 1970s, Karim was clinically diagnosed with psychosis. Khadija had come close to divorce many times. She left home on many occasions, and her brothers had agreed that she was within her rights to leave. However, Karim's sisters entreated her to return and she agreed, an expression of *sabar* (patience, forbearance) that I discussed in Chap. 2 as a common feature of the narratives of women in her generation. Khadija derived a certain measure of moral

status from the decision to stay. As she told me, 'I chose that way and I'm happy that I did not leave, I am proud of myself'.

Khadija had taught herself to quell her feelings of regret at the path her life had taken.

I don't mind any more about my husband. We are like two cars that are running in parallel (*ham to do gaarion ki tarah hain jo ke parallel mein ja rahi hain*).

I have spent my life with him where most women would perhaps have left. But Allah has given me sons, and my sons are my support in life.

[Translated from Urdu]

As this extract indicates, Khadija's decision to stay in the marriage came with a long labour of self-sublimation and compromise. She described them as like two cars running in parallel, but when I visited them at home, I felt they were more like planets with separate spheres of orbit. Karim stayed in the back room downstairs, where he padded in his unkempt *salwar kameezes* between his single bed, the TV, and a bathroom with bars and handles that the council had installed for him. Khadija orbited between the kitchen and the living room, where she and the youngest son slept on makeshift beds. She entered Karim's space only to give him meals, medication, and to remind him to wash and change his clothes. Neither Khadija nor the four sons spoke much to Karim. The older two described their relationship with their father as 'non-existent'. Their communication with him was limited to questions about his medication, 'concise', 'nobody gets involved in a conversation', 'dad's irrelevant'. As for Khadija, she claimed to have stopped paying attention to anything he said. 'Whenever I hear him I think to myself, "I'm not interested, I don't want to listen."'

Nagina and Ali, a UK-born couple in their mid-40s, are another case. According to Nagina, they have not had a 'husband-wife relationship', by which she meant physical intimacy, since their sixth child was born 15 years ago. As the children grew up, she had become increasingly frustrated with Ali's imposition of his 'strict values' onto their children. She would allow the children to break the rules imposed by Ali, Ali would swear at her and then, she complained, 'he'd be going round to his mum's and his

sister and snitching about me'. She had often thought about divorce, but chose not to leave because she wanted to see the children 'married and in their own homes' before she took any drastic step.

They had evolved similar planetary orbits to Khadija and Karim, not sharing words or living space. Nagina still cooked all the family meals, but her interactions with Ali were perfunctory: 'do you want *salan* (curry)', 'yeah', 'ok'. She had taken over their bedroom, redecorated it to her own liking and installed a TV so that she could stay out of his way. After serving him his evening meal, she would retreat upstairs. Ali slept downstairs on the sofa in the front room. In front of her female friends and the five children who had sided with her, Nagina referred to Ali as 'my ex'. In front of the eldest son, whom Nagina suspected of having sided with Ali's mother, she referred to Ali as 'the boss'.

Towards the end of my fieldwork, the front lines in the cold war of their marriage were reforming because Nagina heard from her mother that Ali's mother—who was Nagina's mother's sister—was thinking about finding him a second wife. 'His mum told my mum that "she's not bothered with my son since 10–15 years, so I want my son to get married again and have a life"', Nagina reported. She was now thinking seriously about leaving the marital home and applying for a divorce, but her mother and siblings told her unanimously that she must stay, for fear of jeopardizing her future financial security and that of her children.

She went to get a second opinion from a solicitor, who told her that because she had lived in the marital home for 26 years, she would have a strong claim on the house even if she were to leave. However, this legal argument did not alter the force of her mother or her siblings' opinions. I went with Nagina to visit Rajjo, her elder sister, who was herself divorced and remarried. Although Rajjo was proud of having been the first woman in the family to divorce, she was not willing for Nagina to follow her example. She told Nagina in the no-uncertain tones of an elder sister that she must not step even a foot outside the house: '*ek qadam ghar se bahr nahi nikalni*'. She warned that if Nagina left the marital home, Ali's mother would get him remarried and then Nagina, after putting up with him for three decades, would have to share her claim on the house with some young upstart from Pakistan; and if he had children with the second wife, Nagina's children stood to be disinherited too.

The emotional textures in these two households are expressive of what happens when a marriage breaks down but rather than going their separate ways, both parties settle for an extended estrangement under the same roof. Separate sleeping arrangements, a lack of physical intimacy, only the most functional communication, children picking up the cues and taking sides, self-sublimation, compromise, endless self-doubt and remorse on behalf of the unhappy party and misgivings about the advice and support given by natal family. The unknown quantity of such long-term estrangements within marriage, which I'm calling arrangements of living-together-separately, is a kind of hidden marital breakdown concealed by the statistics on marital status. The next sections now consider why the statistics for British Asians might show more separation than divorce.

Separations

Another consequence of family pressure to stay together was a long-term separation in which husband and wife lived separately, often to all extents and purposes like a divorced couple, but refrained from actually taking this final step. The *nikaah* stayed legally intact and the wife 'kept the name' of the husband, as people put it. In many cases, this was an attempt to conceal the fact of the marriage breakdown from the rest of society amid reputational concerns about the stigma of divorce. For many women and men, particularly those who were older or from more reputation-conscious families—see Chap. 4 on differences in family cultures—divorce had a moral force of its own. Mazhar, a marriage migrant from Pakistan who was aged 59 at the time of my fieldwork, had initiated divorce proceedings against his UK-born wife. He got right to the point of having his solicitor draw up the decree nisi, but the sight of the paperwork brought out such incredibly powerful emotions in him that he was unable to sign it. He was then visited by a divine vision from God warning him about the disaster that divorce would spell, and at the very last moment, he withdrew the application.

When the final divorce papers came through a kind of fear gripped me. The fear was such that I began to feel that everything I had was being severed from me, that I had lost everything that I had from my hands. I saw something like

this happening and I got scared. I had a dream that something like this was going to happen with me. In times like this a man changes his mind. Whatever is going to happen is known to Allah and he shows things to his people by signs, and I think this was one sign. I asked Allah what I should do, whether to give the divorce or not and that's when I had the dream... [recounts a confusing narrative about the dream]... I shouted out loud, I shouted '*Ya mul-lah... Allahu akbar*' (o prophet, God is great) and woke from my sleep. So you see Allah showed me the way. When I woke up in the morning I asked the lawyer to close the case.

[Translated from Urdu]

According to his narrative, that very same morning, Mazhar's eldest son visited to try and dissuade him from giving their mother a divorce. Mazhar told him he would not give it as long as he lived:

Talaq ek aisi cheez hai ke jis se Allah ko nuffrat hai (divorce is something detestable to Allah). The whole community looks down on it and people would say that I left her after getting to this stage of my life.

The notion that taking a divorce is dishonourable makes separation into something of a moral testing ground. This is suggested persuasively by the reflections of Shahbano, a 30-year-old marriage migrant. She was a homemaker with three small children; her UK-born husband was a bus driver. Shahbano had left the marital home on several occasions in the past, but her most recent departure, six months before I met her, felt different because it had been triggered by a violent incident. Social services were now involved, and they were forcing her hand in particular ways. Shahbano did not have serious grievances against her husband Arfat. Rather, it was her brother-in-law and mother-in-law who she saw as the problem. She wanted Arfat to provide her with a separate accommodation so that she could keep distance from her in-laws, but she also wanted Arfat to live with her; she acknowledged that three boys under the age of five were a handful to look after on her own. The social worker, a White British woman whom Shahbano believed to be profoundly racist, had taken the opinion that Shahbano would be endangering the children's welfare if she went back to Arfat, and warned her against reconciliation on pain of having the children removed from her on grounds of irresponsible parenting.

When we had our initial interviews, Shahbano was actively debating the question of what she should do. She was not happy with the ambiguity of Arfat's position. Neither was he providing her separate accommodation nor was he giving her a *talaag*. If Arfat were to divorce her at the end of all this, she told me she would accept it. But she said she would not herself go to court and ask for a divorce, and implied this was unthinkable: 'with three children, no woman would want a *talaag*'.

At the end of our interviews, I asked her to tell me more plainly what her thoughts were about divorce. She replied that if Arfat did not divorce her, she would stay as a lone mother indefinitely but she would never ever take a divorce. Echoing the *sabar* narrative (see Chap. 2), she depicted herself as a self-sacrificial mother who would devote her life to raising her children in the way she saw fit.

What are your thoughts about divorce?

My thoughts as in, whether I would like to take one or not? I don't want one!
No?

No! I don't want to because ok, if Arfat wants to give me a divorce, if he does not want to live with me, then if that's what he says, fair enough. But I don't want to remarry, Kaveri, no. I have sacrificed. I have dedicated my whole life to my children. I didn't come to this country to marry and then leave Arfat in order to have my right to live here, just to enjoy my life, I didn't come here for that. If that were my intention then I would have taken a *talaag* within no time. If that were the case then I would not have given birth to these children. Because the problems had already begun by then [by the time the children were born], isn't it. I knew already what their intention was, and what they wanted from me. They intended to keep me in slavery conditions and they wanted me to accept those conditions or otherwise just leave them.

I do want to live with them, but not on their conditions. I'm not telling them that they have to spend money on me or do something in my name. I just want to have a simple life, I just want them to let me live quietly and peacefully and let me look after my kids how I want to.

[Translated from Urdu]

There was a gendered distinction between the views of men like Mazhar about the detestable character of divorce in the eyes of Allah, and

the moral status that separated women like Shahbano were cultivating. In this regard, returning again to the differences in family cultures that I outlined in Chap. 4, it is notable that Shahbano was from an Urdu-speaking family whom she characterized as *shaista* (refined/high-mannered), on top of which she and Arfat were affiliated with the conservative Salafi sect. Her resistance to the idea of divorce, particularly because of the implication that a woman might be motivated by disreputable concerns like remarriage, is intelligible in this light.

In earlier chapters, I discussed some of the ways in which Pakistani kinship seems to be changing in the context of rural-to-urban migration and transnational marriage, shifting from the ideology of patrilocal marriage to a more matrilocally weighted practice of kinship, with women supported to assert their ties to their natal kin more strongly. Here, we see how natal kin enter the picture again in picking up the pieces when a marriage breaks down irreversibly. UK-born women who were separated from their husbands—as well as those migrant women who had siblings in the UK—turned to their natal families to provide moral and practical support in the form of accommodation, childcare, domestic help and financial assistance. I would like to suggest that the phenomenon of marital instability may be feeding into the emergence of matrilateral asymmetry in the kinship system of British Pakistanis. Farzana, 49 years, offers an eloquent example.

Farzana is a UK-born woman who had an arranged marriage to her mother's sister's son Farooq from Pakistan. Farooq, a minicab driver, had extramarital affairs which developed into two secondary marriages, one with a UK-born Indian Sikh and the other with a woman in Pakistan. Such was the family's guardedness about Farzana's marital problems that I did not find out about them until I had known the family for a great many years. They told me that Farooq was in Pakistan on an extended visit pursuing a legal dispute over the ancestral properties. It was only when Farooq visited the UK that Farzana finally took me into confidence and showed me his diary, with the memorable calendar on the last page where he had written in the birthdays of all seven of his children: his four daughters with Farzana, his first wife; the son from his Sikh wife; and two children from his wife in Pakistan.

Farzana got by with the help of two of her elder siblings and her mother, who all lived on the same street. In fact, the three houses were

effectively living like a joint family, illustrating the porous boundaries of householding in systems of local kinship (Bott 1957; Young and Willmott 1957). Farzana was running the house at number 127 from her job as a receptionist, which involved working nine to five. She therefore relied on her older sister Naseem, a widow who lived at number 105, to get her daughters ready and take them to school. Naseem also picked them up from school, gave them afternoon snacks and looked after them until Farzana got home from work. Farzana and Naseem's mother was officially resident at Farzana's elder brother's house, at number 103. Farzana's daughters called her *maan* (mother), copying their mother in a telling reversal of the norm of children in patrilineally extended joint families calling their paternal grandmothers *ammi* (mother) or *bari ammi* (big mother). Meanwhile, the brother at 103 was also living separately from his wife and children. This meant that *maan* had no daughter-in-law at home to help her. *Maan* therefore spent of her time at Naseem's house too, watching Indian dramas on TV and talking to Farzana's daughters. Naseem did most of the cooking and fed Farzana's family in the evenings, and the brother was a frequent visitor in the evenings too. So inextricable were the relationships between the three houses that a common sight in the evenings was of Farzana's daughters walking back to Farzana's from Naseem's in their pyjamas. It was as if the length of street between 105 and 127 was just another corridor inside their house. Farzana had little to do with Farooq's mother or his siblings, who lived in a similarly organized cluster of households on two streets in a different neighbourhood, who she felt had not supported her over Farooq's second marriages. Farzana's daughters shared her dim view of Farooq's family and complained about their paternal grandmother's bad language and ill manners.

Farzana's relationships with her natal family were warm and nurturing. Her family colluded in concealing the marriage breakdown in a way that supported her own concern to sustain the appearance of being a married woman. However, there were other women who found it constraining to live back in the fold of their natal families. Nusrat, a migrant woman in her 50s, is an example. She had been separated from her husband for seven years, and was living with her three teenage children at one of her brother's houses, which was on the same street as three other households belonging to her other brothers, a sister and her parents. Her brothers

had extended her substantial financial support over the years. Although Nusrat was extremely grateful to her brothers for supporting her and the children, she also felt suffocated by the influence this had given them over her. She wanted to divorce, but could not pluck up the courage to do it whilst she was living under their patronage.

Now I am living among them. If tomorrow I can rent an independent room, a one or two bedroom house then perhaps I might be able to proceed with a divorce more easily and independently. Now I am living among them then I have to see how they react, which they will—they will definitely react. This is a huge bother for me. To face them, for that I need energy, strategy and time.
[Translated from Urdu]

She had first discussed her intentions with another brother who was working in Dubai, whom she believed, as a more highly educated person, would be more sympathetic than the brother she was living with. However, he had warned her off the idea in no-uncertain terms.

I intimated to him that I am thinking to take a divorce. I told him ‘There is nothing left in that relationship and even Islamically, if there is no relationship between us since seven years then it is valid for me to take a divorce.’ I told him ‘I want to leave him but I don’t know how to do it.’ Then he replied immediately saying ‘*Baji* (elder sister) leave it, why are you thinking about this, if you take a divorce or not what difference does it make.’ I said that ‘Only I can understand why I want to get it.’ I told him ‘I don’t want to his name attached with mine anymore.’ He replied ‘Now you’ve got your British passport. His name is not mentioned in your passport, so how you are saying his name is with you’ [in a Pakistani passport or national identity card a woman is identified as a daughter or wife]. I said ‘I mean, my name is with him and it affects my “emotions” and my “self-identity” [in English]. Why should I keep his name attached to mine?’ But my brother did not give me an answer, he just wanted to avoid to any further discussion. Although he is very “open” and “liberal” otherwise, even he had that kind of answer for me.

This extract is powerful as it shows how the intactness of the *nikaah* and the continued association between her husband’s name and her own was a source of irritation to Nusrat: it affected her ‘emotions’ and ‘self-identity’.

But for her natal family, it was very important to keep her husband's name, to prevent her from sliding into the moral ambiguity of the woman divorcee. This is what Nusrat's mother had lectured her when she intimated her intentions:

Ammi said to me '*Sharom karo, abhi tum bhoorhi ho rahi ho, kya zaroorat hai tumhen yeh cheez lena ki*' (shame on you, you are getting old, what is the reason to get this) and continued saying 'What difference will it make if you get this divorce? It means your intentions are bad, *kisi dusre mard ke piche paro gi?*' (Are you launching yourself after another man?) She continued to repeat herself in this unpleasant and humiliating tone. She has this obsession that I might wish to go for another husband or that I will go for to make a relationship with another man. *Unko yeh hee pareshani sata rahi hai* (this is the worry that is nagging at her).

Even if she did not share Shahbano and Farzana's view about the dishonour of being a divorced woman, she was bound to the moral standards of her family by her financial need.

For that [divorce] I need energy which I do not have at the moment, and I will not have until I am grounded financially. I don't have any financial stability. Now I am among them, they look after me, they support me, so-called. If I were living at a distance then maybe I could do whatever I want. I think only my nature and my own efforts and my own strength will allow me to stand high on my own feet. Only my own decision and my inner courage also stop now living with them and eating their food. Such things make you weak.

It is worth pondering over the importance of the *nikaah* remaining intact and the wife 'keeping the name' of the husband. 'Keeping the name' is a cultural idiom expressing distaste for divorce, but it is an unequal one expressing the asymmetrical dependence of a woman on a man for legitimacy and the moral weight that is given to the aegis of a husband. Men never spoke of 'keeping the name' of their wives, although they could say that 'I'm going to keep you in my *nikaah*' or 'I free you from my *nikaah*'. My informants therefore took the *nikaah* to be essentially controlled by the husband.

In most interpretations of Islamic law, the husband has the right to unilaterally divorce his wife by giving her a *talaaq* divorce, but not vice versa. In the UK, legal scholars and activists have been concerned by the facility this gives men to deny their wives an Islamic divorce, whether or not the civil divorce has been obtained (see Pearl and Menski 1998 on 'limping marriages'). Separated women frequently attributed their husband's refusal to give them an Islamic divorce to spite, to prevent them from remarrying whilst they themselves could remarry in a polygamous arrangement. UK-born Sukaina complained of her ex-husband:

He [ex-husband] didn't want to give it. He didn't want a divorce, he goes, 'Why do you want a divorce?' That's the Pakistani mentality, 'I want to be linked with this woman, I don't want to have anything to do with her, I want to stay with my girlfriend but I want to be linked with this woman so she can't have anybody else.' [She stages a dialogue with him in her head] 'Maybe another guy could do a better job than you ever would but'... they can't hack the fact that who they were with at the time, is going to be with somebody else. It's like a control thing.

My findings with men confirmed that an element of spite was sometimes involved, but it was also to do with the dynamics of the conjugal relationship and the moral context of men's families and communities. Some of the men whose wives were asking for a divorce were simply not reconciled to the breakdown of the relationship, were still in love with them, and did not want to be thought of in their families and communities as the kind of man who could not 'keep his wife', conveying the idea Sukaina alludes to of satisfying a woman—including its sexual connotations. I will discuss 'limping marriages' in more detail in Chap. 6, but they need to be mentioned here in connection with the frequent situation of husbands and wives remaining separated, but not divorced, for very long periods. As I have shown, this state of affairs resulted from a combination of keeping open the possibility of reconciliation, regard for the moral force of divorce and resistance from wider families, the latter being particularly important for women as they were more dependent on their families to pick up the pieces after marital breakdown. And it feeds, I suggest, into the emergence of matrilateral asymmetry.

Yoyo Marriages

A third solution to marital conflict that did not involve divorce was for the marriage to remain intact but perennially unstable, with the husband repeatedly coming and going. Such marriages were described by my informants as yoyo marriages: always up-and-down, off-and-on. Perhaps unsurprisingly, women and men had very different perspectives on marriages in which the husband was repeatedly coming and going from the marital home. Women were particularly critical where they believed their husband to be lacking in ‘commitment’ to the marriage, a notion that, as I suggested in Chap. 3, combined financial provision with emotional devotion. Saadia, a degree-educated UK-born woman aged 30, had married a paternal cousin from Pakistan. She offered her marital history in the realist narrative genre, see Chap. 2. She tried to be fair to her husband, but maintained that he was unwilling to ‘take responsibility’. She made a complex statement in the very beginning of the interview about how she and her husband could not live together but they shared what Jamieson (1998) calls a ‘deep knowing’, a ‘deep insight into an inner self’ (p.8).

We love each other to bits. I would never have an affair, he would never have an affair, I know that for a fact. He would never get married again, nor would I. We have that heart-to-heart connection, but we don’t live together, and when we’re together we fight, we don’t communicate.

Saadia was working full-time as a physiotherapist. She had economic assets of her own, namely a house for which hers was the only name on the deeds and the mortgage because her husband had been in the UK for less than five years when they bought it. She acknowledged that this gave her a sense of greater bargaining power within the marriage and meant that she had on occasion thrown him out of the house. She described these occasions as misinterpreted and spontaneous expressions of temper. From the kind of arguments she described, however, it seems that her husband felt that he had no obligation to help her with the mortgage.

Whenever we had an argument I used to tackle him about the house, saying 'It's my house'—which is my fault as well, but... come on, man, every woman—regardless of if it's their house or not, even if it's the husband's house—if she has children, she think of it as her house. Once she has a fight and she chucks him out, 'Get out of my house', it doesn't necessarily mean she's trying to say 'It's my house, and you get out permanently.' It's just the words you're saying. And then he yells back, 'Of course, you got it in your name.'

It's not like that, we got it as a team, it's both our house, but when you say it, as a woman when you say it you don't mean something like that. Every time, he used that against me. 'Your house, your house, your house... it's in your name. I'm going to buy my own house.' In five years he's never, ever paid a penny for the mortgage.

The first time Saadia's husband left the house was six years previously, just a year after he'd joined her from Pakistan. Their daughter Kainat was one-and-a-half years old at the time. Saadia said his first departure had left her 'devastated'. But over the years, she had got used to it—so much so that she claimed she now actually preferred it when he wasn't there:

At first I was devastated. I would just go, 'Oh, that's it, that's my life over, I can't move on.' But I'm so used to it now, I'm even glad that he goes. When he comes, the amount of mess he makes, I just don't like that, and his smoking—that's a habit I was used to, but now I'm not. But I would rather not have that going on every day and have him away, than begging him to come home. Initially when he used to run away I used to *beg* him to come home, really beg him, to my extreme limits, to get him back, but now I don't bother and he's seen that in me as well. And the more he's coming after me now, and I'm scared that he might just come home! [Bursts out laughing]

Saadia said that Kainat was now used to her father's absence too and tended to prefer it when he wasn't there, because then she could monopolize her mother.

When he comes I have to really focus on him, and he doesn't know where to focus, he's so confused. He hardly ever sees her [Kainat], she's half-asleep when he comes. She's in bed by eight thirty or nine, he comes in at midnight, one o'

clock in the morning. What for? I'm asleep, I've got morning work, she's got school in the morning.

Are you ever concerned about the effect it's having on her?

She's happy that he comes. He comes, sees her, and he goes. But she wouldn't like the fact that he's staying there forever now. She was one-and-a-half when he first left us, he came back and then he left and then he came back. She wasn't able to talk that much then, she lost a lot of weight. I don't know whether it was thinking too much. But the more he did it, the more used to it she got.

She does have that loving feeling towards him, he has it with her as well but she's used to the fact that he's not there, he doesn't come that often. When he does, she spends time with him. She's glad he's gone as well, so she can have my attention, cause when I'm there and he's there, my attention goes to him then. I have to do whatever he says, cooking and... 'Oh, come and sit next to me.' [A euphemism for physical intimacy]

As this extract indicates, cooking weighed in as a significant factor in Saadia's evaluation of her husband's comings and goings because although she had cooked family meals for him in the early years of her marriage, she had now given that up. Instead, she relied on her mother to cook. Saadia's mother, Kainat's *nani* (maternal grandmother), was a huge figure in their lives as in so many of the families I worked with. Kainat went to *nani's* every day after school. She ate her tea and evening meal at *nani's*, and on a normal week day, Saadia would eat there too after she got back from work, before driving the two of them back. Whilst Kainat didn't know her grandparents in Pakistan very well at all, she was growing up in a stable matrilineal extended family household, like Farzana's daughters in the section above. For Saadia, the idea of becoming a conjugal nuclear family once again, of going back to the now seemingly gruelling routine of cooking a family meal for her husband, was almost unthinkable. Plus, she said, it would be unfair on her mother, who liked to have them round.

My mum, she's very backwards, we do clash on the little things because she thinks a woman should be obeying the man and stuff, which I don't totally agree with. But she looks after Kainat all the time. She [Kainat] was three months old when I went back to work. So literally, my mum is her mum.

Every step of the way she was with her, school trips, even parents' evenings sometimes, she was there. And dinner for me, on the table for me, she's making it. Since the last five-six years I've not been actually living with my husband, she's making dinner for me every day so I eat round hers, I never go home and cook now.

And for him to come back and me to start up again, start cooking, is something so... strange again. It's like getting back to routine, coming out of the routine, getting back into the routine... and for her [her mother] as well, she's managing everything, she's getting dinner ready for me, if she knows we're not coming we'll tell her, but if she knows he's moved in again that will stop for her, and if he's moved out again that will start off again and it's not really fair on her.

When we turn to the perspectives of men in such arrangements, we can understand their experiences in ways that transcend women's representations of them in terms of selfishness or immaturity. Farhan's interview was eye-opening for me in this respect because he managed to make men's comings-and-goings so immediately emotionally intelligible. Now in his early 40s, as a teenager Farhan had a love affair with a UK-born Pakistani woman from a different *biradari* and the two had married in face of substantial bad feeling on both sides. They had seven years of more or less happy married life before things started going wrong. His was another realist narrative. He was a minicab driver, she a mortgage broker; they had different expectations about how to manage the household and Farhan could not keep up with her demands for money. He felt aggrieved that she did not seem to appreciate how romantic he was or how, for example, he washed up his own dishes, unlike the other men in his family.

The first time Farhan left the marital home and returned to his mum's house, it was supposed to be just for one night, he said, following a particularly big argument. He ended up staying for three or four months and only went back to his wife because she sought family mediation from one of Farhan's father's brothers, a man I know called Uncle Mo, a well-known 'middleman' in the family and a warm and likeable character. Farhan's wife's turn to Uncle Mo was another instance of what I described in Chap. 4, of women in love marriages, despite their frosty

reception from both sides of the family, improvising routes for family mediation. After Uncle Mo's intervention, Farhan returned home. But as he explained, this was the start of a slippery slope as far as the marriage was concerned.

The thing is, right, I'd stayed round my parents' house for three months, and I don't know what it is, but when you give a person freedom for three or four months from the responsibility of kids and whatever—it might have been a change in me, might have been a change in her... but the following year, 2007, I had an accident at work and I broke my foot so I was like sitting at home, all depressed, I couldn't get out anywhere cause I had a big cast around my foot and everything, and then she would come home and start shouting and all that, yeah? And I told my parents about it and they were like, 'Come home then. Why are you staying there with her?' And I was like, 'Yeah, that's a good idea.' I don't know why... and I just left again! I left. We had no contact for about three or four months again.

As this extract indicates, part of Farhan's facility of leaving the marital home and returning to his parent's house was their lingering disapproval of his love marriage. As he said, 'they always tell me, "we told you so"', 'they always advise me, "it's not going to work with her, you need to get yourself another girlfriend, or tell us, and we'll get you married to someone else!'" Farhan's family were not enthusiastic to keep the marriage alive, the 'kin-script' for kinship support was scribbled over and the yoyo pattern developed. By the time I met Farhan, he had been coming and going for eight years. 'It's just been up and down like a ping-pong ball, either I'm living here or I'm living there.' And as ready as Farhan's parents were at hand to pick up the pieces for him, so were Farhan's wife's family for her. She had taken the children and moved to a different area, and her parents then bought a house on the same road. The last time Farhan had reconciled with his wife, after a break of a year and a half, he found the dynamics in their marriage completely altered. His wife was constantly round at her parent's house or out with her sisters, he complained, and not paying him enough attention:

When I got back there everything had changed. The home was not the home that I lived in. Cause during that time her parents had bought a house on our street as well, and then one of her best friends had bought

a house on that street, about four or five doors away her friend and about five or six doors away from that her parents. Everything was different. She would go and spend up to ten or eleven o' clock round her parents' house. She would invite me as well, but I told her, 'We got our own home, we can't really sit round there. Especially me—you can, it's your parents, but it's not right for me to be sitting round somebody else's house, you know?' [Note here his discomfort among his wife's family, see Chap. 3.]

We used to date, you know, I told you—after we got married we used to go out everywhere, but we haven't got that relationship anymore. She's got a lot of friends now, and her sisters, she's got two sisters, and one of them's quite young, she's about 22, 23 years old and my wife goes out with her a lot and they do a lot together but the thing is, it's good, yeah, I don't stop that, but I do tell her a few times, 'She's 22 and what she does, and she's single, yeah, and what you do, you've got two kids, you've got a husband, you've got a house, it's completely different. You've got more responsibilities than her.' I don't know if she'll listen to me.

And as much as his wife seemed to enjoy her independence and the possibility to socialize with her friends and family whenever she wanted, and without the drag of having to pander to a husband, Farhan also enjoyed the 'comfort zone' of his old bedroom back at his parents' house.

When I'm staying at my mum's house I've got my own room there, it's a big room, actually it's my old room from before. And I've got my music there, I've got my little laptop there, I've got a desk, got everything. Got all my comforts there, so now [stages another argument with his wife in his head] 'Come back with you, you don't give me any attention, the kids are doing their own thing. I don't need that really. What am I here for, why am I here?'

He said he frequently thought about following his parents' advice and taking a divorce and remarrying, but inexplicably, he was still too much in love with his wife. 'Relationships do break up, people do get divorced, people move on, why can't I? I don't understand it!', he complained. And it seemed that his wife wasn't ready to move on either. Farhan described finding *taveez* with his name written over them in his wife's handbag or stuffed down the back of cupboards whenever he went back to the marital home

(religious amulets used for the purposes of spiritual healing or black magic, see Shaw 2000). When he tackled his wife about the *taveez*, she said that

‘I had that done because I wanted you to stay at home.’ And I’m like ‘Why do you have to resort to this kind of shit! What is that, black magic so that I can stay at home?’ ‘You want me to stay at home, but you don’t talk to me, you don’t... you want me to pay for everything, look after the kids and then you do whatever you want. Well it doesn’t work like that. Relationships don’t work like that.’

As these examples suggest, a yoyo marriage or, as Farhan called his, a ‘ping-pong’ marriage, bring about temporal changes whereby both parties became less dependent on their spouses for everyday intimacy, and more and more embedded in their natal families. But the end-point of this is not clear, and perennial ambivalence could well be the result.

Spiralling Marriages

The final section now turns to consider the situation where cyclical patterns of coming and going turned into a looping spiral. This is suggested very plainly by the parallel interviews with Aftaab and his wife Hina, both in their late 30s, he a migrant from Pakistan and she UK-born. The two have been basically separated for ten years but over that decade, Aftaab has repeatedly gone back to give the marriage another try, primarily because of the children, who seemed to be the only source of intimacy in his life. In his interview in 2012, Aftaab gave their marriage a degree of directionality, saying that he and his wife were fundamentally different; he was quiet and thoughtful, whilst she was loud and tempestuous. He had come to realize that it would be best not to stay together.

If somebody doesn’t want to live with you, let them do what they want. Let go of them. It’s because... when you’re in an arranged marriage you marry somebody completely strange and it takes some time to know somebody and if you don’t like who they are, their habits and their attitude, their

behaviour, then you shouldn't be living together. It's not good to keep hold of somebody and like, 'You've been married so you're done for the rest of your life' [laughs]. There's no point.

Marriage is that kind of relationship, that you, you're *exposed* to somebody and they're exposed to you [Aftaab's emphasis]. They know how you are.

At the time of this interview, Aftaab was living back at Hina's house—the latest cycle of coming and going—in what he characterized as a living-together-separately arrangement. 'I'm not having no interaction with her, just with the kids', he said; 'we can't live together as husband and wife, but for the children, we can share a house together'. But Aftaab was aware of the temporary nature of the arrangement and he was thinking ahead to moving out within the next few weeks. I asked whether he was contemplating divorce. He explained that he had given her two *talaqs* to date but not the third one, 'in writing', which would be final, but he was thinking about it. At the time, I understood this to mean that he was coming to some kind of a decision about the irrevocable breakdown of their relationship. However, in 2014, I was able to interview Aftaab again, and I learned that his apparent certainty about the need to put some kind of end to the relationship was the product of having spoken to him at *one particular temporal point in their cycles of separation*. With the help of another informant, Shazia, a cousin of Aftaab, I was able to interview his wife Hina. Hina also had a 'deep knowing', saying there were things about Aftaab that she did really appreciate, but that he was better as a friend than as a husband.

Hina: I'd be the first to say that he's a nice person—everybody says he is, and he is. But the two of us are just not compatible. Sometimes I ask my mum, 'Mum, why did you get me married to that man, why did you put me in for that mental torture!'

Shazia [listening in]: Look at me, I'm in the same boat and mine wasn't even an arranged marriage! [Complaining about her love marriage]

Hina [to her cousin]: No, but at least you had your chance at happiness, you had your chance at finding a companion but I didn't. He's not even able to make up his mind, we're not even divorced yet, and he's still with me!

I asked whether they were still living together. 'No way', said Hina. She'd had enough now, she wanted him out of her life, and had asked

him for a *khula* divorce. Shazia, my go-between for the interview, was saddened upon hearing this, as she is fond of Aftaab. She tried to talk Hina into giving the marriage another try. At this, Hina came into her own, giving us a full taste of the brassy charisma that Aftaab had earlier complained about. She said that for the first time in 15 years, she was finally doing something for herself. She had got a job, she was earning a bit of her own money and getting about. She had at last had her taste of freedom, so why should she go back to being controlled again? She asked

What's a man for? So that you can depend on him. If I can't depend on him, then why should I go back to him? I wouldn't swop my new life for anything—not to go back to him, no way. I've given him fifteen years of my life and now I want something for myself. People are always telling me I should get remarried. I'm not interested! No fucking way. I'm happy on my own, I'm fine. I've been on my own for 15 years thank you very much and I know how to manage by myself. Worrying about being alone, that's what people who're happily married do!

When I interviewed Aftaab again a few weeks later, he updated me on his living arrangements. He had moved in with one of his sisters, and he was missing the children terribly. It seemed that now that he was out of the marital home, he was the one trying to get Hina to compromise.

She should realize, it might be nice to be independent for a bit, but it gets lonely. She should think, 'The kids are getting older and one day or another they're going to be getting married and going to their own homes and then that'll be it.' She should think, 'That's what you need a partner for, someone to give you company in *that* time.'

At his first interview, Aftaab had sounded resolute about the end of the marriage. When Hina strengthened her position and demanded a *khula*, however, he went on the defensive and tried to get her to reconcile. Cyclical patterns may develop in unstable marriages, whereby the positions of gendered power oscillate between the husband and wife but eventually spiral on one side or the other.

Conclusion

Divorce is not the only endpoint of marital breakdown. As Mand (2005) has observed, people may devise long-term arrangements to address marital conflict without taking this last legal step. This chapter has explored such arrangements and suggested that they may be very ambivalent. Khadija, one of the women who was living-together-separately with her husband, described her marriage as like ‘two cars running in parallel’. She was surrounded by her sons and her grandchildren, and those were the relationships that sustained her: Gabb and Singh (2014) are right that there is a diversity of intimate relationships. Nevertheless, Khadija’s resigned acceptance of her long-term estrangement belies that it required an almost superhuman exercise of patience, self-sublimation and compromise. The instability of such arrangements, as we saw in the case of Nagina and Ali, is comprehensible.

Another long-term arrangement was separation without divorce, a predicament that came about out of regard for the moral force of divorce, resistance from wider families, or in some cases, out of the ambiguity of the conjugal relationship itself and the desire to keep open the possibility of future reconciliation. A fascinating development is the extent to which long-term separations and yoyo marriages are feeding into the emergence of matrilateral asymmetry, as women were highly reliant on their natal families for moral support, accommodation, childcare, domestic and financial help. There are intriguing parallels to be drawn here with Judith Stacey’s (1990) argument about the pioneering character of Black ‘matrifocal’ kinship for economically vulnerable working-class American families affected by marital breakdown. In light of later scholarship, Stacey’s use of the ‘matrifocal’ category as a description for these kinship networks seems unfortunate, not only because ‘matrifocal’ has been used so often to pathologize Black families but also because it rests on unexamined gendered assumptions. Strathern remarks that ‘the very category “matrifocal” implies an absence (no one really talks of patrifocal households)’, (Strathern 2005, p.29), whilst Blackwood (2005) points out that the ‘missing man’ of the matrifocal family is no other than ‘Patriarchal Man’, and that in fact, the assumption that ‘Patriarchal Man’ should be central and dominant in the home is a very culturally particular one. I

have shown that separations and yoyo marriages bring about temporal changes whereby women become less dependent on their spouse for intimacy and sustenance and more and more embedded in their natal kin. This is a finding that has many similarities with Stacey's, yet here, there is a strong expectation that brothers will support their sisters. Women have great need for this support, and they often also enjoy living back in the fold of their natal family. Nonetheless, dependence may come with strings attached, as we saw with Nusrat's frustrations about her brothers' power over her.

What of the husbands in these arrangements—are we able to hear anything other than the voice of what Blackwood (2005) calls the 'missing Patriarchal Man'? Is it possible to offer a positive interpretation of Farhan or Aftaab's dependence on *their* natal families too, to pick out their enjoyment of forms of intimacy that do not stand in a relationship of dominance over a spouse? I will return to this question in Chap. 8 in considering the relational lives developed by the divorcees who did not remarry, whose situations bear similarities with these cases. Suffice to say, however, that the men seem unenthusiastic to relinquish the model of the family based on the conjugal couple.

My fieldwork tracked three periods, between 2005 and 2014, and the detailed longitudinal case studies allow us to identify further patterns of instability, precarity and change in responses to marital conflict. Khadija and Karim's cars-in-parallel marriage was resolved by his sudden death to undiagnosed tuberculosis. When I caught up with the family in 2009, Khadija and her sons were unrecognisably bright and happy. Rather terribly, his passing seemed to have been a shadow lifted off the house. Nagina and Ali are still together. Her solicitor has drafted a letter to Ali threatening divorce, but she hasn't sent it yet, and it is hidden under her mattress. Farzana's husband Farooq has gone back to Pakistan. Nusrat came to the conclusion that her husband's name was 'like a dog collar' round her neck and requested a *khula* divorce, whilst Shahbano is attempting to reconcile with her husband; I return to both cases in the following chapter. Meanwhile, Saadia's husband is still living mostly at his brother's house, but she has had another child with him. Farhan and his wife are much as they were then, but Aftaab agrees that he and his wife have 'drifted apart'. He is increasingly reconciled to the idea of

divorce, but revealingly, if this is to be the case, he is drawn to the idea of a *khula* rather than a *talaag* because then, should they try to reconcile again, Hina would not be obliged to marry someone else in-between (the famous *halala* practice, requiring a woman who wants to remarry her husband to first marry another man and be divorced by him). These arrangements may have divorce as their endpoint, the subject we now turn to in Part III, but the endpoint is endlessly unpredictable.

References

- Blackwood, E. (2005). Wedding bell blues: Marriage, missing men, and matri-focal follies. *American Ethnologist*, 32(1), 3–19.
- Bott, E. (1957). *Family and social network: Roles, norms, and external relationships in ordinary urban families*. London: Tavistock.
- Gabb, J., & Singh, R. (2014). Reflections on the challenges of understanding racial, cultural and sexual differences in couple relationship research. *Journal of Family Therapy*, 37(2), 210–227.
- Jamieson, L. (1998). *Intimacy*. Cambridge: Polity.
- Mand, K. (2005). Marriage and migration through the life course: Experiences of widowhood, separation and divorce amongst transnational Sikh women. *Indian Journal of Gender Studies*, 12(2–3), 407–425.
- Pearl, D., & Menski, W. (1998). *Muslim family law*. London: Sweet and Maxwell.
- Shaw, A. (2000). *Kinship and continuity: Pakistani families in Britain*. Amsterdam: Harwood Academic Publishers.
- Stacey, J. (1990). *Brave new families: Stories of domestic upheaval in late-twentieth-century America*. Berkeley: University of California Press.
- Strathern, M. (2005). Missing men. *American Ethnologist*, 32(1), 28–29.
- Young, M., & Willmott, P. (1957). *Family and kinship in East London*. London: Routledge.

Part III

Splitting Up

6

Sharia

We only have a moral power. It's entirely up to people's own conscience, whether they accept us or not.

Alim (scholar) from a sharia council

This chapter explores what Sally Engle Merry (1988) calls 'classic' legal pluralism, identifying pluralism in the coexistence of state law with forms of customary law, here the recourse that people made to the sharia in the course of marital breakdown.

The term sharia is frequently translated as Islamic law, but historians and anthropologists have stressed relentlessly that the sharia is much more than that. It is nothing less than God's plan for an upright life, and as such it extends the realm of law and into morality and ethics. Legal historian Wael Hallaq (2009) defines the sharia as follows:

The purpose here is not to control and discipline, the two most salient tasks of modern law and the modern state that wields it. Rather, in Muslim thinking, the purpose of law is to foster living in peace, first with oneself, and second with and in society. The law bids one to do the right thing, to

the extent one can and wherever one happens to be. The state permits and forbids, and when it does the latter, it punishes severely upon infraction. It is not in the least concerned with what individuals do outside of its spheres of influence and concern. Islamic law, on the other hand, has an all-encompassing interest in human acts. It organizes them into various categories ranging from the moral to the legal, without making conscious distinctions between the moral and the legal. (p.19)

As legalism scholars would argue, the sharia is then a moral and ethical guideline that is imagined legalistically, through a set of rules and categories, and an extremely elaborate one at that.

Islamic law relating to divorce may be divided up in different ways, but in the contexts in which I worked there were three main classes of divorce that were brought into play:

- *Talaaq*, the unilateral repudiation of the marriage by the husband.
- *Khula* or *khul* by *talaaq*, divorce by mutual consent, whereby the wife requests the divorce and the husband agrees. If the husband disagrees, then the wife may extract the right to divorce by appearing before a sharia authority and showing just cause for divorce.
- *Faskh*, the annulment or rescission of the marriage by a sharia authority.

In most Muslim-majority settings, the sharia authority who would adjudicate in cases of divorce would be a judge sitting in a court enforcing a hybrid form of Islamic family law that has been codified, in ways emulating European state law, into a unified state legal system (see Mir-Hosseini 1993, pp.10–11). In the UK, the sharia is not recognized or enforced by the state. Yet interestingly, similar kinds of sharia authorities have evolved here, too.

Pearl and Menski (1998) describe the problem of ‘limping marriages’, where a wife might secure a civil divorce but the husband refuses to give her an Islamic divorce, as the spur for British Muslim leaders in the late 1970s and early 1980s to establish ‘informal Muslim dispute settlement fora’ (p.77). These fora, known as sharia councils, were initially established as bodies within mosques, bringing together personnel familiar with Islamic theology and law for the purpose of arbitrating the growing

number of marital disputes that concerned Muslim leaders at the time. Pearl and Menski link the development of these fora specifically to South Asian Muslim immigration to the UK, as they build upon the council structures that were established as a result of Muslim personal law in colonial India. They are an important element in the emergence of what Pearl and Menski describe as an *angrezi shariat*, a unique form of British Muslim law signifying 'the re-emergence of various forms of South Asian law, different from their prototypes, because they take explicit account of the presence of English law in the same field' (p.79). The 'double marriage', whereby an Islamic marriage is civilly registered and celebrated, is one example, and the 'double divorce', whereby a civil divorce is matched by an Islamic divorce, is another. They elaborate this description of the *angrezi shariat* by making compendious comparisons of case law from Pakistan, India, Bangladesh and the UK. They also compare how the English judiciary has tried to harmonize official state law with Islamic law, with how they have harmonized the customary laws of Hindus and Sikhs. They argue that the *angrezi shariat* is a kind of unofficial customary law negotiated piecemeal and in a discriminating context in which Islamic law is viewed particularly askance by the judiciary.

Pearl and Menski identify multiple sources for this *angrezi shariat*: 'many disputes among Muslims in Britain are today settled in the context of informal family or community conciliation, involving senior family members or community leaders', whilst 'more complicated matters' may be referred to the sharia councils (p.79). From their wide vision of legal hybridity, however, studies seem to have narrowed in focus, as attention has increasingly honed in on the workings of these sharia councils rather than on less institutionalized forms of dispute resolution—a process that Prakash Shah (2013) has described as a 'shariatization' of studies of legal pluralism. Maliha Malik (2012) has tried to de-exoticize the UK 'sharia debate' by drawing parallels with other ethnic and religious minority legal practices and speaking of 'minority legal orders'. Yet in recent years, the spotlight on sharia councils has only intensified, catalysed by Baroness Cox's Arbitration and Mediation Services (Equality) Bill. This legislation, first proposed in 2011 and still not on the statute books, seeks to curb the authority of sharia councils and force them to comply with gender equality legislation amid concerns with what Baroness Cox called 'jurisdiction

creep': the fear that sharia councils might be overstepping their bounds and ruling on questions which are the jurisdiction of English civil law. Baroness Cox's campaign resonates with concerns expressed by a broad church of academics and activists about sharia councils violating women's rights, compelling them to return to abusive husbands, agree to child contact or give up property, and obstructing their access to state-based divorce mechanisms. Ralph Grillo (2015) has explored the 'strange coalitions' (p.135) of Christians, humanists, secularists, Black feminists and right-wing groups that have come together in favour of the Bill, and the equally uneasy coalitions that have spoken critically against it.

Shah-Kazemi (2001) and Bano (2012), drawing on interviews revealing women's actual lived experience of using sharia councils, observe that many British Muslim women—irrespective of legal debates about whether this is strictly necessary (see *inter alia* Carroll 1997; Pearl and Menski 1998; Warraich and Balchin 2006)—perceive that there is a need to obtain an Islamic divorce in order to feel fully released from the marriage. The sharia councils therefore meet a need that women actively demand. Yet at the same time, Bano, in particular, strikes a note of caution. Her findings present precisely the kind of empirical evidence that alarms campaigners against sharia councils. In council meetings, she shows that women who have suffered domestic abuse are being required to undergo attempts at reconciliation despite their wishes not to come face to face with their husbands (p.128) and that women are being questioned over their intentions to provide child contact to their estranged husbands (p.129). She finds women abundantly capable of critiquing the decisions of sharia councils: not all agreed with the interpretations of Islamic law dealt out to them, and some contested the advice they were given. Yet she is concerned that women may be increasingly pressured, by the moral forces of religious community membership, to go to these councils in order to obtain an Islamic divorce. In a similar vein, Farrah Ahmed and colleagues (Ahmed and Norton 2010; Ahmed and Luk 2012) and Shaheen Sardar Ali (2013) argue that the mere existence of sharia councils exerts communal pressure on women to obtain an Islamic divorce, as well as an infringement of their religious freedoms. Because my research was not conducted exclusively within a sharia council or with women users of them, this chapter speaks to these debates by exploring the religious and community claims

on women to use the councils and throwing light on whether they are portrayed more widely within communities as authoritative, or otherwise.

The second area of debate in which the chapter intervenes concerns the agency of the primary users of the sharia councils, British Muslim women. Bano (2012) observes that women's turn to sharia councils for the resolution of their marital disputes looks problematic to liberal feminism, which assumes a version of agency that is indexed by the ability to resist and make choices that go against the norm (drawing on Mahmood 2005). Although women's identities are fluid and multifaceted, their turn to sharia councils is essentially about them acquiescing in seeking a religious divorce and being prepared to follow the legal demands that they feel are incumbent upon them as Muslims and in order to follow their faith appropriately. She argues that 'not all Muslim women seek to exercise their agency as understood by Western feminists in order to enhance Western feminist interpretations of their autonomy' (p.53). Meanwhile, Pragya Patel (2014), of Southall Black Sisters, argues instead that the turn to appreciating the agency of pious women aligns with a nefarious government policy of multi-faithism that serves the interests of the religious right, restricting minority women's freedom to exit oppressive family structures. In their interviews with British Muslim women users of sharia councils, specifically with vulnerable women who had been victims of domestic abuse, Southall Black Sisters found that women were displaying a highly constrained or 'negative form of agency', seeking to reclaim their lost honour and counter vilification by acquiring an Islamic divorce. Patel argues that the women were not empowered by their religion so much as using it strategically to try to struggle for their legitimacy as divorced women, and thus that this is not a form of 'voluntary agency' but a compulsion that they were socially coerced into observing.

Outside the UK, other observers of women users of the sharia have gravitated around the same debate. In Iran, Arzoo Osanloo (2009) has argued that women approach the courts simultaneously as Muslims and as rights-bearing citizens, a situation helped by the hybrid character of Iran's Islamico-civil courts. But she argues that it is actually as individual rights-bearers in the public sphere, rather than as Muslims, that they make their demands for divorce, and that in so doing women resist not only private patriarchy but also that of the contemporary Iranian

state. In India, Katherine Lemons (2010) argues, more in line with Bano, that women *do* make demands in sharia councils by speaking as Muslim women and not only as rights-bearing citizens. However, she warns that

Law is a tricky place to explore agency precisely because legal success, in any context, requires the litigants' ability to express and explain their claims in the normative language of the particular legal space in which they negotiate. (p.26)

My findings explore the forms of agency that are enacted in people's use of the sharia, and therefore address these debates about the agency of women in approaching sharia bodies and whether they frame their demands as Muslims or as rights-bearing citizens. The chapter proceeds through five sections addressing the different ways in which people brought the sharia to bear on their marital problems, the various sharia bodies that they consulted and the authority that they accorded to them.

Talaaq

The first form of Islamic divorce, *talaaq* or repudiation by the husband, was the most common form in my study. Of the 50 Islamic divorces I collected narratives about in the interviews, 36 were *talaas*. Famously, the *talaaq* is a divorce that men may pronounce in a pique of anger and then regret. There are numerous conditions that are required in order for a *talaaq* to be valid, and there are further differences in these conditions between the Islamic legal schools. Men and women brought sharia authorities in to advise as to whether these conditions have been met; as Lemons (2010) and Bowen (2016) have argued, drawing on Austin (1962), the *talaaq* is a 'performative' with particular 'felicity conditions'. As a result, my findings suggest that the *talaaq* can be a rather protean legal form, with leeway for different interpretations.

My interviews with Afzal and Kulsoom exemplify how the implications of uttering a *talaaq* may depend on each party's acceptance of the breakdown of the marriage. According to Afzal's narrative, when he finally pronounced the *talaaq*, it was when he was flooded with anger at seeing Kulsoom turn up in court to present what he maintained was fraudulent

evidence against him. The declaration was immediate, and followed the conventional procedure of pronouncing very clearly, three times, the declaration of divorce in front of Kulsoom and a room full of adult witnesses.

She came to the court. So I gave her the divorce.

At that time?

Us hee waqt (at that exact time) [stabbing his index finger on the steering wheel three times, for emphasis]

In the court?

When she came to the court that morning I gave it to her. I already told her, 'If I see you in the court then I will give you a *talaaq*.' So when she appeared in court I told her three times '*Main tumhen talaaq deta hoon, main tumhen talaaq deta hoon, main tumhen talaaq deta hoon* (I give you *talaaq*, I give you *talaaq*, I give you *talaaq*), I free you from my life. After today you have died for me and I have died for you. You are no longer my wife and I will not ever accept you as a wife in this world.'

[Translated from Urdu]

By contrast, Kulsoom reported Afzal pronouncing the *talaaq* during the earlier nadir in their marriage when Afzal married his second wife Haseena. During an argument, Kulsoom received a phonecall telling her that her father had died, and it was at this point that Afzal pronounced the *talaaq*.

He was fighting with me the moment when I got the phonecall from Pakistan to stay that my father had died. I was crying my heart out. He told me '*Talaaq talaaq talaaq*' and to give him the house key and go to my sister's home. I told him 'I won't give you the key, you will keep your friend in my house.' Over there in Pakistan my dad's body was lying there, and here he gave me the *talaaq*.

[Translated from Urdu]

Later in the interview, I tried to clarify whether Kulsoom was Islamically divorced. She then cited the event corroborated by Afzal in his interview, where he pronounced the *talaaq* to her in court. Now confused, I quizzed Kulsoom about the *talaaq* she had mentioned earlier, when her father died. Kulsoom then explained that she had ignored his earlier *talaaq* on the basis of her family's advice.

You told me that he had given you a talaag when your father passed away?

My father had died. At that time, everyone said 'He gave you that *talaag* when he was angry, he did that and he did not say it three times.' He gave me a *talaag*, but then they went to the *maulvi* and asked him what it meant according to the Islamic way. So after that I called him back after two years, to live with me. But this time when he gave it to me I said 'Whether you give it to me or not, I am not ready to live with you.' It's up to him, I gave him a chance for the sake of the children but now I'm fed up, *mera dil toot gaya* (my heart is broken).

This is a fascinating extract. Here, Kulsoom explains that she effectively overlooked the first *talaag* because at that time she was harbouring hopes for reconciliation. Her brother went to see a *maulvi*, who reassured them that a *talaag* can be overlooked if it is said only once and if it is said in anger. When I later checked the identity of the *maulvi*, it is notable that this was not an *alim* (scholar) or *qazi* (judge) in a sharia council but an ordinary *maulvi* at the mosque her brother attended in a city in the North of England. When again, in court, Afzal gave her another *talaag* she paid more heed, but again her narrative acknowledges the ambiguity over it. In the imaginary confrontation she stages with him, she objects that she doesn't care whether the *talaag* was Islamically acceptable or not: she is no longer willing to live with him any longer, and she has accepted the *talaag* as a fact.

The interviews with Naila tell a similar story. I am unsure how many times her husband gave her the *talaag*; she described two completely different arguments triggering her husband to give it. Despite the different scenarios she described in 2005 and 2012, however, the thrust of the narrative was the same. The *talaag* put the marriage into a legal grey zone. In 2012, she recounted going to the public library to consult an Islamic book to confirm her hunch that a *talaag* pronounced whilst the wife is pregnant is invalid. Yet it is also clear from her description of her visit to the library that the *talaag* had made her marriage uncertain and that she was keen to re-establish its validity.

I phoned to my family, because I got upset. I went to the library and found a book that explained that for a pregnant woman divorce is not allowed. I did not know about this before, but in Islam there are many *firqa* (sects) and in our *firqa* it says that the *talaag* is not applicable if someone says it in one go, even if they say it three times.

[Translated from Urdu]

In the 2005 interview, by contrast, she did not mention the pregnancy or the trip to the library but described herself going into a fit of anger and refusing to acknowledge him as her husband.

When we had an argument for the last time he left saying ‘*Talaaq, talaaq, talaaq*’ and left. I told him that he was mad and that was why he always tried to scare me with divorce. In a fit of anger I told him ‘I don’t know what kind of relationship exists between you and me.’ I told him that my Allah knew I was having a clear mind and it was he who was cheating on me, and I told him that I didn’t care about the divorce papers and told him to do whatever he pleased.

Yet she still refused to recognize the validity of the *talaaq*, now on slightly different grounds—that the *talaaq* needs to be uttered three times, with an interval of three months between each utterance, and then followed by a period of *iddat* (a three-month period following divorce or widowhood during which a woman may not remarry) and ritual ablutions:

In the sect which I belong to they consider that just mentioning the words does not imply that the marriage is over, they consider that after a period of thought, that is after having a wash after three periods then the decision should be taken. But the sect he follows, they consider mentioning the word as the definite end to the marriage.

Although she did not want him back in the house, then, she also did not want to consider herself divorced. From my interactions with Naila across a period of seven years, it seems that the result has been a protracted ambiguity. Her husband, for the past decade, has considered himself to be Islamically divorced from Naila, and tells his family and acquaintances as much. Nonetheless, she regards their *nikaah* to be intact.

Moreover, her refusal of the *talaaq* was also a form of strategy, although she declined to name it as such. She wished to prevent her husband from remarrying through English law, acknowledging only that she wished to stop him ruining another woman’s life, and thus wanted to continue to ‘use his name’—an idiom I discussed in Chap. 5. Her dismissal of the *talaaq* might be a ‘weapon of the weak’ (Scott 1985), but her interview suggests it was certainly agential:

I have decided to play the game in this way. Why? So that he can't get any other girl from Pakistan out here and spoil her life as well. Should I not have a bit of revenge? I don't know how to be crafty, I don't know how to hurt anybody physically but, well, he has used me, so do I not have the right to use his name?

These examples show, as in Shalini Grover's (2014) descriptions in the Delhi slums, that divorce as a legal fact may be negotiated by the informal progress of the conjugal relationship. In the ethnographic context Grover describes, a divorce is registered simply by the filing of a 'missing person's application' at the local police station, noting that the wife had left the conjugal home. In the case of British Pakistani women like Kulsoom and Naila, there is a recognized legal form: the *talaat*. Yet here too, the legal form is undocumented and therefore informalized. A British Sikh woman informant who converted to Islam to marry her Pakistani Muslim boyfriend accepted a *talaat* given by text message. The legal form is thus contingent on the willingness of the husband and wife to consider reconciliation. Whereas at one stage a *maulvi* may be called upon to assert the validity of the marriage and cite chapter and verse as to the correct ritual execution of the *talaat*; at another point, the parties might be so weary that they accept the divorce irrespective of whether the *talaat* was pronounced on one or three occasions, in anger, when the man was drunk or the woman menstruating and so on. Moreover, men and women bring in a wide range of sharia authorities to mediate in such cases, not only sharia councils but also ordinary *imams*, *maulvis* and library books.

Women Satisfied with a Civil Divorce

Among the 19 cases in which a woman have been expected to go to a sharia council for a *khula* divorce—namely, the marital breakdowns where the husband did not give a *talaat*—five of the women did not because they were satisfied that their civil divorce meant that they were Islamically divorced as well. These are interesting cases. Aneela, a UK-born woman, suffered an exceptionally violent marriage from a paternal cousin from Pakistan. Quite famously among Shareen's group of friends, Aneela

left her marriage by giving a triple *talaaq* to her husband instead—an unorthodox act that struck a chord amongst Shareen and her acquaintances, who thought it funny, subversive and well-deserved. Aneela was rescued from a scene of brutal violence in her kitchen by the police, then hospitalized, instructed to apply for a civil divorce and offered emergency housing before she was returned to the marital home. When her husband came to pick up his belongings, as she acted out with some ribaldry, she shouted ‘*talaaq, talaaq, talaaq* and slammed the door in his face!’

Aneela said she never pursued an Islamic divorce because, as she explained, ‘the English divorce is more important, cause with the Islamic one, the English court, they don’t believe it’. Whilst it is the case that an Islamic divorce is not recognized by the British state, it is probably relevant here that she had been encouraged by the women’s refuge to apply for the civil divorce, in the interest of starting her welfare benefit payments as quickly as possible and at the higher rate. It may be relevant too that Aneela did not seek to remarry, and therefore did not come face to face with a *maulvi* over the matter.

Nida, whom I introduced in Chap. 3, had a highly abusive ex-husband and mother-in-law who were denying her the *talaaq* explicitly to prevent her from remarrying. She maintained that she did not need one in order to be Islamically divorced. She had consulted a *maulvi*—again an ordinary *maulvi*, not a jurist in a sharia council—who said ‘you already have the English divorce, so you don’t need to take the Islamic one as well’. Nida believed nonetheless that ‘if I decide to remarry then it will be necessary for me to take the Islamic divorce’. It is interesting to note, however, that not all women felt the need to prove their Islamic divorce in order to remarry. UK-born Noreen reported that she didn’t need to get a *talaaq* from her second husband because ‘where I got a divorce from the solicitors, he said that classes as sharia as well, that’s all together’. She had subsequently married a third time, to an Afghan migrant in a UK *nikaah* ceremony, and at no stage did she have to prove her Islamic divorce. Another UK-born woman, Rajjo, did not ask for a *khula* from her first husband because ‘my solicitor said that after two years of separating you’re automatically divorced in Islamic law as well’. Ten years after receiving her decree absolute she had a *nikaah* with a Black Caribbean man with whom she had cohabited for much of the intervening decade.

The last of these women, Qurat, a migrant woman, acknowledged that she *could* have gone and applied for a *khula* from a sharia council, but said she wanted to have nothing to do with them. In fact, she levelled vehement criticisms at the sharia councils as denying women their human rights:

I did not go the Islamic way. I said ‘Whatever he’s going to give us, it will only be through the English court.’ Because the sharia council, they say one thing and they do the opposite. They don’t even tell you what your rights are according to Islam [let alone in English law] and at the end you will not get anything. I went only to the English court because our Asian people, they’re very dishonest and they’ll never support the woman’s “human rights” [in English]. In the English court, they have to account for every penny that the man owns. So I said ‘I’m happy with whatever I’ll get from the court, even if it’s just one penny, I’m happy with that.’

Did you know already about the sharia council?

Yes, I knew a lot about them, I went with my friend to the sharia council but I didn’t go there in connection with my own case. I said ‘They just make a “drama” with you and they don’t give you anything at the end of the day.’

[Translated from Urdu]

If we take a cross-section of women from British Pakistani communities, then, rather than focus on those who go through the doors of the sharia council, we can see a wider range of religious and legal orientations than the dominant view that has come across from the literature about the perceived need for an Islamic divorce—a view which was, indeed, endorsed by the sharia council where I worked. One *alim* lectured a male disputant about another case in which he had told the woman

‘You already have a civil divorce—why do you want an Islamic divorce?’ She said she had made a mistake, she’d taken her divorce to the courts and she’d spent £4000 on the divorce via the courts and the solicitors and yet still the divorce wasn’t valid because Islamic sharia is a little bit different. She said she had gone to an *imam* when she was wanting to get remarried, and the *imam* told her that that she couldn’t remarry until she had an Islamic divorce. That’s how it is for so many couples! If they want to get

married they go to the *imam*, if they want to get a divorce they go to the courts; why should that be? If they want to go to the *imam* for their marriage, they should also go to the *imam* for their divorce, no?

This indicates that there are limits to the authority of the sharia councils. There is a set of women who, despite being still very much Muslim women, avoid going to a sharia council and are satisfied that their civil divorce counts as an Islamic divorce too.

A *Khula* Outside the Sharia Council

Fourteen of the Islamic divorces I studied were *khulas*. Women decided to seek a *khula* when their husband was reluctant to or refused to release them from the *nikaah* via a *talaag*, which is, as we have seen, the quicker and less bureaucratic route. As discussed in Chap. 5, men may refuse to give a *talaag* out of spite, to prevent their ex-wives from remarrying and enjoying legal sexual relations with another man, or because of the dynamics of the conjugal relationship and the moral context of their wider families and communities. It is on these grounds that scholars have appreciated sharia councils as a service that women actively claim in order to exercise their Islamic right to a divorce (Shah-Kazemi 2001; Bano 2012). However, let us pause before turning to the sharia councils, and consider first the other ways that women had to deal with recalcitrant husbands who were unwilling to give a *talaag*.

Shazia is a UK-born woman aged 38 who had been through one *khula* by the time I met her, and she obtained her second over the course of my fieldwork. Yet neither involved going to a sharia council. Indeed when, intrigued by the lack of any reference to any such body in our conversations, I asked Shazia whether she had ever heard of them, she expressed negative opinions similar to those of Qurat above, seeing them as run by greybeards not unlike the powerful men in her family who had conspired to try and keep her in her unhappy early marriage to Raja, her father's brother's son from Pakistan. After five years, Shazia sought a *khula* from Raja as she wished to marry her second husband, Rauf. The divorce was brokered by another of her father's brothers.

My uncle went and talked to him [her first husband Raja] and he first refused, he said 'No I'm not going to give her a divorce, I would like the marriage to be mended but I don't want to give a divorce to her.' And so my uncle went a month later, cause I was putting pressure on him, 'It's got to be done' and all this. So eventually it took a few visits from him and then he had to give in because my uncle said to him, 'Well if she doesn't want to stay with you then there's no point in keeping her hanging.'

It wasn't like an official piece of paper he gave, we didn't go to the mosque of wherever, it was just a plain piece of paper with two witnesses saying that 'I'm giving a divorce to this woman.'

On the occasion of her first *khula*, Shazia did not approach any kind of religious practitioner, not even a *maulvi* and certainly not a jurist in a sharia council, because her uncle succeeded in getting the *khula* himself. In its final form, Shazia's *khula* looks indistinguishable from a *talaq* (see Pearl and Menski 1998 on the distinctions according to different schools of Islamic jurisprudence). However, Shazia described it as a *khula* because it was initiated by her and not by Raja, who merely agreed to it—and that too with great reluctance.

Shazia's second husband, Rauf, was the love of her life, but she suspected him from the very beginning of having an adulterous heart, and she did not register the *nikaah*. Her second *khula* came through a year and a half after Shazia accused him of having an affair and he left the marital home. She asked for the *khula* when she heard that he had married again, and that too, to a much younger woman. Shazia was devastated by the news and demanded that Rauf give her a divorce.

I wasn't having letting my kids round there to play happy families with his new wife. She's probably only married him cause she wants stay in the country and then as soon as she gets it she'll be off. What's a 20 year old girl doing with a 40 year old man anyway?! I was seeing red!... So I told Adil's *maulvi* [her son's Quran teacher] to talk to him and get him to give me a *khula*. So then he sent a letter to Adil's dad.

Rauf signed the letter from the *maulvi* and returned it to Shazia. She was then furious again as, she revealed afterwards, she had hoped that the demand would make him see sense and come back home. It is telling that

Shazia turned to her son's *maulvi* to request the *khula*. This *maulvi* was certainly no Islamic jurist. I had observed Adil's Quran classes with this *maulvi* whilst I was at her house. He was a student from Islamabad with a wispy beard, perhaps in his mid 20s, earning some money to fund his tuition fees by teaching Arabic to British Pakistani children. It is telling too that, after having asked Rauf for the *khula*, Shazia was then very upset when he actually agreed to it. She had not anticipated that he would actually break the *nikaah*. In this situation, it makes sense that Shazia should attempt a less formal route than going to a sharia council: it was perhaps a bluff that had backfired.

A second example of a *khula* being granted outside the sharia council is Nusrat, introduced in Chap. 5. Over the course of my fieldwork, Nusrat decided that her husband's name was 'like a dog collar round my neck' and that she wanted a divorce. Nusrat's *khula* was brokered by a figure she described as a *pir* (a spiritual mentor), who was connected to both her and her husband's families in Pakistan. Nusrat's sister encouraged her to approach her husband via the *pir* out of the concern that going to court would anger her husband, hoping that he would yield to the *pir*'s influence.

She [sister] said 'Ask the *pir* to get you the divorce. *Udher hee kaam ho jaye to achha hai* (if everything can be sorted out via the *pir* then so much the better). Otherwise going to court is a huge undertaking.' I was not sure. I had never been to this *pir* before and I didn't know him personally. Initially I was not inclined towards this route. But I listened to my sister's advice and made an appointment to go and see the *pir*... When I had an audience with him at the shrine I told him the entire situation... The *pir* said 'Ask your brother to ask him'... But I insisted that the *pir* please ask my husband himself. He then subjected me to a half hour of lecture trying to convince me not to ask for the *khula*. He said 'I am like your brother, I respect you as a woman. Please give me your permission to speak to him about *sula* (reconciliation) instead. You can come to an understanding, you can sign a *razinama* (agreement of reconciliation), your life can be good again. *Talaaq aisi cheez hai jis se duniya khush nahi* (divorce is such a thing that only causes trouble in the world). Only *shaitan* (the devil) likes *talaaq*.' He quoted all kinds of *hadith* (oral traditions from the Prophet) and told a parable about *rasool ke pas ek aurat ayee* (a woman who went with a similar

problem to the Prophet). But I was adamant and eventually he agreed to speak to my husband and put forward to him my request for a divorce.

[Translated from Urdu]

Nusrat chose to go through the *pir* rather than through a Pakistani court or UK sharia council because she anticipated that her husband might be angered by the move and she wished to go through a religious figure that her husband revered, to make him more likely to agree.

Women may then request a *khula* divorce via other individual intermediaries and religious practitioners. This is a phenomenon that worried one *alim* at the sharia council where I worked:

The press are saying that there are 85 sharia councils working in this country [the estimate given in a widely publicized Civitas report, see MacEoin 2009], but that's not true. Only 12 of them are bona fide and recognized. The others are just *imams*. People think that a single *imam* can dissolve the marriage, it's not regulated at all. Perhaps they are doing it for money, but we are here as a charity so of course we don't do that.

Neither of these women suggested that these other religious practitioners had the same authority as a sharia council. Indeed, their accounts suggest that the approach via another religious intermediary was to soften the blow. But it indicates that the sharia councils do not have a monopoly over the *khula*.

A *Khula* Through a Sharia Council

The remainder of the women turned to a sharia council for a *khula*. With the exception of the two women described above, the remaining 12 divorces comprised both registered as well as unregistered *nikaahs* (see Akhtar 2015 on the vulnerabilities for women of not civilly registering *nikaahs* conducted in the UK). My interviews suggested that these women saw the sharia council as the routine or the expected, appropriate and normal course for getting an Islamic divorce. This was partly motivated by their conscience as Muslims, and partly by the pragmatic need to

prove that they were Islamically divorced in order to be able to remarry. In the case of one UK-born woman, Najma, there is also a hint too that the media profile that has been given to sharia councils may have been responsible. She claimed not to have known about *khulas* or sharia councils until a White non-Muslim colleague at work told her that she ought to go to one in order to get an Islamic divorce. Getting a *khula* through a sharia council thus appears to be in the process of becoming an institution.

In relation to the concerns of Baroness Cox's Bill with what the Baroness calls 'jurisdiction creep'—the fear that unregulated sharia councils may be adjudicating on matters that are the jurisdiction of English civil law—my findings are similar to Bano (2012) and Bowen (2016) in suggesting caution. Like Bano (2012), I interviewed women who complained that jurists in sharia councils had expected them to mediate with and compromise with husbands who had been physically violent or who had chaotic drug problems. In my observations of 40 mediation sessions at a sharia council, I witnessed the *ulema* requesting women, as a matter of their routine procedure, to sign and attest an affidavit that they called a 'solemn declaration' (or 'SD') which confirmed that they would not obstruct their ex-husbands in contacting the children, in accordance with Islamic legal norms which grant guardianship to the father and care-taking rights for all but young children. I also saw husbands routinely requesting the *ulema* to negotiate concessions from their wives over child contact and property in exchange for the *khula*. 'I'll give her the *khula*, but in the last case, I want a 50:50 settlement on the house', said one man. 'I don't know what your system is here, but I'm just asking, please don't give her the *khula* until my problem is solved', said another. 'That was all my money', bargained a third, 'I worked taxis for ten years to save the deposit for that house, I put in all that money and she's not even living there any more, she's got it on rent'. 'I will give her the *khula*', said a fourth, 'but she must agree to that if she remarries before the children are seven then she will give the children back to me'. These requests are alarming for campaigners against sharia councils. However, I never witnessed the *ulema* actually agreeing to these conditions, and I heard them very frequently reminding men that property and children were matters for them to take up in the civil courts (as Bowen 2016 also found).

My findings therefore give qualified support to campaigners' concerns about the potential for sharia councils to offer shadow arbitration in matters of domestic violence, property and child contact and residence, even if they are not substituting here for a legal body. As in Bano (2012), there is evidence of the kind of routine 'interlegality' (de Sousa Santos 1987) that I mentioned earlier—of legal orders being 'mixed' as much in people's minds as in their actions, of people fighting their cases in both arenas simultaneously, a point I elaborate in Chap. 7 on the civil courts. However, my findings somewhat extend Bano's (2012), as the residential fieldwork methods I adopted allowed me to identify men and women not just disagreeing with and contesting the advice they were given by the sharia council, but also overruling or ignoring it.

Here, it is significant to note that the majority pattern for women-requested divorces is not for a woman to be accorded the *khula* that they seek, but the third form of divorce, *faskh*, the judicial annulment, as Shah-Kazemi (2001) and Bowen (2016) observe. As one *alim* at the sharia council where I worked explained, a *faskh* divorce happens when the wife requests a *khula* and the husband refuses to respond to all three overtures that the sharia council makes towards mediation, or where mediation is unsuccessful and yet the husband still refuses to give the *khula*. 'The marriage is then simply dissolved by the *qazi*.' The *alim* went on to illustrate the frequency of this outcome by picking up the stack of files on his desk and going through them one by one, reading out 'dissolved'; 'dissolved'; 'dissolved'; '*khul*'; '*talaag*': the 'dissolved' decisions were clearly in the majority.

The frequency of *faskh* decisions is potentially significant, as my findings indicate that it is a sign of the unwillingness of men to recognize the authority of sharia councils. Take Mr Nasim, a cantankerous man in his 60s who told me, perhaps rather mischievously, he was contemplating marrying a fourth time. 'I've had three divorces, but you mark my words, I didn't give a single one of my wives a divorce, they all took it from me!', he chuckled. When we came to the subject of his wives' initiation of divorce proceedings, he went into a tirade about sharia councils.

These people, *Allah muafkare* (God forgive them), they actually want us to get divorced because it gives them the chance to earn more money. I never gave them that satisfaction.

Women too expressed qualms about the legitimacy of the *faskh* divorce. UK-born Shanila, aged 48, had applied for a *khula* after seven years of separation because she wanted to get remarried. The case worked its way through the local sharia council for a year and a half of my fieldwork and in 2013, when she was given a *faskh* decision, she was deeply sceptical about it. 'It's not *halal* (religiously permitted)', she complained, 'you can't just end the marriage without the husband's saying so, it's not right.' The frequency of the *faskh* decision may therefore be a further indication of the limits to the authority of the sharia councils.

I found too that the women who turn to sharia councils for a *khula* were not beholden to all aspects of Islamic divorce law. This was particularly evident in relation to the *haq mahr* (the sum of money pledged from the husband and his family to the wife, in consideration for the marriage). A condition of a *khula* is that a woman may have to return the *haq mahr* to her husband. But the women with whom I spoke saw the *mahr*—not the small sum pledged on the *nikaahnama* certificate, but the wedding gifts of gold and expensive clothing—as their own inalienable property, as theirs for keeping (Weiner 1985). Bano (2012) reports similar findings about women feeling angered by the instruction that they return the *mahr* (pp.218–19). More pointedly however, I found women to be resisting the instruction about returning the *haq mahr* using classic 'weapons of the weak' (Scott 1985) like abstention and foot-dragging. Naheed, a migrant woman whose situation I discuss in detail in Chap. 8, approached a sharia council for a *khula* after 11 years of separation during which she brought up the three children on her own and without any child maintenance from her husband. She was told by the *alim* that she would have to return the wedding gold as a condition of the *khula*. Naheed said she dismissed the instruction at once, enacting the scene amid gales of defiant laughter.

In my *mahr* was some jewellery. It was ten, fifteen *tolas* worth [one *tola* is 12.5 g of gold: during my fieldwork 15 *tole* was worth about £15,000, but the price of gold has fallen since]. And he'd left me for ten years when I got divorced, ten, fifteen years. The guy at the sharia council said 'Oh, you have to give your *zever* (jewellery) back.' And I said '*Woh nahi chalega* (that's never going to happen). What about his kids?' [laughing uproariously]. I

said ‘What about, I’ve been supporting these kids over fifteen years, yeah, you think his poxy ten, fifteen *tola* is still gonna last me ten years? I’m not giving him nothing, ever!’ [laughing uproariously]

I asked her whether the sharia council had enforced the repayment of the *mahr*.

No. He [husband] didn’t either, he didn’t reply to them. But to be honest, he didn’t know that much about it, that if she’s getting the *khula* she’ll have to give the *zever* (jewellery) back. I knew that, but I said ‘I’m not giving him anything, nothing.’ Because I said, ‘If he wants something from me, *to woh bachhe bhi pehle vaapas le* (then he has take the children back first). I took the responsibility for the kids for 15 years, I’m not giving you *zever* after 15 years.’ You know? *Us ka zever bhi aur do piece us ne diye, woh bhi main usko vapas de down, aur jahan pe dusri shaadi kar raha hai* (like I’m going to give him back the set and two other pieces that he’d given me, for him to be able to get remarried) [laughing uproariously]

A second example is UK-born Raheela, who I saw very effectively resisting the authority of an *alim* at the sharia council. Unlike most of the women who came through the doors, she presented herself to the *alim* with uncovered hair. I observed her at a mediation session very literally digging in her heels at the very mention of returning the *haq mahr*, in her case Rs95,500, now just less than £650, in the form of gold jewellery. ‘That gold was only Paki gold, it was worth nothing’, she complained.

He left me in debt. Everything he bought, the carpets, the beds, the cooker, the fridge, everything he bought on credit and now I’ve got to pay it back. It was his responsibility to pay off the debts but he never supported me and the children, never in any way, he never gave us *kharcha* (financial maintenance) and when I was pregnant he accused that they weren’t even his children.

When the *alim* insisted, Raheela paused for a moment’s thought and then said

Well if that’s the case, then I can pay it back to him on instalments, slowly slowly, but right now I can only do... [pauses]... about £2 a week. I’m

unemployed, I'm at home looking after the children and I've got no support, I'm doing it all on my own. One of my children, the younger one is sick, he's in hospital every month. He has fits.

At this, the *alim* paused and then changed tack, turning to the issue of religious observance, attempting to remind Raheela of her obligations as Muslim. 'Does he practice?' 'No', she retorted. 'But he says he prays five times *namaz* and goes to *jumaa* prayers?' 'No, he doesn't', she insisted. 'And what about you?' 'I do it when I can, but I don't do five times prayers.' 'Why not?', laughed the *alim*. Raheela replied defensively

I can't! I've got little children, it's too hard for me to pray every single time but I do pray when I can and *inshallah* I will. This has been too much headache for me. It's been three and a half years already—it's been going on for too long now.

The *alim* challenged her again. 'But if you don't ask Allah, how will he help you?' 'My little one's too ill. But I will, *inshallah*, I will.' 'These are just excuses', tutted the *alim* good-naturedly, 'these are just day-to-day things. The first thing you'll be asked about on the day of judgement is *namaz*.'

Given the all-encompassing interest of the sharia in human acts, these invitations to the correct path are as much a part of the sharia as rules about the return of the *mahr* as a condition of the *khula* (see Clarke 2012; 2014 and Billaud 2013 for studies of the ethical projects of Islamic jurists). However, it is not coincidental that the *alim* brought this up in response to Raheela's foot-dragging over the *mahr*. After she left—rolling her eyes slightly to show her frustration with the situation—I asked the *alim* whether they accepted women paying back the *mahr* via instalments. The *alim* said they accepted it, but sighed, 'we've got no assurance'.

The *khula* through a sharia council is thus increasingly institutionalized as a procedure for women whose husbands refuse to give the *talaaq*. Whilst women may turn to the sharia councils as a valuable service to release them from their marriages, however, I did not find them to be beholden to everything the sharia councils decide. This point is developed

in the final section, which deals with women's movement in and out of the sharia councils.

Forum-Shopping

Shahbano, a 30-year-old migrant woman, had been separated from her husband and in-laws for six months when she approached the sharia council. She had been signposted there by the Citizens Advice Bureau. I observed Shahbano narrating the story of her domestic conflict to the *alim*. She was wearing a face veil and a long black *burqa* that billowed out as she paced back and forth, acting out her story with great emotion. She came across as a very earnest and pious Muslim woman. After I got to know Shahbano this impression did not change. However, on reflection, I realize that she enacted a very different persona in the sharia council than that required of her by the social worker with whom she was clashing (see Chap. 5). Whereas the social worker was requiring her to be a defiant and resistive, protective mother who would stand up for her children's welfare and resist the claims of her husband and his family, with the *alim* Shahbano spoke in the voice of the 'persevering wife', the gendered speaking position given by Islamic law (Hirsch 1998). At the end of her narrative the *alim* asked her what she wanted him to do. Shahbano said that all she wanted from him was to know what her situation was as per the sharia. Was it wrong for her to be living separately from her husband?

Hamara deen kya kehta hai? (What does our religion say?). Do I need to have a *khula*? Can I stay living separately from him here or should I go back to Pakistan?

[Translated from Urdu]

I was impressed with Shahbano's observable piety and her apparently urgent desire to live her life according to the sharia. The *alim* laughed at the suggestion that it might be better for her to return to Pakistan and decreed that there was nothing against separation in the sharia, that she didn't need to have a *khula* and it was perfectly acceptable for her to stay in the UK in a council flat. He then asked her again what she wanted

from the sharia council. After some prevarication, Shahbano said she really wanted them to explain to her husband '*ke shariat kya kehta hai, deen kya kehta hai*' (what the sharia and the religion says) and persuade him to take make a separate accommodation available for her so that they might be able to reconcile. The *alim* laughed in a resigned manner and said

What the shariat says? Ha! The shariat is only for those who care about it. If you believe it's important, then it is vitally important. If you don't care, then it's irrelevant.

[Translated from Urdu]

The *alim*'s words were perhaps prophetic. I had three lengthy interviews with Shahbano later that summer and learnt that she was now ignoring the letters that the sharia council had been sending to her and her husband Arfat about mediation. She told me her solicitor had instructed her not to meet with Arfat whilst the non-molestation order—demanded by the social worker—was in place. But she was still keen to take Arfat to the sharia council later, to teach him his responsibilities as a husband.

If Arfat goes in front of the *deen* (religion) he will be trapped (*us ke galle mein phanda fasse ga*, the noose will tighten round his neck) because they will ask him 'How dare you, you have forced your wife to leave the house whereas the first lesson of Islam is that once you marry, your wife is your responsibility and you must never leave your wife for your mother. You have to keep them separate, you can't keep your mother and your wife in one house if they are not satisfied with one another.'

After my year of maternity leave, I caught up with Shahbano in 2013. She was still in council accommodation but since the expiry of the non-molestation order, she had allowed Arfat access to see the children. She had not returned to the sharia council, because Arfat had told her that the *ulema* there were not from their conservative Salafi sect. Instead, Shahbano had taken him to a religious scholar whom she knew him to respect, to impress upon him the importance of his responsibilities to his nuclear family.

I needed to wake him up. So I took him to see one Islamic scholar, one Salafi scholar, because I knew that Arfat will trust on what the Salafi scholars say. I told my story to him. The scholar said 'A wife has *haq* (right) too.' He asked me 'What do you want, do you want to separate, or not?' I said 'No. I feel he's not bad inside, it's his mother and his brother but he's good inside.' The scholar asked so many questions from my husband and he said 'You are a kind person. Your mother has a right, you are correct to uphold that responsibility. But to uphold that responsibility it's not necessary that you live with your mother. Meet her every day, support her financially, of course; but you should live with your wife.' I told the scholar 'He gives half of his money to his mum for savings.' He said 'Brother, when you go to Allah nobody can speak for you on the day of judgement, its only your deeds now. Are you doing justice with everyone? Don't leave your mum for your family, but still, you don't need to pay half of your money to her. I appreciate that she is saving for your future house, but this is good for unmarried men only. After you are married, you should use it for your children.' He told him 'Be a man.' I said '*Jazakallah!* (by God's blessings) [raises her fist in the air exultantly]. Thank you brother.'

The judge who was adjudicating their case in the county court instructed them to go for family mediation. Despite being an observably very pious Muslim woman, however, Shahbano told me she had decided to go to Relate, instead of to any Muslim organization.

Some people say go to Muslim mediation. I'm not sure. When they chucked me out, they didn't do in the Islamic way. So why should I choose the Islamic way, to give them benefits?!

I was surprised to hear this. Shahbano then explained to me with a worried expression

You see Kaveri, the scholar told me that I should allow Arfat to take the children to see his mother. So according to the Islamic way I should do that. But I can't do that. If he takes them to see his mother then she will turn their minds against me. It will reverse all the good work I have done with them. It is a year and a half since we left and only now they are adjusted, they still cry when they see their father.

Intriguingly, Shahbano seemed to want the sharia authorities to speak to Arfat and tell him what the *deen* decreed about how a husband had greater financial responsibilities to his wife than to his parents, but she could not risk the *deen's* insistence on the continuing involvement of her mother-in-law in her children's lives; it went against her understanding of her maternal responsibilities. As the months went by, Arfat pursued her more and more intently over initiating Islamic mediation. Shahbano eventually got him to agree to go to Relate instead, but using an ingenious argument:

I told him I don't want to do it Islamic-wise but I would do it if he insists. I told him 'It's up to you if you want to go for Islamic mediation but just remember, I'll have to tell the truth about what happened and what went wrong so I'll have to tell the *maulana* (priest) about everything what your mother did to me and that will make you *sharminda* (embarrassed). So it's up to you.'

As for the Minangkabau villagers in von Benda-Beckmann's (1981) classic study, women shop for fora in which to resolve their marital disputes, as much as fora compete for disputes.

Conclusion

This chapter argues for the need to take in a wider vision of the sharia in the UK than has been captured by the recent spotlight that has been shone on sharia councils. The sharia councils may be increasingly inter-networked and centralized, but they are only the most obvious constituency of the religious practitioners who may be approached in order to contest or obtain an Islamic divorce, ranging from ordinary *imams* to *pirs* and *sheikhs* and other spiritual mentors. The sharia in England emerges as far more fragmented than recent work has implied. This is perhaps a call to return to Pearl and Menski's (1998) wider vision of the *angrezi shariat* which is not limited to the *ulema* or *qazis* sitting in sharia councils.

My research suggests that the sharia councils are not uniformly viewed as authoritative, as academic and policy commentators have assumed. I found women capable of exerting their ‘freedom from religion’ (Ahmed and Norton 2010, p.380), as illustrated by the group of women who were satisfied that their civil divorce meant that they were Islamically divorced as well. In the remainder of cases, women were encouraged by their consciences as Muslims, and by the demands of community, religious scholars and even, as in the case of Najma, her White non-Muslim colleague, to go to a sharia council and request a *khula*. Although my findings provide tentative support for at least the possibility of shadow arbitration or ‘jurisdiction creep’ in the advice given and procedures adopted by sharia councils, I found that women, and men, were not bound to have their dispute arbitrated by the sharia council even once they initiated the process, as they were capable of overruling and ignoring their decisions.

My findings demonstrate considerable suppleness in how women inhabit and enact their identities as Muslims. Whilst there were some like Qurat, who made their demands speaking in the voice of the civil rights-bearing person: ‘sharia councils don’t give you your human rights’—there were others like Naheed and Raheela, who made their Islamic claims within more all-encompassing arguments about fairness: ‘he doesn’t deserve to get the *mahr* because he doesn’t give *kharcha* (expenses)’. Then there were others like Shahbano who contradict Osanloo’s (2009) and Patel’s (2014) claims and made legal demands speaking specifically as Muslim women: ‘I just want to do what the *deen* says is right.’ Equally, I have shown that Shahbano sustained complexly different enactments of her demands in different fora. In front of her social worker and solicitor, she was a responsible and protective mother. In front of the sharia council, she was a persevering Muslim wife. Yet in her more candid moments with me, she seemed capable of using whichever forum seemed more likely to uphold the obligations of a husband to his wife and nuclear family, over his obligations to his family of origin. This flexibility underlines Lemons’ (2010) conclusion that ‘in the legal context... subordination to the norms of institutional rhetoric and self-presentation are the condition for the possibility of resistance or subversion’ (p.26). In the sharia council, these norms are Islamic, making it difficult to distinguish whether women are choosing to make their demands in the voice of a Muslim

woman or merely couching their demands in the institutionally persuasive discourse. By virtue of being able to compare Shahbano's enactment of her demands across these different sites, however, I would argue that women are agential in their recourse to the sharia.

The *ulema* in the sharia councils recognize that they have no way to influence those who come to them other than to impress upon them the binding moral authority of the sharia. As the *alim* complained to Shahbano, 'the sharia is only for those who care about it'. Irrespective of whether the sharia is enforced by the state (as in Clarke 2012; 2014 on Lebanon) or not (as in Lemons 2010 or Vatuk 2003; 2014 on India), the impossibility of separating out the moral and the legal within the sharia means that reminding disputants of their religious obligations is a major part of the *ulema's* job. From placing these findings in a wider comparative frame on the sharia (e.g. Mir-Hosseini 1993; Hirsch 1998; Peletz 2002; Stiles 2009), it is clear that the lack of codification of the sharia in the UK allows for greater flexibility in the decisions that can be made by the *ulema* as well as flexibility in the women and men who seek and then sift through these decisions.

References

- Ahmed, F., & Luk, S. (2012). How religious arbitration could enhance personal autonomy. *Oxford Journal of Law and Religion*, 1(2), 424–445.
- Ahmed, F., & Norton, J. (2010). Religious tribunals, religious freedom, and concern for vulnerable women. *Child and Family Law Quarterly*, 24(4), 363–388.
- Akhtar, R. (2015). Unregistered Muslim marriages: An emerging culture of celebrating rites and conceding rights. In J. Miles, P. Mody, & R. Probert (Eds.), *Marriage rites and rights* (pp. 167–192). London: Bloomsbury.
- Austin, J. (1962). *How to do things with words*. Oxford: Oxford University Press.
- Bano, S. (2012). *Muslim women and Shari'ah councils: Transcending the boundaries of community and law*. London: Palgrave.
- Billaud, J. (2013). Ethics and affects in British Sharia councils: 'A simple way of getting to paradise'. In N. Göle (Ed.), *Islam and public controversy in Europe* (pp. 159–172). Farnham: Ashgate.

- Bowen, J. (2016). *On British Islam: Religion, law, and everyday practice in shari'a councils*. Princeton: Princeton University Press.
- Carroll, L. (1997). Muslim women and 'Islamic divorce' in England. *Journal of Muslim Minority Affairs*, 17(1), 97–115.
- Clarke, M. (2012). The judge as tragic hero: Judicial ethics in Lebanon's Shari'a courts. *American Ethnologist*, 39(1), 106–121.
- Clarke, M. (2014). Shari'a courts and Muslim family law in Lebanon. In E. Giunchi (Ed.), *Adjudicating family law in Muslim courts* (pp. 32–47). London: Routledge.
- de Sousa Santos, B. (1987). Law: A map of misreading: Towards a postmodern conception of law. *Journal of Law and Society*, 14(3), 279–302.
- Grillo, R. (2015). *Muslim families, politics and the law: A legal industry in multi-cultural Britain*. Farnham: Ashgate.
- Grover, S. (2014). 'Purani aur nai shaadi': Separation, divorce and remarriage in the lives of the urban poor in New Delhi. In R. Kaur & R. Palriwala (Eds.), *Marrying in South Asia: Shifting concepts, changing practices in a globalising world* (pp. 311–322). New Delhi: Orient Blackswan.
- Hallaq, W. (2009). *An introduction to Islamic law*. Cambridge: Cambridge University Press.
- Hirsch, S. (1998). *Pronouncing and persevering: Gender and the discourses of disputing in an African Islamic court*. Chicago: University of Chicago Press.
- Lemons, K. (2010). *At the margins of law: Adjudicating Muslim families in contemporary Delhi*. Unpublished PhD thesis, Department of Anthropology, University of California, Berkeley.
- MacEoin, D. (2009). *Sharia law or 'one law for all'?* London: Civitas.
- Mahmood, S. (2005). *The politics of piety: The Islamic revival and the feminist subject*. Princeton: Princeton University Press.
- Malik, M. (2012). *Minority legal orders in the UK: Minorities, pluralism and the law*. London: British Academy.
- Merry, S. E. (1988). Legal pluralism. *Law and Society Review*, 22(5), 869–896.
- Mir-Hosseini, Z. (1993). *Marriage on trial: Islamic family law in Iran and Morocco*. London: IB Tauris.
- Osanloo, A. (2009). *The politics of women's rights in Iran*. Princeton: Princeton University Press.
- Patel, P. (2014). *Recognising non-state religious-based legal orders in family law: A critical perspective from the ground*. Paper presented at workshop on Mediation and religious arbitration: Thinking through issues of gender equality and justice in family law disputes, 10 June, School of Oriental and African Studies, London.

- Pearl, D., & Menski, W. (1998). *Muslim family law*. London: Sweet and Maxwell.
- Peletz, M. (2002). *Islamic modern: Religious courts and cultural politics in Malaysia*. Princeton: Princeton University Press.
- Sardar Ali, S. (2013). Authority and authenticity: Sharia councils, Muslim women's rights, and the English courts. *Child and Family Law Quarterly*, 25(2), 113–137.
- Scott, J. C. (1985). *Weapons of the weak: Everyday forms of peasant resistance*. New Haven: Yale University Press.
- Shah, P. (2013). In pursuit of the pagans: Muslim law in the English context. *Journal of Legal Pluralism and Unofficial Law*, 41(5), 58–75.
- Shah-Kazemi, S. N. (2001). *Untying the knot: Muslim women, divorce and the Shariah*. London: The Nuffield Foundation.
- Stiles, E. (2009). *An Islamic court in context: An ethnographic study of judicial reasoning*. London: Palgrave.
- Vatuk, S. (2003). Muslim women in the Indian family courts: A report from Chennai. In I. Ahmad (Ed.), *Divorce and remarriage among Muslims in India* (pp. 137–160). New Delhi: Manohar.
- Vatuk, S. (2014). The application of Muslim personal law in India: A system of legal pluralism in action. In E. Giunchi (Ed.), *Adjudicating family law in Muslim courts* (pp. 48–69). Oxford: Routledge.
- von Benda-Beckmann, K. (1981). Forum shopping and shopping forums: Dispute settlement in a Minangkabau village in West Sumatra. *Journal of Legal Pluralism*, 19(1), 117–159.
- Warraich, S., & Balchin, C. (2006). *Recognizing the unrecognized: Inter-country cases and Muslim marriages and divorces in Britain*. London: Women Living Under Muslim Laws Publications.
- Weiner, A. (1985). Inalienable wealth. *American Ethnologist*, 12(2), 210–227.

7

English Law

Just sort it out with him, work something out one way or another before it comes to court. Cause as soon as the court's into it then you aint got a chance. They're like fucking Big Brother! They come in and poke their noses into anything they like.

Dilruba, a friend of Uzma, advising her to pursue an out-of-court settlement

This chapter addresses my informants' interactions with civil law in the context of marriage breakdown. This is a topic that has been rather neglected in the socio-legal literature on British Asians. Pearl and Menski (1998) write that, because of the emergence of the *angrezi shariat*, 'there appears to be now a disproportionately low profile of matrimonial case law involving Muslim parties, in marked contrast to the 1970s and the early 1980s' (p.81 and also p.395). Since then, as discussed in Chap. 6, there has been much discussion among legal pluralism scholars about Islamic family law in the UK and how it is adjudicated in sharia councils. As part of this trend towards 'shariatization' (Shah 2013), there has been relatively little interest in the civil courts except in so far as moves have

been made to bring elements of the sharia before the English judiciary, from the famous legal cases involving disputes over the recognition of the *nikaah*, *talaaq* or *haq mahr* (Pearl and Menski 1998; Keshavjee 2013; Bowen 2016; see also Holden 2008 on UK cases involving customary Hindu and Sikh divorce laws) to the now growing number of packages offered by expensive London law firms to guarantee British Muslims their sharia entitlements through civil law (Billaud 2014; Khan 2014). Through a review of the case files from English sharia councils, Bano (2012) has provided more routine examples of cases where Islamic legal expertise from sharia councils has been solicited in the civil courts. In a separate vein of research, scholars have also taken interest in cases where legal representatives and judges have solicited the input of anthropologists as expert witnesses to comment on the cultural context entailed by cases brought before the civil courts (Good 2008; Holden 2011). However, with court officials reporting that British Asian families are now using the family courts quite extensively (Thiara and Gill 2012, p. 57), this focus on the exceptional appearances of religious law or cultural difference in the civil courts is no longer sufficient.

In this chapter, I examine three cases of marital breakdown working their way through the family courts. These are not famous examples of case law, nor cases marked up as entailing culturally distinct traditions, but what Davis, Cretney and Collins (1994) call 'simple quarrels'; run-of-the-mill marital disputes that are neither financially nor legally extraordinary. Like Bano (2012), I provide some examples of 'interlegality' (de Sousa Santos 1987) running through such 'simple quarrels'. I also show that the cultural particularities of British Asian families are integrally worked into such cases, not only in the marital conflicts themselves, as they are presented to the court, but also in the interpretation and spin offered by significant others in the family and friends—the 'therapy management group' (Janzen 1978) of law, if you will—which directs the events in court as well as what people take away from those events. In the interactions between disputants and their legal professionals, moreover, we can see the workings of ethnic and racial relations.

An equally important aspect is the way in which social class inflects people's interactions with the law. As Merry (1990) has shown in the USA, working-class litigants are often ill-attuned to the professional cul-

ture of the courts. The marital disputes for which people seek help from the law are typically seen by the courts as ‘garbage cases’; complex personal and emotional problems, no doubt, but frivolous or illegitimate uses of the law. Officials try to prevent such cases from wasting court time by reframing litigants’ disputes as moral problems in need of reconciliation, or as therapeutic problems needing psychological counselling rather than legal solutions. If litigants persist in asserting what they see as the legal elements of their case, court officials divert the difficult discussions from the judge’s chambers to the waiting rooms of the court or to the auxiliary mediation services. She shows that litigants struggle to keep control of their disputes as, oddly enough, the courts provide justice by de-legalizing them. Their initial experiences of the law are sobering and disappointing. Nonetheless, in these initial experiences of rebuff are the seeds for litigants to develop what Merry calls a more specifically ‘legal consciousness’, as they tune in to and learn how to frame their disputes in legal terms that they hope will get them to be taken more seriously.

The three cases I have selected for this chapter illustrate, similarly, what the legal process of marital breakdown can do to disputants and their marital relationships. As their cases proceed, we can see an evolving ‘legal consciousness’ as participants are gradually socialized into the conventions of the law, or resist attempts to be tutored and see their cases flounder.

Disempowerment

The first of the three cases I explore is that of Mr Ahmed’s divorce proceedings, which began in 2007 but were still not fully resolved by the time I completed fieldwork in 2014. Mr Ahmed is a Gujarati Muslim in his late 50s. He migrated to the UK in the 1970s and at one point owned a successful line of retail businesses with one of his brothers, but by the time of my fieldwork he was living in a rundown council flat on sickness benefits due to his chronic ill-health. Mr Ahmed is exemplary of those informants who were quite literally broken by their interactions with the law. His post-separation relationship with his ex-wife, already precipitous, reached vertiginous depths as a result of the course that the case

took. I have reconstructed the case from my interviews with Mr Ahmed and triangulated his narratives with the help of a plastic shopping bag full of legal documents. The nub of the matter, as I understand it, was not just that the court decided in his wife's favour but also that he felt that his own legal representatives had worked against him. He wanted me to write about his experience in this book and also requested me to write letters of complaint to the legal ombudsman.

The divorce proceedings relate to his second marriage, to a woman from Gujarat, which lasted 15 years. The breakdown of the marriage in 2006 was so traumatic that Mr Ahmed's memories of his first divorce seemed to have faded into insignificance by comparison. According to the documents I reviewed, Mr Ahmed spent ten months in prison for domestic violence in 2006–07, although he strenuously denied having beaten his ex-wife. Indeed, his narrative was that he had found her in bed with her lover who had actually chased *him* out of his own house with a knife, and that his ex-wife and her legal team had then falsified evidence and caricatured him in court as a violent husband (see Charsley and Liversage 2015 for similar examples of legal representations of Muslim men as violent patriarchs). The financial settlement went through in 2008, by which stage Mr Ahmed's ex-wife was openly in a relationship with the boyfriend, a recent migrant from Pakistan.

In 2007–08, letters were going back and forth between Mr Ahmed's solicitor—a Gujarati Muslim like himself—and his ex-wife's concerning the disposition of their four-bedroom house. According to the documents I reviewed, Mr Ahmed's ex-wife's solicitor had attempted to keep the dispute out of the courts by offering Mr Ahmed a 50:50 settlement on the house in exchange for him granting his ex-wife the *talaaq*—an example of 'interlegality' (de Sousa Santos 1987) that I observed in other cases, and which the solicitors I interviewed also confirmed was routine practice in the interests of 'wrapping up' the Islamic divorce at the same time as the civil proceedings. Mr Ahmed told me that some Pakistani acquaintances of his ex-wife's new partner also visited him at his brother's house and tried to get him to accept the offer of 50:50. Mr Ahmed refused the out-of-court settlement because he considered himself to deserve more than 50% of the property, having paid the deposit and all of the mortgage payments since the purchase: his ex-wife was a

homemaker. I suspect that the appearance of his ex-wife's boyfriend's acquaintances as intermediaries would not have helped matters, given the extent of bad feeling he described towards both of them.

The hearing for the final settlement, which Mr Ahmed described as one of the darkest days in his life, was the decisive point in the case. His ex-wife was awarded residence in the house, until the youngest child reached 18 years or completed full-time education, so that she could accommodate the children. Then, when the house would be sold, 70% of the dividends would go to her and only 30% to Mr Ahmed. Accordingly, until the mortgage was completed, Mr Ahmed would be responsible for paying 30% of it, which amounted to £50 per week.

Mr Ahmed had still not come to terms with the decision by the time of my fieldwork. He maintained that his solicitor Ms Patel and the barrister she had appointed, one Mr Sutton, had gone against his instructions and done a deal with his ex-wife's barrister rather than taking the matter before the judge. Mr Ahmed had told them that he wanted more than 50% and what's more, that her anticipated remarriage should constitute a 'trigger' condition for the sale of the property. But

My solicitor and my barrister, they cheated with me! They met with the other party and they did not inform the judge. Afterwards I was very upset. I was so upset I couldn't speak to anyone. I was in a daze; it was like I couldn't understand what was happening around me. I was like deaf and, what do you call it when somebody can't speak? Deaf and dumb. I lost everything. Everything I lost.

Mr Ahmed's felt a lack of closure over the verdict that made the case drag on for many years. In 2010, the ex-wife married the Pakistani boyfriend, who was by then living in the marital home, and became pregnant. Mr Ahmed was incensed, as this was precisely the eventuality that he had sought to ward off through his 'trigger' condition. He believed that she ought to rightly bear the financial responsibility of her new husband, yet she was still living in what he saw as *his* house and with *that* man.

She brought her boyfriend in my house. Now, I asked that I don't want anybody to be living in my house, if she's married, she should go in her

husband's house, I don't want her in my house. Because that house, I bought it, she didn't contribute a penny. So why is someone else living in my house?

Following the advice of one of his friends, Mr Ahmed then made an application for residence with the children, to make a case for his own need to stay in the marital home. He argued that the children were more attached to him and alleged that his wife was a neglectful parent. The children, who now apparently quite disturbed by the divorce, were interviewed by a social worker from Cafcass, the Children and Family Court Advisory and Support Services, and three of them expressed a preference for living with Mr Ahmed. Mr Ahmed was granted residence for those three children in an out-of-court settlement brokered by the social worker. However, he returned to court for all six.

Pakistani men speak very nicely but they only want money, they run away with the money, and then the women are left with nothing and then they are all suffering. I don't want to become like that, if I give my share to my wife then he will run away with it, so that's why I asked for my all children's custody so that my children will get the house. I went to the court, I said 'I want my all children.' They said 'Mr Ahmed, you've got three children, you're not happy?' I said 'I'm very happy but you don't know me and you don't know her.'

This time Mr Ahmed did finally get to have his day in court but, by all accounts, it was a disaster. The children were re-interviewed by a different Cafcass officer, who advised the judge that all the children now wished to live with their mother. In addition, Mr Ahmed had submitted a letter from a sharia council—another routine example of 'interlegality', of how legal orders are 'mixed' in people's minds and in people's actions—stating that according to the evidence that Mr Ahmed had shown them, he should be awarded residence (see Chap. 10 for further comments on Islamic normativity in contact and residence disputes). This submission was heavily criticized by his ex-wife's barrister who accused Mr Ahmed of maligning his wife in front of 'the Muslim community', an argument that the judge found convincing. The gambit backfired and Mr Ahmed lost the residence order for the first three children, too.

In 2011, Mr Ahmed applied for residence for just one of the children, the son, after he ran away from his mother. But in the meantime, Mr Ahmed fell gravely ill with kidney disease and was hospitalized for months. As a result of this brush with death, Mr Ahmed's siblings implored him to give up on his legal battle, and out of exhaustion, he agreed. During our first meeting he rolled up his shirtsleeves and showed me the pistola in his arm through which he was attached to a dialysis machine every week, and took off his sandals and socks to show me the signs of diabetic gangrene in his toes. He showed me to impress upon me:

You just think, how we are suffering, you can't trust those people [sobbing loudly].

The police and the judge, the social workers, they're responsible. I can't do anything because I haven't got power in this country. But Allah has got power [points to the ceiling and wags his finger] and he will give them punishment.

Despite his promises to his siblings, by the autumn of 2013, when we first spoke, Mr Ahmed was again trying to reopen the case. He had an obsessive suspicion that his ex-wife was keeping tenants in the marital home and therefore 'minting money' on his property. He believed she had rented out the children's bedrooms and put the children to sleep in the living room. He was repeatedly calling his friends and asking them to drive him to his old house so that he could watch the coming and going of cars in the drive. In front of me, he phoned his eldest daughter to try and extract a confession about her mother keeping tenants. It was clearly not the first time his daughter had had to deal with these uncomfortable questions from her father, and she was clearly upset about it. Mr Ahmed's friends were encouraging him to take the 'trigger' conditions back to court and argue for the immediate sale of the house because of his ex-wife's remarriage. Nobody seemed to believe that the law could allow the ex-wife to live with her second husband in Mr Ahmed's house (this seems to be a common sentiment: Lewis 2001, p.187, reports her respondents' perception that it would only be fair for non-residential fathers' financial responsibilities to cease upon their ex-wife's remarriage). Meanwhile, Mr Ms Patel, the solicitor, was trying to explain to Mr Ahmed that the law

did allow this. She was not keen to reopen the case, and from this recent letter it seemed she saw him as a nuisance.

As we've discussed with you previously, the order does not take into account your wife's remarriage and any tenants living in the property, and these circumstances do not constitute a trigger event in relation to the order. The order was made with your agreement following counsel at the hearing and is a full and final settlement of you and your wife's financial claims.

Mr Ahmed had gone round other legal firms with his friends, trying to find one who would be willing to take on his case, but all of them told him that, because of the austerity policies that had been rolled out in the interim, he was no longer eligible for legal aid. He therefore proposed to fight the case in court himself. In the meanwhile, he was still making life difficult for his ex-wife by involving the police and social services to investigate his conviction that she was keeping tenants in the house and inconveniencing his children. The following excerpt from a social services' report indicated that they too saw him as a nuisance or worse, as a vindictive man.

There is no evidence that there are tenants. What's come out is the fact that mother's care of the children is good. All of the children have adequate sleeping arrangements. The account given by the children is inconsistent and contradictory. It is clear from previous visits by the department that some of the children have sided with individual parents. Some of the children are not happy with mother remarrying and parents separating. Father has constantly made allegations about the mother but these have not been substantiated in all previous assessments by social services. It's also clear that Mr Ahmed is not happy about the mother remarrying and the court settlement where dad's share of the property is 30 and the mother has 70. At school no concerns have been raised about the mother. In my opinion the father's allegations about the mother appear ill-intentioned.

Mr Ahmed's feeling of disempowerment in the legal process was unquestionably key to the prolongation of the case. As he kept repeating, 'I've got no power in this country':

My barrister, he said 'The judge is not interested, they are the puppets of the woman.' And you know that is very bad. You are denied justice and that day [the final settlement] I believed there is no justice in Britain. People used to believe that you only get justice with the British people but I don't trust them anymore. I have no faith, I don't trust at all.

Disempowerment and marginalization, as Davis, Cretney and Collins (1994) show in their study of routine divorce cases, are the prevailing sentiments for working-class users of the courts. Revealingly too, they identify these feelings of disempowerment with the 'settlement culture' through which financial applications are decided at the door to the court rather than through adjudication (p.203). The clients in their study expressed grave misgivings about the role played by their own legal representatives, particularly by their barristers, who were appointed through the solicitor and turned up on the day of the court appearance a complete stranger. To speed things up, the barristers frequently aimed to negotiate a settlement rather than risk that the matter be decided by deliberations in front of the judge. They therefore 'edited' their clients' instructions in order to get a settlement (p.207). The clients' lack of familiarity with court procedure and legal language made them easily 'dominated and outpowered' by their barristers (ibid.). In some cases, the barristers themselves were dissatisfied with having to concede so much in order to secure a compromise, and Davis, Cretney and Collins wonder at barristers' reluctance to have the cases actually tried. They suggest that the 'settlement culture' offers barristers solutions to 'various problems presented by their clients' (p.216), not only legal problems but 'also of personality and relationship'.

In understanding Mr Ahmed's case it is illuminating to think about the kind of problems he may have presented for his legal team. Smart and May's (2004) study of residence and contact disputes in the courts offers further insights. Since the abolition of the fault clause in the 1969 Divorce Reform Act and the move to shared parenting after the 1989 Children's Act, questions of responsibility for marital breakdown have been removed from the purview of law and are seen by the courts as illegitimate concerns. Judges become frustrated with disputants who insist, against their solicitors' best efforts, on bringing up past behaviour. But as

Smart and May observe, ‘in many of these cases there is so much anger and resentment that it is almost impossible to move the relationship onto new terrain’ (p.355). This description seems apt for Mr Ahmed, whose positions in court, as revealed by his narratives about the case, were focussed on his ex-wife’s shortcomings.

In such a situation, it is perhaps understandable that his barrister decided not to air Mr Ahmed’s arguments in front of the judge and ‘edited’ his instructions so as to achieve a settlement in the waiting room instead. But the result was personally unhelpful for Mr Ahmed, who was unable to reconcile himself to the verdict. Moreover, his lack of closure led him to seek to overturn the settlement and to many years of further court hearings and investigations by Cafcass and social services, which were traumatic for his children and, as suggested by his daughter’s weary response to his demand for a confession about the tenants in the house, jeopardized his relationships with them.

The comparison with these wider findings with disputants in the English courts suggests that much about Mr Ahmed’s case can be understood in terms of the dynamics between legally trained professionals and an emotionally-piqued respondent who is unwilling to be socialized into the conventions of the law. However, there are additional nuances in the shift from his co-ethnic solicitor to the stranger-barrister in the person of Mr Sutton. These are explored further in the next case.

Legal Translations

Rabia married her second husband Altaf in the UK and by a *nikaah* only. When their marriage broke down in late 2011, neither of them was therefore eligible to initiate divorce proceedings in the civil courts (see Akhtar 2015 on unregistered *nikaahs*). But in March 2012, she received a letter from Altaf’s solicitor informing her that he intended to apply for contact for their nine-year-old daughter, Manahil. Rabia was extremely injured by this, as I detailed in Chap. 4, because she was hoping for reconciliation and pursuing mediation through the family. Taking her to court signified, to her, that Altaf was no longer interested in the marriage. She was incensed, too, that he had the gall to pursue contact with Manahil

after what she saw as a lifetime of absence in Manahil's life. According to Rabia, Altaf had never taken any interest in spending time or looking after Manahil, and neither had he provided for Manahil or herself financially during the marriage or afterwards. She had recently applied for child maintenance on these grounds, and indeed, she saw his application for child contact as an act of spite in retaliation for her involvement of the Child Support Agency (a common course of events, see Smart and Neale 1999). When Altaf attempted to get Rabia's neighbours to broker an out-of-court settlement on the contact with Manahil, Rabia therefore refused. The following excerpt from an interview in May 2012 shows Rabia's affront at his involvement of the law and her insistence that he provide a genuine fatherly involvement, financial support and answers for what had happened in the marriage before contact could take place (see Smart and May 2004 and Chap. 10 for further discussion of the 'moral calculus' of parents in disputes over contact and residence):

They [the neighbours] came back and they told me this and I go, 'Well, tell him to learn the father's role first.' I said, 'The father's role is not just to pick a child up and have them for a couple of hours, take them to McDonalds and then come and drop them back, there's more than that. What about the other responsibilities. What about maintenance towards her bringing up, what about the quality time that she needs, what about the father figure that she needs around her all the time, the security, the stability and all that sort of stuff—the other providing things that fathers do, where's all that gone? And you're just thinking that you're going to have your own way, come whenever you feel like, have her for an hour or so and then you just dump her back on me, give me the hard job and you can just live easy, well, it doesn't work like that. And secondly tell him I'm not the one who started the court proceedings or the solicitor letters or whatever, you did. You did not approach me, my big people [in the family] wanted to approach you [about reconciliation], you said you didn't want to talk about it. So there are so many unanswered questions that first you need to answer me.' I go, 'Manahil didn't drop from the sky, she's come out from me so you need to answer me first, what you done and all the past ten miserable years that I had with you, you need to answer for, give me reasons for me to understand and then we can move on and talk about Manahil secondly. And you wanted the courts to decide, let the courts decide.'

At that time, being in receipt of Income Support allowed Rabia to obtain legal aid, so she was able to shop around for a solicitor. The first solicitor she saw was a White Australian woman called Jane, who explained the presumption of contact position established by the 1989 Children's Act and urged Rabia to give him the contact he was asking for immediately rather than fight it. Rabia was not impressed with Jane's advice and followed instead the recommendation of Navida, a cousin of Rabia's who had had a positive experience of the service, that she go instead to an Asian women's organization. There, she was signposted to a solicitor called Manjit Kaur, who was a UK-born Sikh. Rabia was pleased with Manjit's serious treatment of her objections to contact, and impressed with her understanding of the cultural nuances of Asian families. For example, Manjit noticed details on the court application form such as the fact that Altaf had not provided a permanent address. 'Where's he living and who's he living with? There could be child protection issues at stake', she warned. She listened to Rabia's account of their relationship and his lack of committed parenting to Manahil and saw in Altaf's intention to educate Manahil in Pakistan the threat of abduction. Manjit thought this typical of Asian men who enjoy the freedoms of living in the West but want to control their daughters, 'I see cases like this all the time'. She recommended that Rabia insist that Altaf undertake a parenting course before any contact took place and that any meetings with Manahil be supervised at a contact centre, which might cost him £120 per hour. She told Rabia she would appoint a barrister and see us in court.

Rabia was buoyed up by the seriousness with which Manjit had taken her position. But on the morning of the hearing, her confidence was shaken when we arrived in the court and found out that Manjit would not be coming after all. She had sent instead her trainee, Siobhan, a White woman who was not very familiar with the contents of Rabia's file and played a minimal role throughout the rest of the day. The barrister whom Manjit had appointed, a middle-class White woman called Samantha, with an expensively tailored suit and blonde hair in a thick ponytail, was more significant in the events that followed.

Overruling the advice from Manjit, Samantha advised Rabia immediately that the court preferred to give the child access to both the parents. But taking the cues from Rabia's oppositional stance, Samantha reasoned

that Manahil might already be feeling 'abandoned' by her father and that contact might make her even more resentful, and therefore suggested that they should proceed 'at the child's pace', 'reintroduce the father gradually' with indirect contact—Altaf sending her a letter or a gift—and see how that went before starting direct contact. Significant for what happened later in the day was that Rabia complained at this point that Altaf had hidden his income from the Child Support Agency; by now, he been granted the flat rate of £5 a week. Samantha was sympathetic, but regretted that Rabia could not bring this into the contact issue. 'If people want to hide money then they find ways of doing it', she declared, but she encouraged Rabia to appeal to the Child Support Agency because 'if he's been doing that, then probably the tax man would be interested as well'.

Samantha reassured Rabia that Altaf would be very unlikely to be given contact at this first hearing, as the judge would need to hear 'more detailed cases' first. Rabia was happy with this news. However, the situation changed rapidly after Altaf arrived in court. Rabia had not seen him in seven months and the sight of him immediately made her tense. Moreover, he was accompanied by two legal representatives, whereas he had written on his court application that he would self-represent. Rabia asked Samantha whether this might have been a ploy to lure her into a false optimism. Samantha disagreed and told her that

It's good that he's brought legal representation actually, because it means he's got someone with him who understands the law and can explain it to him. In the same way that I'm here to explain to you that the court wants the child to see both the parents, so we'll have to think about giving some kind of contact, he's also got someone there to explain to him why things are happening as they are, what's possible and what's not.

I will return to Samantha's interesting statement about the role of a barrister below.

Samantha went upstairs to meet with Altaf's barrister and the Cafcass officer, a woman called Doris, and when she returned Rabia was summoned upstairs too. After a while, Siobhan, the trainee, returned to the waiting room. There followed a collegiate exchange among the two lawyers which revealed the game plan coming from the negotiations with

the other legally trained professionals, to which Rabia was not yet privy. 'Cafcass is minded to move directly to supervised contact, maybe with one of the older siblings there as a third party, so she's gonna try to explore that with her', said Samantha. 'Oh, ok', replied Siobhan.

After an age, Rabia rejoined us in the waiting room. Samantha asked how it had gone with Doris. Rabia reported indignantly that 'she tried to persuade me to go for contact straight away!' 'Oh, right', replied Samantha, playing dumb. 'And what did you say?' 'No!' 'No?' 'No way!', Rabia retorted. 'I said "start with indirect [contact] and then let's see what happens, go for supervised [contact] depending on how it goes".'

I missed the next ten minutes as we had by this stage been in court for four hours and I had to go and renew the parking ticket on Rabia's car. When I returned, I could see from the look on Rabia's face that whatever I had missed, had not been very pleasant. Samantha took a deep breath and proceeded to subject Rabia to an extraordinary degree of pressure, to agree immediately to some kind of direct contact.

You know how you and I had been preferring the strategy of going at the child's pace and reintroducing the father slowly via indirect contact, but Doris [the Cafcass officer] doesn't just work for Cafcass, she's a qualified social worker as well and her opinion is that Manahil is probably already feeling abandoned by her father so the best thing would be to proceed to direct contact immediately.

Rabia shrank back in the chair and looked suddenly small, retreating under the imposing charisma of Samantha, who was literally leaning over her from over the bank of chairs. Rabia gave many minutes of spirited resistance, accusing the Cafcass officer of favouring the dad's side and repeating Samantha's suggestion about starting with indirect contact. Samantha overruled her. Eventually Rabia gave up. 'Well, I don't want to give him contact, but if I have to, then I have to.' This was all she said, but it was enough to turn the day completely around.

Samantha's face immediately brightened. She got out her diary and briskly started looking at dates. She wanted to know when next week would do for the meeting with Cafcass. Next was where the meetings with the dad should take place. Samantha suggested McDonalds, and

Rabia assented with a blank look. As Samantha moved to the question of who would do the pick and drop, Rabia became animated again and protested that she'd have to reorganize her life around these visits. Samantha looked sympathetic, but offered a line of wisdom that Rabia repeated mercilessly, in the weeks that followed, to her friends and family:

I'm afraid that's just what it's like to be parenting apart, we've got to think about what's best for Manahil. I know it's really hard when he's been just so bad. But unfortunately, that's just what it's like to be the mum in all this.

Samantha went off to meet with the other barrister and returned with the interesting news that Altaf had accepted the offer and also agreed to set up a bank account for Manahil so that whenever he had some money he could pay into it for her. Rabia objected that this was really informal; 'what does that mean?' There would be no accountability. Samantha said it was better than nothing; 'his barrister is trying really hard to convince him to pay money in regularly'. We were in the waiting room for another two hours so that the court order drafted by Samantha and the other barrister could be approved by the judge.

We left the court as it was closing at 4 p.m. Rabia said little as we walked back to the car. She lit a cigarette and sucked on it intently. Then she started venting her fury at Manjit for failing to turn up and sending her 'fucking useless' trainee instead. She felt personally let down. Manjit had talked the talk, made out that she understood how it was with these Asian men from 'back home', promised that she'd be there and then she hadn't come.

I could have gone anywhere, I was gonna get legal aid, I could have gone to the top notch [solicitors] but Navida [her cousin] told me to go to [the Asian women's organization]. She said to go there because Asian women would understand the situation better, but then they let me down and sent me two fucking *gorian* (White women) instead.

She dabbed at her eyes and began to cry, sobbing that Samantha had put her under just the most incredible pressure. She felt that they hadn't listened to the mum at all:

He doesn't give no importance to me, his family all think I'm ancient history, and now these lot gave no importance to me either. People say that the system over here favours the mother, but it's not like that at all.

The irony of Rabia's case was poignant. 'Let the courts decide', she had told me in the beginning. But in the end, all the judge did was rubberstamp the court order negotiated against her will by her own barrister. She had told me she wanted to teach Altaf to 'learn the father's role first' and 'be a proper dad', not the kind that merely took his child out to McDonalds once in a while, but she received from the courts an enforcement of just this: fortnightly outings to McDonalds. There are strong parallels with Smart and Neale's (1999) critique that the legal emphasis on parenting beyond the bounds of marriage has not been accompanied with attention to the quality of parenting relationships. Thiara and Gill (2012) note too that among victims of domestic violence, there is 'a strong view among women that the system allowed men to choose when they wanted to "play dad"' (p.69, and see Chap. 10).

When Rabia next got in touch, it was to ask me who was the official body to whom she could register an official complaint about Samantha. She blamed Samantha for having disregarded her wishes, and the law in general for forcing through contact on the basis of general principles about children's need for a father figure, without talking to Manahil or establishing Altaf's genuine level of commitment. But it is also possible to see the situation from Samantha's perspective, and thereby deepen our understanding of the barrister-client relationship as sketched out in Mr Ahmed's case above. As Samantha told Rabia in so many words, in her mini-lecture, the barrister is there to be someone who 'understands the law', to 'explain why things are happening as they are, what's possible and what's not'. This interesting statement finds its support in what Merry (1988) calls studies of 'new' legal pluralism. For example, Cunningham (1992) shows that lawyers first sift through their clients' stories, translate them into a legal version of their reality and then convince their clients of that version. Samantha's means of persuading Rabia of the legal reality as she saw it was to convince Rabia that legal justice is different from social justice, and that she would have to compromise on the contact issue. This is a strategy that Felstiner and Sarat (1992) describe as 'law talk': 'a version

of cynical realism in which the legal system and its actors are trashed on various accounts' (p.1463). Yet if Samantha 'edited' Rabia's instructions, she also tried to manage the situation to Rabia's advantage. Recognizing that Rabia would most likely have to concede some kind of contact, she pushed her to accept a settlement outside court and thereby obtain a bargaining chip to negotiate concessions from the other barrister, over the need for Altaf to provide more meaningful financial support to Manahil.

Again, the comparison with these wider studies suggests that Rabia's case can be understood in terms of disputants' feelings of disempowerment at being spoken over by their legal representatives, who disregard their concerns with their grievances about the relationship as 'illegitimate concerns' for the court and try to railroad their own translation of the legal reality of the case. There are however additional nuances because of how Rabia shopped around for a solicitor whose shared ethnicity might lead her to understand her feelings of vulnerability with Altaf and assert the legal elements of her case, and how her feeling of betrayal was located in Manjit letting her down as an Asian woman.

In the last case, Uzma, the wife, was ineligible for legal aid despite being on low income. For two years of the case, she therefore decided to self-represent, which prevented the legally trained parties in the case from negotiating an out-of-court settlement. However, the court still managed to reach the same verdict about the unsuitability of the dispute for adjudication, here by reframing it as a problem in need of moral or therapeutic solutions.

Self-Representation, Family Mediation and an Insider Barrister

Uzma is a 43-year-old UK-born woman in a second, love marriage. When I first interviewed her in March 2012, her husband Intezar had moved out four months previously and gone to live at his mother's house. She was totally preoccupied with the marital breakdown, and took the meeting with me as an opportunity to air her grievances about the marriage. She characterized Intezar, a migrant from Pakistan, as uncommitted and abusive. There was a history of domestic violence. He did not give *khar-cha* (expenses) and refused to take Uzma to meet his mother, which she

took as a sign that he was not giving her respect his family. By the time they separated, their daughter Zarah was three years old. Intezar applied for child contact, and I was able to follow the entire case.

Unlike Rabia's husband Altaf in the previous example, Intezar was still subject to immigration control at the time they separated. In fact, when he applied for child contact, he had overstayed his visa. Uzma had sponsored him on a spouse visa four years previously, but by the time Intezar's then two-year probationary visa expired, Uzma had doubts about his level of commitment. In a strategy I discuss further in Chap. 9, she wrote to the Home Office to ask for a two-year extension to the probationary visa rather than support him in applying for Indefinite Leave to Remain. It was at the end of this two-year extension, when she again refused to support his Indefinite Leave, that he left the marital home. Uzma was devastated to be taken to court. She told me she wanted Intezar 'to come home and be a good dad'. But she was also keen that Intezar should not be able to 'use' the contact with Zarah to apply for Indefinite Leave as Zarah's biological parent, and thereby sidestep Uzma.

She consulted a women's organization, who signposted her to a solicitor called Nicky. I went with Uzma to meet her. She told Uzma that the history of domestic violence between them, much of which was on police record, provided solid grounds to contest his application because of the risks to Zarah's welfare. Despite the domestic violence, however, Uzma told us that she wanted reconciliation. She was still in love with Intezar. Nicky chortled and told her 'if you want someone to be love you, why don't you get yourself a cat or a dog'. But she accepted Uzma's position. She apologized that she wouldn't be able to help any further as, in spite of Uzma's low income, she was ineligible for legal aid. But she gave Uzma some pointers about what she could ask for in court.

On the morning of the hearing, I met Uzma in court and went over the file she'd prepared the night before. When Intezar came in with his solicitor, a young British Pakistani with a goatee, a ripple of tension spread over Uzma's face. I remarked that it was strange how the court expected 'warring' spouses to sit only metres away from each other in the waiting room. To my surprise, Uzma laughed. 'We were taking Zarah to the park and everything til last week, what kind of a war do you call that!' This was a revelation to me. Apparently, since Intezar moved out four months pre-

viously they had been 'on and off', but there were times when he would send her conciliatory text messages and she would tell him to just come home and drop the court case.

It took only one court appearance to change this state of affairs.

After we had waited for three hours, met with Intezar's solicitor Mr Malik, and given a statement to the Cafcass officer, we finally went before the judge. The court was a bureaucratic little room, a table in the middle with chairs arranged around it, the judge's desk laden with paperwork. Black flowing robes and wig were visible on a clothes hanger on the wall behind the desk, but Judge Marsden himself was merely dressed in a smart suit. He was in his 50s, White British, and had a patrician voice. After skimming through the paperwork, Judge Marsden asked the Cafcass officer her opinion of the matter. She said that she had spoken to both parties, 'allegations had been made and disputed on both sides', but given the allegations of domestic violence 'a Section 7 would be prudent'; this is a welfare report under Section 7 of the Children's Act. Judge Marsden agreed and decided that each party should file a statement and the court should reconvene in four weeks time. Mr Malik then spoke up and said 'there is the matter of interim contact'. Judge Marsden declared that he wouldn't approve a contact order until the allegations of domestic violence had been investigated. Mr Malik objected that these were only allegations. Judge Marsden stood firm, but added that

Both the parties are here sitting around this table together, and they know the truth of what's happened. If these parties reach an agreement among themselves, that's up to them. They are adults, and they can decide best. But the *court* won't decide a judicial order until everything has been duly investigated.

The hearing lasted no more than ten minutes. Outside the court, Uzma expressed relief about the fact that Intezar had not been granted contact, and decided she wanted to discuss what Judge Marsden had said with the Cafcass officer, who she felt had given her a sympathetic hearing when they had met earlier. Uzma went and asked the Cafcass officer to explain what she had to do next. She advised Uzma to find a legal adviser at a community organization if she was unable to pay for a solicitor. Uzma

murmured her assent. She then tried to check what the judge had said about the two of them coming to a private agreement and whether she was permitted to allow him to the house to see Zarah in the interim. The Cafcass officer assumed a more plain-talking persona and told Uzma off.

The judge was just saying that *if* these two people who are sitting round this table come to an agreement among themselves, then that's another matter, but as far as the court is concerned they can't permit access. There's nothing stopping you from having him round your house to see your daughter but you've got to think, as well, how's that gonna look in court? 'Well hang on, if she's saying he's domestic violence, if she's saying there's a risk of violence to the kids then why is she letting him back to her house?' It doesn't match up.

Without very much legal advice beforehand, therefore, the court appearance was very significant for Uzma. She was able to pick up strong hints from the various officials about what the court wanted to hear, 'how it should be phrased, and which labels are effective and which are not' (Merry 1990, p.10). Intezar's side also seemed to have heard the message about the need not to contradict *outside* court the arguments on which they would build their case *in* court. In April, Intezar sent Uzma a text message saying that if she kept messaging him he would get his phone cut off, and that was the last direct contact she was able to have with him for many months. Uzma discussed this with Parveen Ramamurthy, the legal adviser who took up her case at the women's organization, when she went to get help with writing the statement. Parveen advised that Intezar's solicitor would have told him to cut off communication so as to strengthen his position of needing a court settlement to secure contact, so that he could get his Indefinite Leave without Uzma's support.

It took nearly a year to get back to court again because of a mishap whereby the court failed to summon either Uzma or Intezar to the next hearing. When things started up again, Judge Marsden instructed Uzma to prepare a Scott Schedule providing 'specific and itemized objections that can be proven'. Parveen, the legal adviser, gave Uzma advice about how to prepare the Scott Schedule in the way suggested by Judge Marsden, making the case that Intezar was a dangerous man and unfit to be a

father. I wrote it up for her on the computer. Intezar replied to the Scott Schedule denying every single allegation of domestic violence. A court review was scheduled. Parveen read Intezar's reply and told Uzma that she had 'nothing to worry about'. In her view, Intezar was ill-advised to have denied all of the allegations. 'When so many of your points are backed up with police evidence and witness statements, it just looks silly.' However, what Uzma had not told Parveen—or me—was that alongside following Parveen's advice about how to write a persuasive Scott Schedule, she had also been following the advice of her mother, who was gunning in the background for Uzma to save her marriage ('What's she going to do if she gets divorced again', Uzma's mother told me when we went to see her, 'imagine the *beizzati* (dishonour) if she marries three times').

We were at the court review. Intezar's barrister, a Pakistani man in his 50s called Mr Ali, stood up, cleared his throat and announced: 'as the mother's not being legally represented, I think there are some problems in the presentation of allegations to the court'. With Judge Marsden's permission, he picked up Intezar's mobile phone and proceeded to play out a voicemail from Zarah in which she very clearly said 'daddy come home and teach me to do kites. Please come back home.' I was taken aback, and Uzma also looked up in alarm. 'Ok, let me stop you there', said Judge Marsden, holding up one hand. 'When I read the police disclosures it was clear that they had discussed with the mother her insecurities in the marriage'; 'that voicemail wouldn't surprise me. It'll form part of the evidence in the final hearing.' He settled back in his chair and began to lecture.

There is an English poet, Shakespeare, who once said that 'Hell hath no fury such as a woman spurned.' Now, that was an observation 400 years ago but it's as true today as it was then.

What it seems to me, is that this application has been made for contact under the Children's Act but what may be more at stake are problems in the relationship. Often these things are not done intentionally, but if one party is too weak, or too cowardly to be able to tell the other party that they want to break free then it leads to no end of problems. So [turning to Intezar]: if you are going to break free, then you need to make that decision—or, go to mediation and sort it out.

You two are going to waste two and a half days of court time arguing over matters, ‘This happened’, ‘That happened’. The court will be left with the conclusion that you have a fairly fiery relationship. You [turning to Uzma] have expectations of him as a husband that he apparently doesn’t share, and these may be used as a feature of domestic control. ‘If I divorce you, you’re out of the country.’ Now, if the court is pushed into making that conclusion then there *will* be a contact order, and Mr Intezar will be able to demonstrate to the Border Agency a reason to remain in the country.

All of these issues come down to *what do you two want to do with your relationship?* [Judge Marsden’s emphasis]. These proceedings are to do with children. You should not be hijacking them for your own reasons. And let me sound a note of warning—if you appear to be doing so, it could backfire very significantly in court.

We filed out, and I asked Uzma about the voicemail, which I thought had been devastating for her case. She confessed that she’d put Zarah up to it. It had been her mum’s idea.

Mum said, ‘He hasn’t heard his daughter’s voice in two years, he’ll hear her voice once and *us ka dil naram ho jaye ga* (his heart will go soft), he’ll come back to you for reconciliation.’ She thought everything according to the Pakistani mentality. But he didn’t.

The note of warning was not what Uzma took from this interaction with the judge, however. She was in fact very impressed with what Judge Marsden had said about Intezar being cowardly for not telling Uzma to her face if the marriage was finished. Uzma had wanted reconciliation from the beginning, this was what her family was gunning for, and now they had directives for going to family mediation from the court. ‘He was so good, the judge’, she said, ‘he was talking like family, he was talking like a dad’—the ‘dad’ perhaps a new addition to Conley and O’Barr’s (1990) typology of the different styles of informal court judges (pp.83–112). Uzma went over to Intezar’s barrister in the waiting room, and told him that she would like to go for the judge’s proposed course of family mediation.

The attempted family mediation prolonged the case by an additional eight months. It turned out to be very difficult for Uzma to get Intezar into mediation. First, Intezar's solicitor Mr Malik threatened not to go, trying instead to force the 'fact-finding trial' in court and warning Uzma that they would apply for the costs to be put against her should they win. Uzma developed an intense personal hatred for Mr Malik, whom she considered a 'conman'. She started calling his firm many times a day and getting into abusive conversations with him about why he was trying to stop Intezar from going for family mediation. 'Inzy doesn't even do a fart unless you tell him to', she cursed.

After months of wrangling, it was agreed that they would attempt mediation but not adjourn the case, and a date for the trial was set. It then proved equally difficult to find a suitable mediation organization. Mr Malik suggested an expensive mediator whom Uzma vetoed because of the cost. She explored Islamic mediation at a mosque near her house, but decided against it because she got the impression that they didn't take domestic violence very seriously (see Chap. 6 on women's forum-shopping in and out of sharia councils). Meanwhile, the local branch of Relate judged the history of domestic violence to be too severe to risk mediation and reminded Uzma that 'the children's welfare and interests are paramount'. Eventually, the couple ended up in a small volunteer-led charity that provided them a course of six weeks for the relatively modest fee of £30 per session. Uzma used the mediation sessions not as the mediators instructed, as an opportunity to break the relationship down in a mature way and to reach adult decisions about how to manage the challenges of shared parenting, but as a much-needed opportunity for therapy, talking at great length about her grievances in the marriage, his lack of commitment, his lack of interest in Zarah and how his sole interest was the visa. The mediators struggled to move them forward.

The date for the trial drew close, and Uzma was increasingly nervous. On the recommendation of a friend, she finally appointed a barrister, Iffat Khan, and borrowed money to pay her fees for preparing the case. Iffat was a UK-born Pakistani woman in her 50s and Uzma struck up an instant rapport with her as she was also a divorcee whose second marriage was in tatters. Iffat turned the tables decisively in Uzma's favour. To

Uzma's delight, she turned up on the day of the trial with a persuasive critique of the court bundle that Mr Malik had prepared. Iffat reported

I told the judge 'Their bundle is not a bundle at all, we can't be expected to go into a hearing with this.' The judge said it was completely unacceptable. I asked him to put a wasted cost order against them, which they tried to resist, for the court time they've wasted as a result of their inaction. You see, Mr Malik's firm are primarily immigration solicitors and they don't really know family law. I told Mr Malik, they shouldn't try and do a case they doesn't have competence in, and if they're going to try, they should learn fast!

Then, during the lunch break, in a dramatic turn of events, Iffat succeeded in getting Uzma to agree to a court order offering Intezar contact with Zarah—the very move that Uzma had resisted for more than two years. Later, she explained to me how she'd managed to argue Uzma around.

I told her 'Uzma, at the end of the day it's like we say in Punjabi, "You can't clap with only one hand". You can't force someone to reconcile with you, you end up stuck and then you get to my age and you regret it. Maybe you'll have to draw the line under some things but then *inshallah* you can move forward.'

Here, we can see Iffat using their shared identities as Pakistani women divorcees in another lawyerly strategy described by Felstiner and Sarat (1992): using their insider identity to become a therapist or friend rather than a legal representative, and achieving influence on those lines.

Judge Marsden was satisfied with the contact that Iffat had brokered, and approved the court order. As well as the wasted costs order for Mr Malik's firm, he ordered Intezar to pay Uzma's legal fees. She could therefore give back the money she had borrowed to pay for Iffat's services. After court, Uzma and Intezar went to a McDonalds and he admitted defeat. 'My wife was more intelligent than Mr Malik with all his law degrees', Uzma reported him saying, a line that she repeated exultantly in the weeks to come. Uzma was vindicated to see Mr Malik humiliated and called Iffat her 'angel'.

The contact order was of four hours child contact per week, supervised by Uzma, to take place in the community. Later, Uzma took it to an immigration solicitor, who reassured her that this wasn't 'strong enough' for the Home Office and that if Intezar tried to get Indefinite Leave on the basis of this contact 'it'll be sent back asking for a letter from you'.

It is four years now from when Intezar first made his application for contact, and when he presses Uzma for a letter to the Home Office she still refuses, arguing that 'the judge said we had to address the marriage first'. She remembers Judge Marsden warmly. 'He's not like an ordinary judge, he's a *chaskaara* judge (exciting, funny). He's like a dad.'

Conclusion

The three cases explored in this chapter have much in common with the 'new' legal pluralism studies (Merry 1988), demonstrating that legal pluralism is not only about the coexistence of state law with unofficial legal orders and that people's approach to state law itself is also inherently plural. As we saw in these 'simple quarrels' (Davis et al. 1994), civil law—no less than informal family mediation or the sharia—runs in the grooves of kinship and ethnic relations. There are instances of 'interlegality' (de Sousa Santos 1987) where elements of religious law are folded into civil law cases, as we saw vice versa in Chap. 6. Yet equally, many aspects of the cases seem to be characteristic of working-class people encountering the professional culture of the law. As they stepped over the threshold of the court, they found themselves represented by stranger-barristers who overwhelmed them, 'edited' their instructions, sought out-of-court settlements and demoted their disputes from legal to moral or therapeutic problems. In the case of Uzma, who went without a lawyer and self-represented for two years, there were also experiences of being humiliated by a sarcastic judge. Since I began fieldwork, of course, progressive cuts to the legal aid system have put more and more people at risk of being disenfranchised from their entitlements for want of a legal translator.

The cases re-show us the 'legal consciousness' that Merry (1990) argues may evolve through working-class people's interactions with the law.

From their initial experiences, disputants learn that if they are to succeed in court, they have to accept particular legal framings of their dispute. In a broader sense, even people like Mr Ahmed and Rabia, who lose their cases because they refused these framings, come out the other side of the court with an enhanced sense of the power of the law as a weapon that can provide justice or be terribly unfair. Yet as Merry observes, the tacit and explicit outcomes of a case may be different:

Working class plaintiffs gradually come to make some sense of the courts and even to use them to their own advantage, although often not in the ways that those who run the courts intend. (p.11)

Mr Ahmed's repeated involvement of the police and social services seems intelligible in this light. Similarly, it should be noted that since Altaf obtained child contact, he has proven himself unreliable, failing to turn up to planned meetings with Manahil and leaving Rabia dealing with a daughter who is observably upset and confused. Uzma travailed to use the courts' directives about family mediation—Judge Marsden's suggestion to try and stop her and Intezar from wasting court time—to suit her own interests in the marriage. So far, however, Intezar has resisted all attempts at reconciliation. He is unreliable in his contact with Zarah and every contact meeting ends in an argument with Uzma. The verdict of a court case does not conclude the relationships which preceded the legal process, through which they were mediated, and which frequently deteriorate as a result of the emotional stains of going to court. In Part IV, we now turn to address these post-separation relationships.

References

- Akhtar, R. (2015). Unregistered Muslim marriages: An emerging culture of celebrating rites and conceding rights. In J. Miles, P. Mody, & R. Probert (Eds.), *Marriage rites and rights* (pp. 167–192). London: Bloomsbury.
- Bano, S. (2012). *Muslim women and Shari'ah councils: Transcending the boundaries of community and law*. London: Palgrave.

- Billaud, J. (2014). Shariah law through the front door: A training for lawyers in London. Retrieved October 2015, from <http://allegralaboratory.net/shariah-law-through-the-front-door-a-training-for-lawyers-in-london/>
- Bowen, J. (2016). *On British Islam: Religion, law, and everyday practice in shari'a councils*. Princeton: Princeton University Press.
- Charsley, K., & Liversage, A. (2015). Silenced husbands: Muslim marriage migration and masculinity. *Men and Masculinities*, ahead of print, 1–20.
- Conley, J., & O'Barr, W. (1990). *Rules versus relationships: The ethnography of legal discourse*. Chicago: University of Chicago Press.
- Cunningham, C. (1992). The lawyer as translator, representation as text: Towards an ethnography of legal discourse. *Cornell Law Review*, 77(6), 1298–1383.
- Davis, G., Cretney, S., & Collins, J. (1994). *Simple quarrels: Negotiating money and property disputes on divorce*. Oxford: Oxford University Press.
- de Sousa Santos, B. (1987). Law: A map of misreading: Towards a postmodern conception of law. *Journal of Law and Society*, 14(3), 279–302.
- Felstiner, W., & Sarat, A. (1992). Enactments of power: Negotiating reality and responsibility in lawyer-client interactions. *Cornell Law Review*, 77(6), 1447–1495.
- Good, A. (2008). Cultural evidence in courts of law. *Journal of the Royal Anthropological Institute*, 14(1), S47–S60.
- Holden, L. (2008). *Hindu divorce: A legal anthropology*. Farnham: Ashgate.
- Holden, L. (Ed.). (2011). *Cultural expertise and litigation: Patterns, conflicts, narratives*. London: Routledge.
- Janzen, J. (1978). *The quest for therapy in Lower Zaire*. Berkeley: University of California Press.
- Keshavjee, M. (2013). *Islam, sharia and alternative dispute resolution: Mechanisms for legal redress in the Muslim community*. London: IB Tauris.
- Khan, A. (2014). *Unregistered Muslim marriages—A ticking time bomb?* Paper presented at Centre for Socio-Legal Studies seminar, 15 October, University of Oxford, Oxford.
- Lewis, J. (2001). *The end of marriage? Individualism and intimate relations*. Cheltenham: Edward Elgar.
- Merry, S. E. (1988). Legal pluralism. *Law and Society Review*, 22(5), 869–896.
- Merry, S. E. (1990). *Getting justice and getting even: Legal consciousness among working-class Americans*. Chicago: Chicago University Press.
- Pearl, D., & Menski, W. (1998). *Muslim family law*. London: Sweet and Maxwell.

- Shah, P. (2013). In pursuit of the pagans: Muslim law in the English context. *Journal of Legal Pluralism and Unofficial Law*, 41(5), 58–75.
- Smart, C., & May, V. (2004). Why can't they agree? The underlying complexity of contact and residence disputes. *The Journal of Social Welfare and Family Law*, 26(4), 347–360.
- Smart, C., & Neale, B. (1999). *Family fragments*. Cambridge: Polity.
- Thiara, R., & Gill, A. (2012). *Domestic violence, child contact and post-separation violence: Issues for South Asian and African-Caribbean women and children*. London: National Society for the Prevention of Cruelty to Children.

Part IV

Rebuilding Families

8

Staying Single

Asian people, they see ... the Muslim Asians, we see the stable family as someone who is in a stable home. Being married, there's a religious aspect to it, does that make sense? They see it that as a Muslim, you should get settled down and married. So there's a cultural as well as a religious reason for this. Now, non-Muslims would probably look at Asians and think, 'Hold on, you've been married once', [chuckles] 'you've been married once, you've been married twice ... just give up!'

Zulfi

This chapter begins the final part of the book exploring the forms of family and personal life that people constructed following the irrevocable breakdown of a marriage. It examines the life choices and experiences of the women and men who did not remarry. They were a minority: of the 52 divorcees I interviewed, only 22 were still not married by the end of the fieldwork, compared to 30 who had remarried. Moreover, of those 22, only 6 were men.

In understanding the prevailing pattern of remarriage, many sociologists would see it pertinent to stress the role of Muslim family law in facili-

tating remarriage. Shah-Kazemi (2001) writes that ‘Muslim family ethics tend to promote remarriage and discourage remaining single... given that sexual relationships are only sanctioned within marriage’ (p.73). Sinha (1998) goes as far as saying that ‘in Muslim society, the divorced status is perceived as a temporary one; women are not permitted to see themselves as anything other than “expectant wives”’ (p.34). All this sounds a million miles away from recent discussions in family sociology, which have celebrated the new forms of relational life that have opened up outside of marriage (Neale and Smart 2001; Levin 2004; Smart 2004; Roseneil 2006, 2009a, b; Duncan and Phillips 2011; Jamieson and Simpson 2013). Yet Imtiaz Ahmad (2003), commenting on Indian Muslims, warns against assuming a neat correspondence between what religion and law formally lay down, and social practices vis-à-vis remarriage. Jeffery’s (2001) North Indian cross-community study found that although Muslim women might in theory be permitted to remarry, unlike Hindu women, in practice Muslim women divorcees were subjected to the same stigma and economic difficulties in staying with their natal families long-term. There seem to be cross-cutting commonalities in the UK too, as my analysis of the Labour Force Survey, illustrated in Fig. 8.1, shows that in all the ethno-religious groups, the percentages of separated and divorced women were higher than those of men. Across the board, men are more likely to remarry.

There is thus a need to reassess the presumption that remarriage is the default option for divorcees, and explore ethnographically why some women and men should choose not to remarry. In this chapter, I suggest that much depends on gender, the presence of children, stage in the life cycle and the fallback position: factors like education, employment and the support extended by the welfare state, family and friends, which affect people’s prospects for living independently. Moreover, I explore the relational lives created by those who do not repartner or remarry, commenting on the appropriateness of recent studies on people living outside marriage for this particular cultural context. Gender is again central, as I describe very different configurations of life post-divorce for women and men.

I begin with one woman’s experiences of simultaneous empowerment and gendered vulnerability, and open out into other women’s reflections on whether it is important to have a husband and the kind of lives they

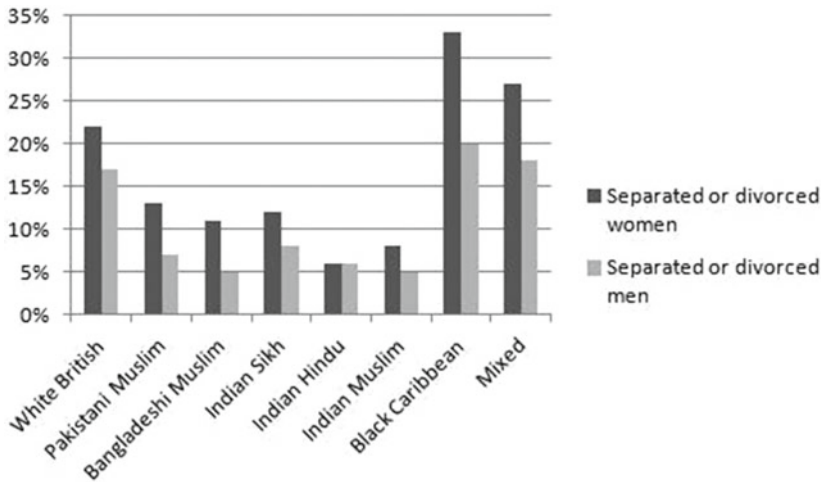


Fig. 8.1 Marital status by ethnic group, ever-married men and women aged 16–59 (Source: UK, 2010–13 Labour Force Survey)

enjoyed unattached to a man. I then discuss the men living alone, who were much less fulfilled. Through the chapter, I build up to the conclusion that the literature on personal life may need to be reworked for British Asian contexts.

Standing on My Own Feet

Naheed, whom I mentioned briefly in earlier chapters, is a spirited woman in her mid-40s. She migrated to the UK for marriage in the 1980s, and now has three children in their early 20s. She separated from her husband when she was 25 and has lived alone for the last 17 years. Her life story illustrates many of the common threads in the interviews with the divorced women who did not remarry, and offers a platform understanding some of the salient points of difference. She offered a bold analysis of her situation as a lone woman, over three instalments lasting more than eight hours on tape, telling long stories-within-stories.

When Naheed got married, her husband, a paternal cousin, already had a child with a White girlfriend. Even after the marriage, he kept on with his *avaragardi* (roaming around), Naheed described, drinking and staying out till late at night. She rued that the drink had ruined him in the end, wondering at how very different their respective trajectories had been.

Now, you know where he is? He's living on his own in a hostel, he's got no-one. He was the one who left with everything! He left me living at a council house with nothing, he took everything but *main to apne paon pe khari ho gayee hoon* (I'm standing on my own feet) and he's the one who lost everything.

The transcripts from her interviews are literally peppered with this phrase, 'standing on my own feet'. Naheed was the first girl in her *biradari* to study at secondary school. Her father, a much-loved figure, had been very keen on educating his children and given her permission to bus to the girls' secondary school in the nearest city. She had dreamed of becoming a doctor. When her mother made her marry at the age of 15, against her father's wishes, Naheed told her husband that she wanted to continue her studies, but he went back on his promise. When the marriage broke down, therefore, Naheed had no qualifications to fall back upon.

He took everything to go and enjoy his life, he threw me on the floor and went. He knew I had no qualifications, no savings, I had nothing. You know, if you had a skill then you'd know that you could do something, it's a support to you in life, that if anything happens then you can get a job. I had *nothing*. He just left me on social security benefits and expected me to bring up the kids. So I had to start from scratch. So then I learnt English ... I learnt to drive ... Told the kids that they had to study, to get themselves somewhere, that's how life is going.

She had been diagnosed with depression after he left, and taken antidepressants for a decade. But as the extract above suggests, she did not dwell on that in her life history. Hers was not a victimhood narrative, but told with the romantic genre (see Chap. 2). It was an uplifting story, and she

expressed no regrets about the divorce. She emphasized how she had pulled herself together and fought not only to survive but also to make the best of a bad job. When she had no husband around to stop her from studying, she slowly worked her way through all the courses she had wanted to do in English and numeracy. She made friends with women she met on these courses—other Pakistani women in difficult marriages like herself—and persuaded one to go with her for a childcare qualification. She found a job in a nursery and rose to an administrative position. As well as studying, as suggested above, Naheed emphasized how much learning to drive changed her life. After her husband left, she found herself struggling to manage the school pick and drops on the bus, her younger son in the pram and dragging one of the other two by the hand. Driving had a practical value in allowing her to get herself and the children around unencumbered, but it was also a resistive move to expand her freedom of mobility, a capacity learnt to spite her husband. These were gains she valued.

If I was with him he wouldn't have allowed me to do anything, he wouldn't allow me to learn anything. I'm more independent now. I can support four men like him, where I used to rely on him. It's so sad, whenever I see him he says 'Oh, *thore paisa hain tumhare pas?*' (have you got any money?). He lost everything. I haven't lost everything, I'm in the better position, I've got the kids, I'm standing on my own feet.

In stressing her sense of empowerment, Naheed's narratives echo sociological findings that, contrary to the perception asserted in previous decades that marital breakdown leaves women helpless, traumatized or even suicidal, women today emphasize their discovery of their own personal efficacy and hard-earned freedoms, rather than their deprivations. Divorced women are described by studies as developing 'reconstituted selves' (Smart and Neale 1999) or 'improved self-conceptions' (Baum et al. 2005), as taking on 'new roles' that they value (Sakraida 2005) and 'finding themselves' (Gregson and Ceynar 2009).

The particular metaphor that Naheed draws upon, 'standing on my own feet', conveys additional nuances. It is a rich metaphor, proverbial in Urdu and readily translated into English, and all of the divorced women echoed variations: 'now I'm standing on my own two feet'; 'I'm standing

high on my feet'; 'I've got my own feet on the ground'. George Lakoff and Mark Johnson (1980) argue that metaphors are not arbitrary poetic constructions, but elements in the structure of a language and therefore in the ways we comprehend the world. When we cope with abstract phenomena, we use a gestalt from one domain of experience to structure another domain. And as Lakoff and Johnson point out, metaphors are often grounded in the domain of the body's experience of its environment (p.230). The women's metaphor is grounded in the experience of an infant body developing the strength and proprioceptive capacities to stand. Before the break-up, they had been carried by their husbands, but now they were holding themselves upright. The metaphor also implies that before the divorce they were incapable of looking after themselves, like a dribbling, babbling baby whose needs have to be attended to by others. They had taken control of themselves.

Their metaphor also speaks, then, to the idea of a woman inhabiting and claiming her own body, and to the idea of the body as property. Rosalind Petchesky (1995) argues that the feminist goal of women reclaiming their bodies is not one that translates easily outside of the worldview of Western feminism. Naheed's life story shows too that the body as property is an idea that takes on particular cultural hues in the context of conventional notions of *izzat* (honour) which cast women as the property of their fathers, brothers or husbands, and women living alone as a social anomaly susceptible to accusations of sexual impropriety or to the sexual advances from other men (Wilson 2006, pp.9–10, and see Ahmad 2006 for a critique of such male-centred notions of *izzat*). Some years into Naheed's separation from her husband, a Pakistani neighbour attempted to attack her in her own home because he knew that she was living without her husband. When she tried to ward him off with the threat that her husband could come home any minute, he leered that 'I've been watching your house for months and months, and I don't see any man coming to this house'. She informed the police, the case went to trial and he was given a two-year prison sentence. She wanted me to write about this to raise critical awareness about how some men assume that if a woman has no man to protect her, then she is fair game. She believed this was a particular problem with '*apne* (our own) Pakistani men'; '*gore* (White) and *kale* (Black) men don't prey on single women'.

In our society I've noticed men think that when a woman is alone, she is so vulnerable that they can use her and abuse her, they can do what they want because she probably must be dying for having sex with them or you know, looking for any kind of attention or love or, *aise kuch karne ke liye to bahut desperate ho gi* (she must be desperate for sex). They think 'She's on her own, her husband hasn't been on the scene for ages, she'll do everything with me.'

Naheed had turned to her husband, expecting him to avenge her, but instead he accused her of sleeping around and inviting trouble. She stressed how much she was injured by his response almost as much as the attack itself. According to her narrative, this was the event that broke her last hope in the marriage. She hardened her resolve to be independent of him, and it led her to develop highly critical perspectives about the insidious assumptions people make about the sexual impropriety of lone women and about the supposed need for male protection.

I said to him [to her husband] 'I learnt one thing, all those people, the jury and everything, *they believed me and you didn't* [Naheed's emphasis]. And I will *never ever* live with you again because *jo insaan main samajhti hoon, mujhe protect nahi saka, jo mujhe believe nay kar raha, mujhe trust hee nay karta main is qabil nahi hoon ke main us ki bibi bann ke rahoun* (a person who doesn't protect me, who doesn't even believe me or trust me, I'm not going to stay as his wife).

I'm taking a divorce from you. I never wanted to take this thing from you. It's not good, and it's very sad. That man, I'm not sad for him, that he's gone to jail, I'm sad for myself, that my life is destroyed. My eyes are opened now, in one way it's good that my eyes are opened, that you will never be there for me.'

The literature on gender-based violence in South Asian communities has argued that because of the power of *izzat*, the rosy prognosis for divorced women predicted by the recent sociological literature does not straightforwardly hold true for British Asian women. Cast by their families and communities as disobedient and dishonourable, they are at risk of sexual predation and post-separation violence (Thiara et al. 2010; Thiara and Gill 2012). The narratives of lone women like Naheed confirmed that even in this corpus of marriages that ended in less extreme situations,

there are pernicious cultural assumptions about lone women which present them with unique vulnerabilities. However, in keeping with Sinha (1998), Mand (2005) and Guru's (2009) studies with lone women, I found that these vulnerabilities did not detract from the women's overall narratives of empowerment and that they folded these experiences into the critical perspectives they developed.

What Can a Man Give Me?

Naheed had been on the receiving end of advice about remarriage for years, but she always resisted it. 'I was so busy looking after my children that I didn't have time for another man', she said. 'To get married you have to put in effort, don't you think?' This prioritization of the children is an interesting statement. In comparison with the traditional view about the need for a male figure to recreate the 'proper' family for the children, Naheed's decision resonates with Neale and Smart's (2001) and Smart's (2004) claim that a new code of conduct is emerging concerning the importance of *not* remarrying, for the sake of the children, at least until they grow up, because women's greater ability to earn their own income or live with the support of the state have made them more independent of male partners.

Naheed told me she was glad she had been able to focus her energy and resources on the children. Her daughter had recently been offered a scholarship for a PhD. She was intensely proud of her. She had wanted to become a doctor; it was her own ambition, vicariously achieved. She reflected that instead of separating from her husband, she could have continued living at her in-laws' house and relied on them for support, but then

They would have ignored the kids and not cooked proper food for them, just given them £1 to go to a takeaway and buy chips. That's what they do with my *jethani's* (husband's older brother's wife's) children, I've seen them. But I didn't want that to happen. I wanted my kids to *become* something [Naheed's emphasis], to get educated. That's why I never remarried. I could easily have remarried but I didn't want to deprive my kids of that *tawajo*

(attention). I wanted them to study and achieve for themselves what I wanted to achieve for myself but never had the opportunity to.

They're all jealous of my children, all my husband's family. None of the other children ever made it to uni so they're all 'How come her kids are *uni-wale* (going to university) when she was on her own?'

She had no regrets about leaving her husband, but of late, she had begun to regret not having divorced him earlier and tried to find another partner. In the interviews, she attributed this to her strong identity as a mother, explaining that the children had now grown up and that she wanted to reassure them that she would have company and support in her old age.

I want someone because of the kids, really. They're grown up now but I don't want them to think that 'Because of us, mum ended up alone.' Sometimes I think I'd better move fast because I'm already 42, if I leave it another 10 years then who's gonna marry me, even now it's hard enough to think about it.

As I suggested in Chap. 2, however, narratives are ensemble performances. There were other things that had stopped her from searching for another partner, which she did not express to me in the interviews. It was only when I saw her chatting with another divorced cousin that she made reference to the moral demands of living amid the *biradari*.

Never mind what the *rishtedar* (relatives) say, fuck them! I don't want to waste any more years of my life, I want to find someone and be happy. *Lekin kahan se dhoondungi main!* (But where will I find him!) [Laughs uproariously]

The corollary of her decision not to remarry until the children had grown up was that she was finding it more difficult to remarry at the age of 42, than she might have done at the age of 25. Naheed reflected time and time again on how different her life would have been if she had taken the divorce back when her husband left her, instead of waiting 11 years; the children would have got used to a stepfather. She was also worried that she might end up alone.

She had taken some baby steps in the marriage market, egged on by a friend who put her profile on a Muslim dating website and went with her on a Muslim marriage event (see Ahmad 2012; Liberatore 2016 on ‘*halal* dating’). Naheed reported cynically that these were full of divorced men but ‘even though they’re divorced themselves, they’re all going for single girls—20, 25 years old, young and pretty and no kids!’ Though Islam might encourage remarriage for women and men, Naheed identified much more salient negative constructions of divorced women which are common across religious and ethnic groups. She felt she was in some way regarded as an ‘untouchable’, drawing the analogy with caste pollution.

Our Pakistani people are so narrow-minded. If you’ve got that label on you, that you’re divorced and you’ve got kids, they don’t wanna know you. They want single women. Married women, they only marry to them, when they haven’t got any other choice. You know? *Divorce nahi hogi to aise nahi laggti unhen ke jaise cancer nahi hogi, aurat ko?* (If a woman’s divorced, people think of them like they’ve got cancer). It’s like among the Hindus and Sikhs you know there are *achoon log* (people considered untouchable) and that if you touch them then it’s a sin, or if they touch your food, people in the *muashra* (society) treat you like that.

As a result of the odds stacked against divorced women on the marriage market, the examples of remarriages that Naheed knew from her own social circles were all unsuccessful. They were all of women remarrying men from Pakistan whom she called ‘needy’, men who had immigration issues, she thought, and treated the marriage as a way to get a British visa without really being ‘committed’ (see Chap. 9). She didn’t want to go from the frying pan to the fire. And she had no financial need for a man to support her, she stressed, so she didn’t have to take that risk.

I feel like, because I’m financially stable, I’ve got a job, I’ve got money, I can support a man. What can a man give me? A roof over my head? If any man wants to marry me, I can support *him!* [Laughing] A woman wants to feel like if she gets married then a man’s gonna support her, give her a house. But I’ve got a house, I can support myself. So what can I get from a man? Ok, if he’s going to be faithful then that’s one thing, but I’ve never seen any man that doesn’t want nothing from me. Either he wants accommodation

or he wants a visa. I'm not interested. If I can't find anyone, then so be it. I'm not interested in that kind of rubbish, if they're thinking they're gonna gain from marrying *me*.

Among the 16 single divorced women I interviewed, most had similar life histories as Naheed and expressed similar contradictory desires. Of the 11 with children, all were the residential parents and all but one were past their mid-40s and had been on their own for more than five years. They explained their resistance to remarriage in terms of their prioritization of their children's needs, not wanting to compromise on their children's upbringing or not wanting to jeopardize their relationships with their children. Even women's moral concerns over remarriage—'what the *rishtedar* (relatives) will say'—were filtered through the concern that their daughters' moral status might be compromised by their remarriage. They expressed the belief too that a stepfather could never accept another man's children as his own: 'a stepfather can never give them the place of his own *aulad* (offspring)', 'no man wants to raise someone else's child'. For the sake of the children, they had stayed on their own for many years and now got to an age where even if they did dip their toes in the marriage market, they only found interest from 'needy' men in search of a UK settlement visa.

Other common narratives, shared with the five lone divorced women who did not have children, were of mistrust and feeling too broken by their life experiences to take interest in remarriage. Some of the women without children expressed an active preference for living unattached to a man. Suman, a 49-year-old UK-born woman, had married a man who she now thought must have been secretly gay. At the time of the divorce, Suman had suffered such severe mental health problems that she had been hospitalized. For the last ten years, she had lived on her own rather than burden her natal family with having a divorced mental health patient living among them. It had been a struggle, but Suman felt she was better off alone. She regretted never having had children, but she felt it better to take her comfort from her friends and family rather than get involved with another man.

Since I left his house, I've not once looked back. I'm better off now, than when I was with him... People are always asking me, 'Why don't you

marry again?’ People don’t know what marriage *is*. Getting married is the easy part, it’s afterwards that’s hard!

I’d rather stick with my friends. I do have my regrets that I never had children, but I’ve got my nephews and nieces and anyway it’s too late in life now to think about that. Even my friends are telling me ‘You should look after yourself now.’

Whilst readily acknowledging the economic hardships entailed by living as a lone woman, the women’s narratives showed how their greater ability to earn their own income or live with the support of the welfare state allowed them to conceive of staying without a husband (see Mand 2005 and Chap. 5). This is not to imply that the possibility of independence has completely replaced the older view about the need for a father figure for the children, however. Indeed, some of the women who remarried articulated precisely this concern. Soraya, a migrant in her mid-40s who had experienced the kind of accusations of sexual promiscuity that Naheed criticized so vehemently, felt that the support of the welfare state was not enough to be able to stay alone in the close-knit community in which she lived:

Luckily in this country the government supports you financially, so it is possible to lead your life, bring up your children respectfully and give them a good education. But you probably don’t understand the Pakistani “mentality”, Kaveri, but let me explain to you. Our Pakistani people, they don’t look at single mothers well. If a man sees a woman doesn’t have a husband, then he looks at her with a *buri nazar* (a look that conveys that you’re the kind of woman who might get into a sexual relationship). The women also think you might go off with their husbands. I had two daughters, and you know, with Pakistani people, if a woman’s daughters are *jawaan* (post-puberty) then nobody looks at them or the mother in a good way.

[Translated from Urdu]

Soraya cited a proverb that her mother had told her to encourage her to remarry, which underlines the bare necessity of there being a man in the house: *ghar mein mard ka joota hona bhi zaroori hai*, even the lowly shoe of a man has importance in the house. Other divorced women cited similar sayings: *mard ghar mein darakht ke manind hota hai*, a man is like the trunk of a tree in the house, or *mard siyah ki tarah hota hai*, a man is

like a shadow to protect women from the glare of the sun. We are not looking at the emergence of a new moral dictum about the importance of not remarrying for the sake of the children, then, so much as new cultural possibilities for some to live unattached to a husband.

Natal Families and Friendship

At the end of my first interview with Naheed, when she was telling me about her children's educational achievements, I made an appreciative comment about how much she'd done for her children. She corrected me saying 'I didn't do it for them, I did it for me, so that I'd have something to live for'. As she put across so succinctly, women's relationships with their children offered them emotionally fulfilling ways of living. We will hear more about this in Chap. 10, but children did not exhaust the sources of emotional sustenance in women's lives. This section opens out from the women's narratives of empowerment and vulnerability, to explore the family and personal lives they for themselves created after divorce.

As in Chap. 5, here again we can see women's natal families coming to the fore in picking up the pieces after marital breakdown. At the time of my fieldwork, UK-born Afshan and her mother Mumtaz were both divorcees on single parent benefit. They lived in their own flats, which were a five-minute walk from one another, but they were in and out of each other's homes all day. Mumtaz would prepare her son's breakfast at her flat and then, after he left for college, walk over to Afshan's to fry a *paratha* for Afshan, who would by then have dropped her daughters at school. They spent the days talking, cooking, cleaning, going out for shopping or to visit a mutual friend, who had been Mumtaz's neighbour in her marital home. They lent one another money to pay the bills and tide over immediate debts and shopping expenses. They also borrowed money from and lent money to the family friend. The arrangement was reminiscent of Carol Stack's (1974) description of systems of 'swapping' among Black women that create and cement relatedness between kin and non-kin.

Afshan and Mumtaz's post-divorce family seemed to reproduce very effectively the kind of relationships they would have had if they had been

living as a joint family under one roof. Afshan told me with a laugh that her daughters call her 'Afshan' rather than 'mum', they call Mumtaz 'mum' and Mumtaz's mum '*nani*'. Like other children growing up in joint families, her children had copied the kinship terms they heard being used by the adults in their joint rather than nuclear family set-up. But the terms they learnt were the opposite from those that children learn in patrilineally extended families. It was *nani* (maternal grandmother) rather than *dadi* (paternal grandmother) who was the key figure (Qureshi 2015 and see also the examples of Rani and Farzana in Chaps. 4 and 5).

As well as providing emotional sustenance and satisfaction, living so closely with the natal family had its discontents. The frustrations Afshan expressed with her elder brother are revealing. Kinship support is an uncertain state of affairs: it can require protracted negotiations with parents, brothers and sisters-in-law (Chaps. 4 and 5). Afshan felt her brother was throwing his weight around, insisting that her daughters wore *salwar kameez* and telling them off for wearing Western clothes. 'I'm like, "your wife wears trousers! Why should my kids wear *salwar kameez*?"' She felt bossed around by him, and she was starting to have frictions with his new wife. She was therefore exploring proposals for remarriage.

I've spent four years alone and now it's come to that stage where I think the kids are getting older and they need a fatherly figure over their heads. They need a man around the house. The thing is, because, I can't cope on my own. I can't cope. Either cause parents don't live forever, they've got their own lives, I can't be a burden on them all their lives. I have two brothers. One is 18, the other is married, I can't be a burden on them.

Nazia, a UK-born divorcee in her early 30s, was choosing a more independent path. She was completely adamant that she did not want to get remarried. Her parents were constantly telling her to marry again, and she was frustrated that they could not think further than marriage as an option for her. She had a reputation in the family for being *deeth* (obstinate), she said; well, now they would find out just how *deeth* she could be.

She had been deeply injured by her parents over the divorce. She said she loved her parents 'to bits', but they had been so opposed to her divorce that it had taken her 13 years to pluck up the courage to do it. Moreover,

since the divorce came through the ostracism she had experienced had scarred her. She and her daughter were not invited to *eftari* (fast-breaking) parties during the last Ramazan, and her *dadi* had turned her face away and refused to look her in the eye. She was trying not to depend on her natal family. However, this was a sentiment not born from individualism but from her sense that she had to face up to the repercussions of her decision to divorce. As a condition of the divorce settlement, for example, she had recently moved to a new neighbourhood at a half-hour walk from her daughter's school and parents' house, but she never asked her father for a lift: 'I can manage. I made the position I'm in so ... it's hard, but we've had it much harder.'

When I first met her, I saw Nazia as someone who was building a personal life built on complete self-determination; it seemed to be her and her daughter against the world. But with time I learnt that she was actually, very painstakingly, but ultimately successfully, trying to mend her relationships with her family. A year later, I found that she and her daughter had been joined in the new house by Nazia's younger brother and younger sister. Nazia worried, perhaps exaggeratedly, that her house felt 'more like the main family house' than her parents' house. She told me she was worried that her parents were now 'too alone', with their three daughters all gone, married or divorced and living in their own homes. In the year that had passed, her eldest brother had 'run off with an Eastern European lady' and left his wife, a cousin from Pakistan, living with his parents. Ever since then, Nazia felt she had stepped into his shoes. Her father had even said to her that these days she was 'more like a son to him than a daughter'. Rather than trying to escape the ambivalences in her relationships with her natal family by remarrying, as Afshan was seeking to do, Nazia was trying to carve out a new position among them, respectful of her life choices, but not apart from them.

Experiences of disappointment, control or exclusion within natal families were common. Rather than working on these relationships and trying to negotiate a more acceptable position for themselves, other women threw themselves into their female friendships instead. This is illustrated by Kulsoom. As noted in Chap. 2, Kulsoom had never experienced financially or practically supportive relationships with her natal family. In fact, she was pretty cynical about kinship in general, and saw

family as *matlabi* (self-interested). She believed friendship was the only relationship untainted by self-interest:

If I have belief on anything, then I believe on friendship. I don't even trust my own sister, because she has not proved herself good with me. Now I hate the relationship of sister and I hate the relationship of brothers. I don't have any parents, now I have only my children and my friends. If I did not have these two then I would not be alive. You can do anything with friends. You can talk to them, you can go for outings, you can be happy with them. When my sister came after two years here, she saw me driving the car and she got jealous. Then when she saw my daughter going to university, she got jealous again and she conspired against me (*bharkane lagee*). Are sisters like that? Are they true relations? Better to have good friends.

[Translated from Urdu]

She and her best friend Samia, whom she encouraged to give me her interview, had met at an English class they had attended at the instigation of the Jobcentre. They had similar marital histories and came from nearby towns in northern Punjab. They lived just five minutes' drive from one another and enjoyed the same kinds of coming and going, fluid assistance and economic exchanges that were evident in Afshan and Mumtaz's family. As they effused,

Kulsoom: She is my friend, whatever I need, she is there for me.

Samia: We both have the same story, we both met here, after we became *akeli auraten* (single women). Before we had only *salaam-dua* (casual greetings).

Kulsoom: We both have a good—[talking over each other]

Samia: We both learnt driving together and passed as well. When I passed first, then I used to drive her in my car, to teach her in my car.

Kulsoom: We go together outside, we buy the same clothes together and we do shopping together and talk about the same topics together.

Samia: Now I'm going to Pakistan, she's given me £500 to me yesterday, from her own bank account, saying that I should go for shopping and you know what they say about friends, we are more than sisters to one another. Our children are very close to each other, my son he had a sleep-over in her house.

It is pertinent here to bring in other sociological literature on life outside marriage and think about the commonalities and departures. Siru Aura's (2008) study of divorced women in Bangalore is the only other work I have found on the relational lives of non-married divorced women in a South Asian context. Only a small minority of her informants reconciled themselves to the idea of staying alone rather than remarrying. They built up emotionally meaningful lives in similar ways to the women I have discussed here, connecting their lives and homes deftly to their natal families, their friends, colleagues and fellow members of associations and networks for divorced women. Although Aura affirms the women's relational practices, she characterizes life alone as a relentless 'fight against loneliness' (p.267), a choice borne by dint of necessity. She argues that post-divorce life is very different for South Asian women, because unlike Euro-American women, they are not autonomous individuals choosing to live independently, but sociocentric persons. She asks rhetorically whether a South Asian woman 'ever wants to have a home of her own' (p.276).

My view is somewhat different. Although there are undoubtedly cultural particularities to the women's post-divorce relational lives, I do not see these as an order of radical difference from Euro-American divorcees (see Carsten 2004, pp.101–7, for further discussion of how Euro-American persons are no less constituted by their close-kin ties than their counterparts in other parts of the world). The most intriguing comparisons are with Sasha Roseneil's studies of British men and women who choose to live alone. Roseneil locates her research subjects' life histories within the narrative of individualization. In choosing to live alone after separation or divorce, she describes them as 'the most individualized' (2009a, p.427). But they too did not live like islands or fortresses. Roseneil draws together her informants' commitment to friendship and their enthusiasm for 'non-conventional partnerships' to argue that we are seeing the emergence of new 'counter-normativities' whereby people are pursuing forms of personal life outside the couple relationship altogether: 'very few expressed a conscious yearning to be part of a conventional cohabiting couple or family' (2009b, p.406).

To state that the women's relational lives may not be radically different to those described by Roseneil does not mean that her arguments apply

in exactly the same way. The divorced women are far from the world of individualization that Roseneil endorses. Their reasonings about living alone and remarriage were not guided by their individual life projects but by considerations of commitment and care for others. For some women, the 'counter-normativity' of their relational lives was based not on open-ended sexual 'arrangements' (Roseneil 2006) but on their relationships with their natal families. Others, I suggested, created new families with their female friends. These women show more affinities with Roseneil's analysis of the 'counter-normativity' fomenting in people who are emotionally sustained by relationships outside of coupledness and heterosexual family life. The women are like the gay and lesbian Americans studied by Kath Weston (1991), who learnt from their painful 'coming out' experiences that the ideology of kinship as that which endures is arbitrary, and made their own 'chosen families' instead. In the course of their divorces, Kulsoom and Samia learnt too that blood ties can be disrupted or severed. Yet here again there are subtle departures from Roseneil. They draw on the same idiom of kinship to create new, voluntary forms of kinship with their female friends, transforming these friendships into kin-like relations among 'sisters'. Helen Lambert's (2000) study of locally recognized forms of relatedness based on shared locality, adoption and nurturance in North India argues that people use kinship ideology in more 'processual' ways to 'modify and extend the more limited set of relations that they generally regard as immutable' (p.89). Women like Kulsoom and Samia are using such locally recognized practices of relatedness, of living closely together, caring for each other and each other's children and sharing substances like food, clothing, money in order to turn their friends into kin. They are therefore doing something a little different than Roseneil's informants, who seem to value friendship in and of itself over coupledness.

Life Without a Wife

If the unmarried divorced women offered stories about empowerment intertwined with vulnerability, looking out for the children, mistrust of the marriage market and a preference for natal kin and friendship to a second bad marriage, the narratives from the unmarried divorced men

were very different. The range of cases of men is smaller: there were only six in my study. Nevertheless, their accounts illuminate the wider dynamics and suggest why men might remarry more readily.

I showed for the women that the presence of children and stage in the life course were very important in shaping post-divorce trajectories. The same was the case for the men. Indeed, the crucial factor in determining people's reasoning about remarriage seemed to be the presence of children, rather than gender per se. The one man who was a residential parent described a similar reasoning to Naheed about not remarrying for the sake of the children. Amin, a Gujarati Muslim, was in his late 40s and had been separated and divorced for nearly two decades. The first decade was dominated by horrendous, ruinous court battles over contact for his two daughters. Then, when his daughters were nine and ten years old, they unexpectedly ran away from their mother, to come and live with him. During the interim, Amin had established a long-term relationship with a White woman called Amanda, but once he was reunited with his daughters, the relationship developed severe strains.

My ex-partner, Amanda, she ran. She was with me for a little while and then she ran and this was one of the reasons she ran, she couldn't handle the competition, to have to love my children as well. And for me, any partner who is with me might find it a little bit harsh if I said it, but I don't mean it in a harsh way, but my mother is my life, my children is my life, because my mother gave me life and I gave life to my children.

Amin's post-divorce life was based on his daughters and his mother, a widow who lived in a council house on her own but whom he and his siblings saw every day. He was explicit about how a new partner could only ever be an 'extension' to this core family, as he put it.

'Everybody else who I love, they're an extension of my life, they're not my life, and these three people are my life because without each other we wouldn't be here, but you have become an *extension* of my life [Amin's emphasis]. We don't have to be married and go home together to be a part of life, but you're an *extension* of my life and we're working towards a life together' [stages an argument with her in his head]. But Amanda couldn't see it that way and that was that. So I stayed very good friends, she came

here today to see me, yeah we see each other at least once a week or once every two weeks, we really get on well, we don't fight, we're just very mature adults on the street there. The way I put it is, we had a shelf life and the sell-by-date is now finished, so it's time to move on, you know?

The other divorced men seemed much less able to put effort into their relationships with other people and thereby build up a meaningful relational life. Afzal is a revealing example because again, as in earlier chapters, his account can be paired with his ex-wife Kulsoom. Whereas Kulsoom described empowerment and building a new kind of personal life around her children and her female friends, as we saw, Afzal described his life since the divorce as unremittingly miserable. I did not see the flat he shared with other single Pakistani men, but I saw him living in his taxi cab, a life he himself described as wretched, stifling hot in the summer and freezing cold in the winter, the daily humiliation of being seen brushing his teeth in the toilets at work. Kulsoom had taken out a court injunction which stopped Afzal from seeing the children. He talked about a kind of 'madness' he felt at not having the simple joy of spending time with his children, likening his situation to that of another cab driver whose ex-wife had stopped him from seeing the children and who had hung himself from a tree.

He was very nice person, very nice. But he was not ready to live without his kids. And his "missus" had misbehaved with him. Then he took his own life. But even then I am thankful to God that at least I am alive and I did not go mad. I'm getting by ... I'm ok. But sometimes *khuda ki qasam* (I swear on the name of God), I used to feel that I will die. Or I will go mad.

Haan (yes)

Zindagi (life) [laughs mockingly, and looks over his shoulder out of the car window] ... Look at me. From morning till evening, I am working,

Haan

What am I doing, and who am I doing it for?

Haan

In this country here, the law is strange. I go mad when I think about it. If your kids are not allowed to see you ok, then [laughs] what you will do in that country [takes a deep breath]. I know so many other people who, because they had a problem with their families, they went mad. I have seen

many of them. They went mad, they lost their *zahmi tawazan* (mental balance), it was damaged by them thinking too much.

Haan

I never forgot them, my kids. I used to cry day and night, believe me day and night but Allah Ta'ala has given me *sabar* (patience). It was only Allah who gave me that patience [laughs sadly]. I never took efforts for that and nobody helped me, not even a doctor and not even anybody. Nobody, only God given me *sabar* (patience). [Long pause] I used to go mad without my kids. And I used to be mad for my "missus" too. You know, do you know

Haan

I really, really, really, love her [thumps hands on steering wheel for emphasis]

Haan

If I had realized that at the time, and if she had realized, then how would everything have been.

[Translated from Urdu]

The only acquaintances Afzal talked about were his colleagues at the taxi rank, with whom he had developed no deep connection. Zulfi, a UK-born divorcee in his early 30s, described in more detail his disappointment with the emotional sustenance he had found in friendship. At the time of the break-up, he had spent a lot of time talking to friends he had made at his gym, but he found that they only aggravated his distress by 'harping on' about their own divorces and complaining about how mean their wives were for having taken the children away from them. Zulfi called them 'macho wimps'. He cut them out of his life and dealt with his depression by sitting alone in his bedroom instead.

I know some people say sitting in your room on your own is bad for you, but it's not, if you know how to deal with it. I sat there and I used to just relax and go to work, come home and chill and I kept to myself. And then I carried on with my life again and I was alright.

Like Afzal, a huge aspect of Zulfi's emotional impoverishment was the loss of his two children. He had missed the children acutely. But in the same way he described himself 'carrying on with' his life again rather than wallowing in depression, he talked about having to actively restrain

himself from getting too 'carried away by the kids', having to 'toughen himself up' and 'get over it' otherwise it would have 'messed with his head'.

Zulfi had been divorced for eight years. Over the years, he had been repeatedly faced with advice that he remarry. So far, he said he had resisted it. Although he claimed to have had 'a few potentials' over the years, he told me in a rather offhand way, 'I turned em down because you know, I think, "I can't be arsed with all this again"'. This casual explanation suggested that he was an impenetrable masculine character with no emotional needs. But later on Zulfi allowed himself to be emotionally exposed by revealing that, like Afzal, he still had a strong emotional attachment to his ex-wife. He had not wanted to divorce.

I think I really liked my ex in that sense, I didn't want to split up. Between me and you, I didn't want the divorce because over the years I'd grown quite fond of her, as much of a nightmare she was. It's like if you have a cat and you've grown fond of your cat, you know, does that make sense? I was quite fond of my ex.

Zulfi's experiences of dating services and marriage introductions were as disappointing as the women divorcees, showing that there is stigma against men divorcees too. Yet in contrast to the women, his narratives convey very plainly his sense of *himself* as a failure.

I was speaking to my dad the other day, I said, 'Look, dad, when I'm ready, don't bother looking for a *rishta* (proposal) for me.' He said, 'Why's that?' I said, 'Dad, what it is, when you're putting me out on the market ...' because I can't be arsed with it, but it's like since this year I'm kind of embracing the idea as time is ... it takes time these things. I don't want to say, 'Oh I'm ready' when I'm 40 and then I'm single till 50. And that's how it is with the arranged marriage scenario. So I said to him this, so he said he's looking and he goes, 'I was speaking to this family' I said 'Alright' and he said to them, 'I've got a son, he's 37, he lives at his sister's house and he's divorced so he's obviously given his house up to his ex and he works for his younger brother.' I said to my dad, 'I'm not trying to be rude, yeah ... but I'll look myself.' I said to him, 'Look, you're telling these Asians who you're looking for a potential for me, first of all I'm a 37-year-old guy and a divorcee'

which, you know, like on a pecking order ... [chuckles] I'm already divorced with two kids, yeah? It's a market, that's the point I'm trying to make. It's a marriage market. So I said to my dad, 'Don't tell them that', because our people, if you tell them that, that means that you're telling them he's a complete waste of space.

As this extract suggests, Zulfi was reluctant about going for an arranged marriage. He felt humiliated by the thought of being rated so low in the 'pecking order'. But he anticipated that he probably would, at some stage, entertain a *rishta* from Pakistan. As much as there was a stigma against divorced men on the marriage market, he felt that it was nothing like as bad as for women because of the ease with which men could remarry with women from Pakistan:

Now I'm thinking I've only got one way to get back into the game [chuckles] and eventually the Tory Party's gonna stop that, am I making sense? So this is what it boils down to.

A lot of the guys, no matter what age they are, it's ok for them, they go back home and get one. And generally, the girls are marriageable age, so the age of 21 to 25. Ok, some of them probably lie about their age a little bit, but the guys, even at my age, they'd go and get one. That's the unfair world we live in. And I think this is the point we've got to address here, that it's an unfair world we live in. And what happens, I mean when you ... what you have is, you have stacks of these zombie aunties piling up [laughs] with nowhere to go. I mean in plain English, so it's quite sad.

I will return to his comment about the stacks of 'zombie aunties' piling up in the next chapter when we will consider remarriage in more detail. Finally though, despite the directionality he gave to his reflections about repartnering, it's worth noting that when I caught up with him a year later, he was still living at his sister's house as a 'nomadic divorcing bloke', as he put it with his characteristic sardonic humour, and had made no moves towards remarriage. Although he insisted that he was only staying at his sister's to save up for a rental flat, he didn't seem to be very proactive about finding his own place: 'I've always stayed round here with my family so I've kind of stuck with it.' Although his natal family were nothing like as powerful an emotional resource for him as they were for

the unmarried women divorcees, I believe he was in a kind of a 'comfort zone' at his sister's—as I cited Farhan saying in Chap. 5—and found it preferable to living completely on his own.

There is much less comparative literature on the post-divorce trajectories of men living alone, although the material discussed here seems to show affinities with Diedrick's (1991) early study. Diedrick suggested that whilst post-divorce women are required to take on roles that increase their self-esteem, men are less likely to add socially valued roles as a result of divorce, and as a result, they are less likely to make long-term positive adjustments. Bob Simpson (1998) also endorses the idea of there being a gendered distinction in that women, though they frequently end up poorer as a result of divorce, have more continuity 'by virtue of their maternal role, residence and networks of kin and community' (p.91). Men might retain control of what was formerly the family wage, but they seem to have greater problems with 'keeping old friendships, relationships with children, housing, home-making, relationships with parents and reliance on alcohol/drugs' (p.93). Jamieson and Simpson (2013) confirm that men who live alone are less connected to friends and family than women and that gendered differences in 'kin-keeping' therefore persist into solo living.

Conclusion

In contrast with the assumption that Islam provides a legal and religious context which constructs the divorced status as a temporary, the accounts I have explored in this chapter suggest that remarriage is not the default option for divorcees, and that a significant number of them remain unmarried for long periods of time. These decisions are influenced by gender, the presence of children, awareness of ageing or of children growing up, stage in the life cycle and the fallback position, which is affected by factors such as education, experience of employment, the support extended by the welfare state, the precarious negotiation of kinship support and the survival networks on which divorcees rely.

The divorced women living alone gave narratives of empowerment, of learning to 'stand on their own feet' and taking control of their lives,

which were entwined with gendered and sexual vulnerabilities rooted in the complex of ideas about women being the property of men and in need of male protection. These seemed to be more significant influences on women's reasoning over remarriage than the Islamic legal framework. In a sense, the narratives affirm Aura's (2008) claim that for South Asian women, staying single is a choice that they would never make if they were in more ideal circumstances. However, the narratives also suggest that another view is possible, as the women offered reasonings for remaining single that were animated at least in part by the emotional fulfilment they had found in their children, natal families and friendships. Women divorcees seemed capable of taking things that they valued from out of the darkest days of their lives, accepting life without a partner and even, in some cases, expressing a lack of interest in remarriage. As such, their interviews suggest more affinities than Aura allows for, with wider family sociology from Euro-American societies. Rather than positing a radical difference between South Asian sociocentric persons and Euro-American individuals, there are continuities with studies of other British divorcees in the relationships women prioritized outside their own immediate households, and in their ability to enjoy forms of intimate life outside the conjugal unit—the 'counter-normativity' that Roseneil (2006; 2009a; 2009b) heralds. This might not work in quite the same way as in Roseneil's descriptions, however, as women's relational lives were about their natal families and 'chosen families' (Weston 1991) of friends who were turned into kin, rather than friends and transient sexual partners who were kept at a remove from family, as in Roseneil's studies.

The divorced men seemed much less absorbed in any form of personal or intimate life subsequent to divorce, although in the range of cases here, this also had to do with the absence of children and the tendency for them not to have initiated the divorce, as much as with gender per se. It is possible to reread Roseneil's work in this light too, as her extended portraits of men living alone, despite the celebratory analysis she offers of their relational lives, are also dominated by chronic psychological distress (Roseneil 2006, 2009b, and see Duncan and Phillips 2011 and Jamieson and Simpson 2013 for related critiques of Roseneil's characterization of solo living as voluntary, pioneering or 'counter-normative').

In the particular cultural context here, where arranged marriage was a powerful norm, and where there was more stigma against divorced women than against divorced men on the marriage market—given the ‘gendered geographies of power’ (Pessar and Mahler 2003) which allow men to remarry single young women from Pakistan—it is perhaps unsurprising that fewer of the divorced men remained unmarried. The next chapter turns to such questions and explores how norms about arranged marriage are renegotiated in secondary marriages.

References

- Ahmad, F. (2006). The scandal of ‘arranged marriages’ and the pathologisation of BrAsian families. In N. Ali, V. S. Kalra, & S. Sayyid (Eds.), *A postcolonial people: South Asians in Britain* (pp. 272–288). London: Hurst & Co.
- Ahmad, F. (2012). Graduating towards marriage? Attitudes towards marriage and relationships among university-educated British Muslim women. *Culture and Religion*, 13(2), 193–210.
- Ahmad, I. (2003). Introduction: Theology, law and the sociology of Muslim divorce practices in India. In I. Ahmad (Ed.), *Divorce and remarriage among Muslims in India* (pp. 13–48). New Delhi: Manohar.
- Aura, S. (2008). *Women and marital breakdown in South India: Reconstructing homes, bonds and persons*. Helsinki: University of Helsinki Research Series in Anthropology.
- Baum, N., Rahav, G., & Sharon, D. (2005). Changes in the self-concepts of divorced women. *Journal of Divorce and Remarriage*, 43(1–2), 47–67.
- Carsten, J. (2004). *After kinship*. Cambridge: Cambridge University Press.
- Diedrick, P. (1991). Gender differences in divorce adjustment. *Journal of Divorce and Remarriage*, 14(3–4), 33–60.
- Duncan, S., & Phillips, M. (2011). People who live apart together (LATs): New family form or just a stage? *International Review of Sociology*, 21(3), 513–532.
- Gregson, J., & Ceynar, M. (2009). Finding ‘me’ again: Women’s postdivorce identity shifts. *Journal of Divorce and Remarriage*, 50(8), 564–582.
- Guru, S. (2009). Divorce: Obstacles and opportunities—South Asian women in Britain. *Sociological Review*, 57(2), 285–305.

- Jamieson, L., & Simpson, R. (2013). *Living alone: Globalization, identity and belonging*. London: Palgrave.
- Jeffery, P. (2001). A 'uniform customary code'? Marital breakdown and women's economic entitlements in rural Bijnor. *Contributions to Indian Sociology*, 35(1), 1–32.
- Lakoff, G., & Johnson, M. (1980). *Metaphors we live by*. Chicago: Chicago University Press.
- Lambert, H. (2000). Sentiment and substance in North Indian forms of relatedness. In J. Carsten (Ed.), *Cultures of relatedness: New approaches to the study of kinship* (pp. 73–89). Cambridge: Cambridge University Press.
- Levin, I. (2004). Living apart together: A new family form. *Current Sociology*, 52(2), 223–240.
- Liberatore, G. (2016). Imagining an ideal husband: Marriage as a site of aspiration among pious Somali women in London. *Anthropological Quarterly*, 88(1), forthcoming.
- Mand, K. (2005). Marriage and migration through the life course: Experiences of widowhood, separation and divorce amongst transnational Sikh women. *Indian Journal of Gender Studies*, 12(2–3), 407–425.
- Neale, B., & Smart, C. (2001). *Relationality and hard choices: Re-partnering after divorce*. Paper presented at CAVA conference on care, value and the future of welfare, 22 October, University of Leeds, Leeds.
- Pessar, P., & Mahler, S. (2003). Transnational migration: Bringing gender in. *International Migration Review*, 37, 812–846.
- Petchesky, R. (1995). The body as property: A feminist re-vision. In F. Ginsburg & R. Rapp (Eds.), *Conceiving the world order: The global politics of reproduction* (pp. 323–345). Berkeley: University of California Press.
- Qureshi, K. (2015). Migration, belonging and the body that births. In M. Unnithan-Kumar & S. Khanna (Eds.), *The cultural politics of reproduction: Migration, health, and family making* (pp. 14–32). Oxford: Berghahn.
- Roseneil, S. (2006). The ambivalences of angel's 'arrangement': A psycho-social lens on the contemporary condition of personal life. *The Sociological Review*, 54(4), 846–868.
- Roseneil, S. (2009a). Haunting in an age of individualization: Subjectivity, relationality and the traces of the lives of others. *European Societies*, 11(3), 411–430.
- Roseneil, S. (2009b). Intimate counter-normativities: A queer analysis of personal life in the early 21st century. In N. Giffney & M. O'Rourke (Eds.), *The Ashgate research companion to queer theory* (pp. 397–412). Farnham: Ashgate.

- Sakraida, T. (2005). Common themes in the divorce transition experience of midlife women. *Journal of Divorce and Remarriage*, 43(1–2), 69–88.
- Shah-Kazemi, S. N. (2001). *Untying the knot: Muslim women, divorce and the Shariah*. London: The Nuffield Foundation.
- Simpson, B. (1998). *Changing families: An ethnographic approach to divorce and separation*. Oxford: Berg.
- Sinha, R. (1998). *The cultural adjustment of Asian lone mothers living in London*. Aldershot: Ashgate.
- Smart, C. (2004). Changing landscapes of family life: Rethinking divorce. *Social Policy & Society*, 3(4), 401–408.
- Smart, C., & Neale, B. (1999). *Family fragments*. Cambridge: Polity.
- Stack, C. (1974). *All our kin: Strategies for survival in a black community*. New York: Harper.
- Thiara, R., & Gill, A. (2012). *Domestic violence, child contact and post-separation violence: Issues for South Asian and African-Caribbean women and children*. London: National Society for the Prevention of Cruelty to Children.
- Thiara, R., Gill, A., & Kelly, L. (Eds.). (2010). *Violence against women in South Asian communities*. London: Jessica Kingsley.
- Weston, K. (1991). *Families we choose: Lesbians, gays, kinship*. New York: Columbia University Press.
- Wilson, A. (2006). *Dreams, questions, struggles: South Asian women in Britain*. London/Sydney: Pluto Press.

9

Remarriage

It's a gamble, my life is a gamble now, Kaveri. Who knows what will come to me?

Sunaila, on the eve of returning to Pakistan for her third wedding

Whilst the previous chapter explored the situations of those who stayed alone after the breakdown of their marriages, this chapter considers the predicaments of those who remarried. Thirty of the 52 divorced and separated people I interviewed had remarried by the end of my fieldwork. Where did the second partners come from, and how did the remarriages come about? The findings reveal an intriguing difference between primary marriages and remarriages. As noted previously, in the 67 primary marriages told about by the informants, 58 were described as conventional arranged marriages and only nine as love marriages. By contrast, in the 49 remarriages that the informants told me about, only 20 were described as conventional arranged marriages—where the major decisions were made by the couple's parents; nine were arranged love marriages—where the match was engineered by the couple but presented to the rest of the world

as an arranged marriage; and fully 20 were self-arranged love marriages. Secondary marriages were thus weighted more towards the love marriage end of the continuum, with significant courtship and intimacy developed before the marriage.

In this chapter, I explore the distinctions that people described between the authority of the family in primary and subsequent marriages. As Charsley (2013) has discussed, arranged marriages are based on the logic of minimizing certain culturally salient risks, which are, in the context of patrilocal marriage, that the marriage will fail and that the incoming bride will be mistreated or abandoned. The practice of close-kin marriage is undergirded by the assumption that to minimize these risks, children should be placed in the hands of known and trusted in-laws, and that nobody can be better known and better trusted than close kin. Parents therefore hope that an arranged marriage will be more stable than a love marriage or marriage of choice. However, there are signs that parents and families may be revising their views and losing faith in arranged marriages in the face of rising numbers of divorces. In Charsley and Liversage's (2013) paper on polygamous marriages, and in an earlier paper on divorce that I wrote with Charsley and Shaw (2014), it has been suggested that the logic of practice undergirding arranged marriage may be changing because of the rising numbers of broken first marriages. Parents may reconsider their assumptions about the risks of marrying by choice and begin to think about arranged marriages as risky too. In this chapter, I revisit these arguments and provide further evidence of parents accepting the need to allow divorcees to choose their own spouse the second time around.

The move towards the love marriage end of the continuum invokes, again, the question of whether British Asian family cultures are becoming more individualized. To examine people's search for new partners, and the deliberations they go through concerning the appropriateness and suitability of their partners or the need for legalizing the relationships, I turn to Mikkel Rytter's (2013) work on love marriages among Danish Pakistanis. Drawing from Johnson-Hanks' (2002) fruitful notion of 'vital conjunctures', of life courses as motored by unrealized potentialities, Rytter observes that marriage is a 'critical period in which differing aspirations for and ideas about the future meet and in which individual life-trajectories must be decided' (p.72). He suggests that the dilemma of marrying the person chosen by your parents or marrying the person you love is one of 'symbolic mobility',

through which people ‘confirm, contest or recreate their sense of relatedness and belonging to specific places or significant imagined communities’ (p.85). In the case of remarriages, I find, as in Rytter’s study of primary marriages, that despite wanting to marry by their own choice people made very ‘strenuous efforts to obtain their parents’ blessing’ (p.74) and to retain this sense of belonging with their natal families. They did not choose as individuals, then, but in a relational context, with their families in mind.

Finally, the chapter goes on to consider the long-term stability of second marriages, which raises further questions. An unstated assumption in Charsley and Liversage (2013) and in my earlier paper (Qureshi et al. 2014) is that self-chosen marriages will be satisfactory for the participants because they offer a closer fit to the ideals of love, personal fulfilment and compatibility that women and men seem to demand. Over the course of this fieldwork, however, I discovered that many of the second marriages had turned out to be conflict-ridden. Although the context here is shaped very distinctly by the ‘gendered geographies of power’ (Pessar and Mahler 2003) that are built into transnational marriages, the situation resonates with Shalini Grover’s (2014) descriptions of the urban poor in Delhi. There too, second marriages tend to be short-lived and to reproduce the gender asymmetries of primary arranged marriages: ‘for women, the search for better relationships and consensual love could eventually further hardship’ (p.319). Moreover, I show that men and women are wary about the risks of remarriage, and approach it with a caution that has its own destabilizing consequences.

The chapter begins with cases of women using remarriage to have things their own way and moves on to people’s considerations when finding new partners, before considering the risks involved. In the conclusion, I ask whether the cultural logic of minimizing risks that undergirds primary arranged marriages might be shifting to one of maximizing trust.

A Chance to Have Things Your Way

One of the most interesting suggestions from Charsley and Liversage (2013) and Qureshi et al. (2014) is that there may be a growing perception that arranged marriages, rather than only marriages of choice, are

risky. One potential resolution of the complex set of concerns raised by marriage is to enter an arranged marriage bearing the stamp of family approval, but if the marriage does not provide love and personal fulfilment, we suggested, people feel entitled to marry again, and are supported to do so. This section rehearses and extends these earlier arguments by showing women bargaining cogently along these lines.

Saima's narrative indicates that there is a consensus that if a first arranged marriage does not work out, then a woman is entitled to choose her second marriage for herself. Aged 32, Saima had been separated from her UK-born husband for just three months when I met her and her older sister Gogo. Saima had married relatively late, at the age of 27. When I asked why, she admitted that she had been involved with a man in her late teens. It was 'nothing like what boys and girls have nowadays, it was just, I liked him'; 'he was my brother's best friend, we had a good laugh, we had a really good understanding'. He was also a UK-born Pakistani, and his parents were from the same area of origin as her parents. Her brother was alright with the relationship whilst it remained low-key. But when the boyfriend sent his mother to ask for Saima's hand in marriage, Saima's brother changed his mind. The boyfriend was from a lower-ranked *biradari*, and Saima's brother considered this a grave insult. Saima's mother rejected the proposal and her father never even caught wind of it.

Saima refused all the other proposals that came for her during her 20s. But when a proposal came from a UK branch of their own Raja *biradari*, Saima's mother insisted on it.

My mother said 'Look you're 27, he's good-looking, from a good family, he wants to marry you, he lives with his mum and dad and he seems really liberal, it seems like you'll have a good life with him.'

Saima said she had agreed out of a sense of resignation. Given that the alternative was to marry a cousin from Pakistan, she said accepting this proposal was the lesser of two evils.

I wanted to just be married from someone from here, but unfortunately the person I married from here, he might as well have been from Pakistan. His mentality was so backwards it was unbelievable. There was just too

many things wrong with him. I thought to myself, 'Oh no, I'm just gonna have to wait this out.'

Her last words about 'waiting this out' are intriguing, and I will return to them below.

There were lots of problems in the marriage. Saima's was not a realist narrative full of detailed or specific grievances or descriptions of arguments; she made her criticisms in general terms and made him seem quite arbitrary. He had given Saima a *talaag* on a number of occasions (see Chap. 6 on the negotiation of the *talaag* in relation to the conjugal relationship). He had 'fruit-cake issues', she alleged, namely mental health problems. She also complained of 'interference' from her in-laws, with whom they lived, to the extent of accusing her mother-in-law of spiritual malevolence. She found *taveez* (religious amulets) hidden in her marital bedroom and hanging on the tree outside her window, and a visit to a *pir* (spiritual healer) told her that her mother-in-law was doing *jadu* (black magic) on her to make her stay in the marriage. Indeed, Saima stayed with him for five years. During this time, she tried to return to her parents' on three occasions, each time encountering a lack of kinship support and being returned to her in-laws' house. When, however, after her third return, her husband gave her another *talaag* and then threw her out of the house, she felt justified to leave once and for all: 'as far as I was concerned, I'm not married to you anyway, so I can't live with you anymore and that's when I decided that's the end of the marriage'. She returned to her parents' house and was at last welcomed back by her mother, who had accepted that he was not going to change.

Saima's story of perseverance was a familiar one for me. Listening as her story unfolded, I did not initially question the narrative of abiding by the family wishes, of not making the decision to leave unilaterally and only proceeding once she had secure kinship support. But I realized I had misunderstood a crucial part of the story when her older sister Gogo began telling us about her misgivings about Saima's marriage. Gogo had performed an *istikhara* ritual before the marriage (a form of ritual divination by dream, see Edgar and Henig 2010) and been given the sign that the match was not suitable. I asked Saima what she had thought when Gogo had told her the results of the divination. Saima's response startled

me as it revealed that she had *knowingly been playing a long strategic game* all the time:

What did you think when she told you the omen's not good?

You know what it is [sighing], it was too late then. My mother-in-law had already set her heart on me marrying him and I just wanted... not 'out' [of her natal home], but I wanted to... but the weird thing is, in my heart I knew it wasn't going to work out. I knew I had to marry this person, and leave him and then get married... in order to... get where you have to go, because you can't, *if you can't marry the person you want to marry, you've got to go another route* [my emphasis]. Cause I knew that it would never work out. I knew on day one, that it's never gonna work. Cause we're totally different, we don't get on in the slightest. I knew that, but I thought 'I'm gonna give it a go' because, and I did do everything I could to give it a go and I've wasted a lot of time because that was the only way, avenue, to do the one thing. Now, I can marry who I want to marry. And even if my parents say, 'Don't,' I can say, 'Look, I listened to you guys, didn't I, and it didn't work out. So you have to listen to me this time.'

We can now understand fully the intriguing comment with which Saima began her story: 'I'm just going to have to wait this out.' As she now explained in so many words, she had suspected from the very beginning that the marriage would not work out but did not dig in her heels to call it off because she needed to prove to her parents that she had done what they wished: she had tested the husband they chose for her in their Raja *biradari* and given the marriage a try. Her parents *themselves* had to agree that their choice of husband had not worked out, in order to allow her to finally marry the man she had loved all along.

Do you want to marry the man from before, then?

Saima: Er ... [she and Gogo burst out laughing] No, you know what

Gogo: *He actually did chat to her again and said to get married*

Saima: But he's got baggage, he's got kids and things, and I thought 'No.'

Is he married now?

Gogo: *Yeah*

Saima: He's married but he's going through a divorce.

He's a really nice person, he's brilliant, we get on so well, we're perfect, but I dunno. It might happen but I just don't know. It's too much to think about. I think I need to chill out! But the thing is, I know this only happened three months ago [the divorce] but I don't feel anything—from being cut off like that. It's like I don't feel anything at all, I'm not upset about it, I don't feel remorseful it, not even a little bit! It's like it never happened.

Given the long game that Saima described, perhaps it is fitting to end with her comment that she was feeling almost as if the five years of her first marriage had never happened.

Najma's is a second case of bold initiative by a young woman in her remarriage, although her story puts some doubt on Saima and Gogo's hopes for a happy ever after. Najma's parents' support for her remarriage is perhaps more surprising as she described her first marriage as forced: she suspected her mother of having done *jadu* (black magic) to get her to go along with the sudden wedding. On this premise, we might assume that her parents were overbearing, honour-bound or uninterested in her personal happiness, but Najma saw the situation differently. In fact, whilst Saima stressed the need to secure the stamp of approval from her family and try out her parents' choice before pursuing her own desire for intimacy, Najma added another nuance as she stressed her *parents'* need to negotiate *biradari* support for her first marriage, too, alongside their desire for her to be happy.

By the time she was 20, Najma's parents were desperate for her to marry. She wasn't getting any *rishte* because she was 'too westernized for the *auntie-jis*'; nobody in the *biradari* wanted her as a daughter-in-law. When her parents finally received a *rishta* for her, from her mother's nephew in Mirpur, Najma understood why they might have jumped at it:

I think they were afraid that I would maybe meet someone and because of the way the community... because of the way our culture is and the families, they talk and they say, 'Oh she's marrying out, it's bad.'

Despite her assessment of the marriage as forced, Najma described herself trying hard to make the marriage work after her husband joined her in

the UK. This was ‘what was instilled into me, that’s what I believed—that he’s my husband, regardless of whether I love him or not’. She described herself trying in vain to ‘groom’ him, ‘mould’ him into the kind of man that she would find more attractive, hoping for a greater compatibility, hoping for love.

I was young, I was 21 yeah and he was here, we were like a married couple. And then I used to walk down the street and see a guy and a girl holding hands and I used to look at them and think ‘That’s genuine, this isn’t.’ And he was quite embarrassing cause they classed him as a ‘freshie’ and I found him quite embarrassing cause he used to... his habits, he’d take the *nas-waak* [a bark used for cleaning teeth], you know what *naswaak* is?

Uh-huh

Seriously, that was a big put-off. And I’m not being big-headed or anything but I used to wanna walk with someone that I feel comfortable walking with, you know, someone more on my level. I tried so much to groom him and make him look nice, bought him loads of designer clothes and stuff but he just wouldn’t hold it and it was just the way he was. And it wasn’t fair on him either, me trying to mould him into something he wasn’t.

There was no end of problems in the marriage, ‘compatibility-wise’, ‘commitment-wise’, as she explained. A year after her husband arrived from Pakistan, Najma’s brothers brought her back to her natal home. Then began a period of separation, during which Najma’s husband and his brother would turn up periodically to beg her to return. Najma’s case was like some of other women I discussed in Chap. 4, whose parents were trying to pursue different ends from family mediation than those she sought.

When I walked out, I walked out with the frame of mind that ‘This is a chapter I’m closing, I’m going.’ That was it. But then my parents were like, ‘No, he’s your husband. Ok, fine, just make him sweat a bit.’ You know? They were using me as bait to make him do what they wanted him to do, make him come round, make him take responsibility. And then I thought, ‘Hang on a minute’, I was confused then again, I was like, ‘No, sorry, you lot have got an ulterior motive, your agenda is that and this is my agenda, my agenda is closed, I’m moving on to the next subject now.’

At this point, the story becomes more complicated. Six months into Najma's separation from her husband, she had, like Saima, got back together with her teenage sweetheart, a UK-born Pakistani man called Nobil who was a class-fellow from college. Then, by chance, Najma's husband's brother spotted them out together. There was a big showdown. The brother-in-law went to Najma's parents' house to complain. Revealingly for our concerns here, however, when Najma's mother's questioned her about the allegations, according to Najma's narrative, her concern was not to establish whether Najma was running around with another man in order to punish her, but rather, to establish whether there was someone else whom Najma loved *and therefore that there was a hope that Najma might successfully remarry one day.*

She said, 'Please Najma, tell me if you have somebody, you need to tell me because if you have someone and it's that way, I can be reassured that my daughter is not gonna be running around, you know, with some other guy and getting up to no good. At least if you have someone I know you've got hope that you could move on.'

Najma confided that there was another man on the scene, and her gamble for her mother's support was well taken. 'She just knew I'd be fine', Najma recounted, and went off to tell the brother-in-law that there would be no point in him coming round any more. From Najma's parents' point of view, that was the end of the matter. They had tried marrying her into the family and done what was expected of them by the *biradari*, and now they were ready to let Najma do things on her own terms. It was not only Najma, then, but also her parents who were trying to negotiate wider family approval with her first marriage. They were only too willing to dissolve the marriage once it became clear that the *rishta* was unsatisfactory.

There is then another twist in the tale because of the way in which Nobil's family responded to the relationship. When Nobil's parents found out that he was involved with Najma, a woman who did not even have her Islamic divorce yet, they forbid him from seeing her, took him to Pakistan and got him engaged to one of his cousins over there. I do not know Nobil's version of events, as I only had *salaam-dua* (casual greet-

ings) with him. But Najma's account suggests that he may have been at least ambivalent about the arranged marriage, inclined to test out his parents' choice despite his relationship with Najma, because he was so very secretive about these developments in Pakistan. She did not find out about the engagement from Nobil himself, but from a nightmare dream sent to her by God, the true meaning of which she could only understand after hearing from a mutual friend that he had got engaged (see Edgar 2006; Qureshi 2010 on 'true dreams' in the Islamic framework). There followed a period where the relationship was 'very off and on', where she still loved him but felt he was 'like the devil', sent into her life to torment her. She even sank to the depths of calling up Nobil's fiancée in Pakistan and giving her a piece of her mind.

This was unacceptable to Nobil and he ended the relationship with Najma. On this break, Najma discovered that Nobil *had* actually married the fiancée his parents had chosen for him in Pakistan, and she resolved never to take him back. But Nobil 'could not live without' Najma, and sent his sister as an intermediary to try and get Najma to reconcile. Eventually, even Nobil's new wife phoned to implore Najma to take him back. Najma agreed to get back together with him on the condition that they do a proper *nikaah* and stop the 'sinning'.

Two months after she came [to the UK] he was apparently, he just left her in the house and he wasn't happy and then his ... she, the wife called me, 'Oh, *yeh ap ko bahut piaar karta hai* you know (he really loves you), *ap is ke saath shaadi kar lo, yeh nahi to mar jaye ga* (marry him or else he's going to die pining)' I was like, 'I don't care, you both deserve each other.' I said, 'I told you this!' I said, 'Didn't I tell you when I phoned you? The last time I spoke to you, do you remember our conversation? And now you're calling me, yeah?' I said, 'I knew this was going to end in tears.' And she was in tears. I actually felt really sorry for her, you know? She was in tears and she said, 'Look, my husband doesn't love me, I know he loves you, just marry him' blah, blah, blah. I said... you know, cause I loved him and everything was hard. So I said to him, 'Look, if you really love me... I'm not gonna roll around with you.' I didn't agree with all of that anyway in the first place, like having boyfriend and girlfriend and doing sinning and that sort of stuff. I always said to him, 'Let's get married.'

They married secretly in a small *nikaah* at a local mosque that was attended by Najma's younger brother and sister and two of their friends. Najma's parents accepted their *nikaah* willingly. However, Nobil's did not, and this still caused Najma a lot of heartache.

My parents knew. Oh, he's always at my mum's house, always with us, he's always with my brothers, they're really close. He's like part of my family, they love him, everyone loves him in my family. But it's like he's got a mysterious life where he goes there [to his parent's house] and I don't know, and it does affect us.

There was no simple happy ever after for anyone in the story. Nobil's first wife was sent back to Pakistan within a year after it had become clear that he was not interested in the marriage: her story is probably much worse than Najma's. But even though Najma and Nobil now had a son together, Nobil's parents refused to acknowledge the marriage.

In these cases, we've encountered women and men manoeuvring, sometimes quite audaciously, to pursue 'dual aspirations'. We see them trying to satisfy familial expectations, putting their parents' feelings first, testing out their parents' choice, keeping an open mind and perhaps even hoping for love in their arranged marriage. However, if love was not forthcoming, they did not see it necessary to stay married to that person for the rest of their lives. Moreover, their parents also found divorce acceptable. They had lived up to the expectation that they should arrange a marriage for their children among their own kin, and been given proof that the marriage had not worked out. They expressed support to their daughters, too, in making their own decision the second time round. It is worth noting that, as discussed at length in Part II, many parents found it extremely painful to see their children divorce.

As earlier suggested (Qureshi et al. 2014), in second marriages, the logic of practice underpinning arranged marriage seems to be in the process of renegotiation. Moreover, I have shown here that women are aware of this process of renegotiation and may even be strategically gritting their teeth, wasting sometimes years of their life in order to establish that they have given their parents' choice a try and that they now deserve to marry the person they loved. Najma's example also shows another flip-side of

Charsley and Liversage's (2013) argument about the emotional needs of men that result in polygamous arrangements, by showing the potent desires for love and intimacy that lead women to accept such marriages and their labours to achieve acceptance and respect from their in-laws.

Choice and Family Approval

Many of the divorcees articulated a strong desire to choose their second partner for themselves, and were wary about arranged marriages. A common pattern was for remarriages to be *ghair* (with outsiders to the *biradari*), and most of the cross-ethnic and cross-religious unions featuring in the corpus were also remarriages. I now explore examples of women and men who repartnered through their own efforts, or through serendipity, rather than through the family, and how they sought to obtain family approval. Some of their choices were difficult for their families to stomach, presenting people with 'potential turning-points where decisions that redirect life trajectories and family histories are (have to be) made' (Rytter 2013, p.12). But they worked hard to gain family support.

Rani, introduced in Chap. 4, was suffering morning sickness with a new pregnancy when I met her: she offered me the pregnancy as proof of the happiness she had found in her second marriage. Something fascinating in her narrative about kinship support during the fall-out from her cousin marriage was how important it was that she would remarry.

My father said 'We won't hold anything against you if you want to divorce, but you should get married again. The first one, we tried. We wanted someone who'd be able to look after you as well as we do, but it didn't work out so now you choose your own. It's better that you marry than you stay alone.'

As this extract indicates, Rani's parents did not just support her to divorce and remarry. Rather, they extended their support for her to separate *on condition that* she remarry. Moreover, this was because their attempt to find a match for her had backfired, and they were convinced that it would be better if she were to find a match for herself. She elaborated on

their rationale for supporting her to remarry by her own choice in the following passage, recalling a conversation with her father during her period of separation from her husband:

Dad always looked at, even before I remarried he was saying, ‘I want you to contemplate what your life is going to be like. I need you to be aware that we’re not always going to be here. You need to think about how you’re going to get supported. And as much as you have your brothers, you have to appreciate that you have sister-in-laws, the dynamics could change. I really want you to contemplate entering into another relationship basically. I want you to contemplate having a partnership.’ They were very much into, ‘Look, we want you to choose, because we’ve done it the first time, and it didn’t work out. We’re not doing it the second time.’ So they were very much into keeping, I suppose dad loved the harmony of his children around him. He wanted, as any parent does, to see his children happy, taken care of—especially the female ones in our culture—and he worked to see them in their home and happy. He wanted to see them settled so that it gives them peace of mind that you’re ok.

Rani’s father was extremely supportive in theory of her remarrying by her own choice, as this extract shows. But when it came to the crunch, he was dead against the man she chose. Rani’s second husband was a Pakistan-born student she met through ‘*halal* dating’, a phenomenon that Ahmad (2012) and Liberatore (2016) analyse as a way in which British Muslim women—particularly educated, professional women who are marrying relatively late—are negotiating aspirations for choice, compatibility, intimacy and religious commitment. He was the first man to whom she was introduced. And he was a complete outsider to her family: from a different *biradari*, a different part of Pakistan and living in a different city in the UK. Rani’s father felt deeply insecure about the *rishta*. He knew nothing about the family background. There were no intermediaries who could look into the family on their behalf, or who could be held responsible in the event of anything going wrong. Moreover, he doubted the integrity of Rani’s suitor because he had immigration interests. Rani was by this stage quite invested in the marriage—showing again the blurred continuum of personal and family choice in arranged love marriages—and described herself as deviously using her father’s pre-

occupation with his spiritual legacy to try and secure his support for her decision. Eventually, the local *imam* (priest) came on board and convinced him that it would be better for them to do a *nikaah* than for them to remain as boyfriend–girlfriend.

[Dad was saying] ‘Your caste is wrong’ and blah blah. And dad really, even though he wanted me to get married, somehow now that the time came he was actually not happy about it at all, and it was a real, ‘Why can’t you marry someone from my village?’ ‘Because I don’t want to.’ ‘Well why can’t you marry someone from round here?’ ‘Because there aren’t any decent men around here. All the people that are my age are married. The ones that aren’t married aren’t worth having. Let’s face it dad, if they were that good they would have been snapped up.’ And dad was so upset with me, he was so angry with me that I was now making this choice that I wanted to settle, and he was like, ‘I’m not happy about it, I’m not going to...’

And I was pretty cantankerous as well and I said, ‘Well look, heaven lies beneath the feet of your children as well. Remember it is our statements that will get you to the gateways of heaven, and I am not going to give you my blessing. If you’re going to be like this with me then remember, I do have rights in the afterlife, and if you’re not going to give me your blessing in the afterlife to get into heaven, remember I too, dad, have to give you blessings.’ So he said, ‘God help you’ [has a good laugh]. It was a real conflict negotiation!

Dad came round. The local *imam* got in touch and said, ‘Look, what’s your problem?’ And dad said what he said and he goes, ‘Look, I understand you have concerns. He doesn’t have a permanent visa so you’re concerned that your daughter’s going to be taken advantage of as in the previous marriage. I understand that, but you know, they want to do the *halal* thing at the end of the day and you’re just going to have to see what’s going to happen.’ Anyway, we didn’t arrange any wedding until Dad gave us the okay. So this strife carried on for what felt like forever but was only four or five months and eventually Dad said, ‘Okay, you two can get married.’

As this extract reveals, even when it was an arranged love marriage, Rani went through the same considerations as to the acceptability of the match, the compatibility of the family background and minimizing the culturally salient risk of marriage failure in her marriage of choice. She

allowed her father into her decision and worked to bring him round. Eventually, her father accepted that Rani had chosen this man and that, although he came with none of the guarantees that could provide a sense of security (see Harriss 2003, discussed below), they would have to take him on good faith. Rani's father had recently died, but she felt that she had given him the relief and reassurance that she would be alright. And as for herself, as I mentioned, she described herself as genuinely happy.

Dad still wasn't ... I mean he wasn't happy until just short of my son being born [her first child from the remarriage]. He was like, 'He's wanting a visa. We'll see... when the visa happens he's going to leave.' I thought, 'Ye of little faith.' I said, 'Look Dad, whatever's going to be is going to be. I can't change life. I've made a choice and I'm going to live with the repercussions of it, but it's time will tell.' When my son was born, the relationship between them started to heal, and then it changed. Dad was much more... he loved my son to bits, he was, 'I've got two grandchildren from you, one girl and one boy' so it was totally different then and his relationship with my husband started to change. My mother said, 'She's now married and she's now having his child, so how much longer are you going to ostracize him?' And my husband, bless him, I'll tell you I don't know if I would have lasted if the shoe was on the other foot! He persevered, and Dad actually... they started to build a relationship up and over the last five years, cause my son's about five years old, that cemented it more and there was a lot of... Dad would come round, my husband would be cooking dinner and I'd be sitting on the chair and he'd be like, 'Huh?' That's not the done thing, my brothers don't cook dinner even now, but my husband would be, or he'd be washing and I'd be drying and they'd be like, 'Well this is a bit strange' and so on... So he got to see a very different type of man basically, and that... it was nicer, the two of them could sit in the same room [laughs] whereas before Dad wouldn't be very happy so my husband would leave... There was a growing, slow trusting, and handing over of that kind of guardianship where Dad thought 'well actually he's doing a good job with Rani.'

Rani met her husband through *halal* dating and had some conditions about the level of religiosity she expected of a potential husband. She had to work hard to secure family approval for her choice. There

were other examples of repartnerings that came through serendipitous meetings, however, that included a number of non-conformist unions that involved even harder work. Sukaina and Sukhwinder are a case in point. They were both divorcees when they met, Sukaina a British Pakistani in her late 30s, coming out of an arranged marriage to a distant relative on her father's side, and Sukhwinder a British Indian man in his late 40s, coming out of an arranged marriage with a woman from India. Sukaina had taken a long time to recover from her divorce and fended off advice about remarriage for over a decade.

I hated men, really hated them. I couldn't stand the sight of them or the smell of them. Once I remember I was on a bus with my kids and some men came and sat with us and I went 'Oh, they stink! They smell!'

When they met, Sukaina had just taken her first baby steps towards exploring the possibilities for remarriage, going on some 'group nights out', 'nothing like a boyfriend-girlfriend thing'. Then out of the blue she met Sukhwinder, a bearded and turbaned Sikh, at a charity event.

There he was, a bit overweight, tipsy [laughs] and we met and started talking. I didn't really take him seriously because I thought he's a bit tipsy and he's just being friendly, so we'll just leave it at that. And then we started talking and he goes, 'Do you go to a lot of charity events?' I go, 'Well if I can, I love to do work for charity and I like to get involved' and he goes, 'Oh well, I'm going to be organizing something in the future. Do you want to give me your number so we can link up?' I said, 'Ok, great'. So me stupidly [laughs], being naïve, I went 'Yeah, great, fine', gave him my number! [laughs] Then we got talking and I found out he's actually a really, really lovely, down to earth, caring human being.

There was much in their backgrounds and life experiences that were similar, and the two fell very much in love. But as quite a pious Muslim woman, Sukaina was troubled to be going out with a non-Muslim. She ended the relationship, but the next thing she knew, Sukhwinder had converted to Islam. Sukaina was pleased but not sure about the religious legitimacy of marrying a man in this situation. She described going to a sharia council and being reassured by the *alim* (scholar) that she, as a divorcee,

could marry a ‘revert’ to Islam—as they put it—provided that she had a *wali* (guardian). They had a very small *nikaah* with a friend as her *wali* and two other witnesses. Sukaina felt justified in her decision because

At the end of the day I married the first time round who they wanted me to marry and I suffered for ten years, it scarred me for life. When I met Sukhwinder now, that was my personal decision I made.

They have been married for four years. They have introduced their children to one another and ‘been there’ for each other through thick and thin. However, all this has been on a ‘living apart together’ arrangement (see Levin 2004; Duncan and Phillips 2011 and further discussion below) so that Sukaina could keep the *nikaah* a secret from her family.

Sukaina was taking things with her family one step at a time. She had told two of her sisters and one brother about the *nikaah*, but not her parents. She wanted to wait for Sukhwinder to learn more about Islam and to look, talk and act more like a Muslim before she would broach this with them. In the café, where we were doing the interview, she told Sukhwinder off in front of me about the importance of taking his new religion more seriously. ‘Why haven’t you made an effort to gain more knowledge and all that?’, she scolded. ‘Get your head in a book.’

The examples discussed so far illustrate the regard people had for the *nikaah* in legitimating relationships. Yet there were also more ambiguous examples of repartnerings falling outside the limits of the *nikaah*, such as those people who were cohabiting, ‘living apart together’ or even enjoying ‘non-conventional partnerships’ of the kind discussed by Roseneil (2006), that are ‘not obviously “going somewhere”, with that somewhere being shared residence and long-term commitment’ (pp.858–9). These too presented people with ‘vital conjunctures’ threatening to redirect life trajectories and family histories (Johnson-Hanks 2002). But again, the men and women involved seemed intent on negotiating family approval for these relationships. Amin, who as I mentioned in Chap. 8 had been in a ‘living apart together’ relationship with a White British woman for 16 years after his divorce, was now in a similar relationship with a Ukrainian woman called Anastasia. Far from keeping her hidden from his mother, his daughters and his siblings, part of Amin’s satisfaction with

the arrangement was actually that he had integrated her into the rest of his family; 'she gets on with mum and everything's lovely'. Anastasia was into his core family, but only provisionally: from his side, the relationship was all in the present.

Mum's there with Anastasia and all mum's seeing is 'Open your mind and let everybody in, because everybody's the same; they'll all either let you down or become good friends, become part of the family or won't become.'

The dilemmas for women were greater, as the sexual double standards would have it. They were more invested in the relationship 'going somewhere', with that somewhere being a *nikaah*. But they too were negotiating within those relationships, or at least trying to do so, with their families in mind or even for the sake of their families. Since separating from her husband, Shanila, a UK-born woman in her late 40s, had been in a relationship with a North African man for five years. Over the course of my fieldwork, as discussed in Chap. 6, she tried to get a *khula* from a sharia council so that she could marry him. She wanted the *nikaah* in order to make the relationship *halal*. Until then, she was keeping him quite separate from her children as she didn't want to lose her respect in her children's eyes, or to give them the impression that it was ok to have an extramarital relationship and invite moral disapproval.

I don't live with him, I could if I wanted to but I don't, I'm quite old-fashioned like that. I've told him 'Once we're married then you come into my home, before that you don't put one foot in my home', it's like that. I tell him about things like going to a wedding or about this lot [the children], but I don't take him with me anywhere, it's like 'Until we get married then you're gonna be out of the loop.' So I don't really let him mix with my children or nothing, I just talk about it. I said, 'Just give them respect, if you marry me then they're like your daughters, that's how you've got to treat them, that's where it starts.' But I haven't built it up for now.

Mehek's situation was different. She had been in a secret relationship with a married Pakistani man for ten years. According to her, her stress because of this secrecy was the main reason for her diagnosis of clinical

depression. Their relationship seemed to be extremely stable; her partner provided her with financial and practical support, came over to her house to fix broken furniture and drove her to her medical appointments. Their relationship could almost be seen as a 'living apart together' arrangement except for the far lesser element of her consensual agreement. I wondered, at times, whether she might be stuck in the kind of sexually predatory relationship that other divorced women feared so much (as discussed in Chap. 8). Mehek was desperate for her partner to give her a *nikaah*, and at the end of the interview she implored me to 'please pray for me that he marries me. Only then can my depression go away.' She had confided in very few people about her relationship, and the situation had lost her some close friends as well as the support of her siblings.

The examples in this section have shown that although many of the divorcees were wary of arranged marriages and insisted on a greater element of choice in their second marriages and repartnerings, they were testing the water carefully, not going ahead unilaterally but with their families in mind and working, often very hard, to bring them around.

The Gamble

Shakoor, a migrant aged 39, had been married to one of his father's nieces, a UK-born woman. It was a double marriage, as his elder brother Faisal was married to Shakoor's wife's elder sister. Shakoor's narrative was nostalgic: he characterized his and Faisal's first wives as wilful and flighty British girls. When he set his mind on remarrying, he wanted a more homely wife from Pakistan, but he only wanted to consider *rishte* from outside the *biradari*. His first marriage had taught him that close-kin marriages were just too complicated. The woman he eventually married was a nurse from a far-off part of Punjab, who was introduced to Shakoor by a cousin who was training to become a doctor. His relatives tried to make him reconsider, but Shakoor insisted on the match. Fortunately, he was very happy with his choice. 'I am thankful to Allah Ta'ala,' he told me, 'I believe that if God decides to give to you then *chat phar ke deta hai*' (he'll give you so much that the roof will come down).

Now I have done a *real marriage* [Shakoor's emphasis]. I have learnt a lot from my wife, that this is how you should do things. We talked a lot on the phone as well, before she came, and because of that we developed feelings for each other like a real husband and wife. With her, believe me, it is the earth and the sky of difference from the previous one. She has a very good character, she's always got a smile on her face, she doesn't waste her time, she never gets cross with people. Whenever we go anywhere we go together, because people in our *biradari* like to talk, so I say to her 'Whenever we go, we go together and then nobody will be able to say anything to us'. We have a great "understanding" *mashallah* (blessings from God), we have a very good life. I would say that marriage, especially arranged marriage, I would say *shaadi jua hai* (marriage is a gamble). Sometimes even a love marriage can be unsuccessful, sometimes an arranged marriage can be successful. What I believe is that its *kismet* (fate) and whatever is written in your *kismet* will happen. *Dimagh milne chahie* (we should know one another's minds), it is all about the "mental level" and the "understanding" between two people. Nothing can happen without compromise.

[Translated from Urdu]

Shakoor felt he had been lucky in his gamble, and in this last section, I suggest that he is right. Second marriages were often short-lived. Nine of the 30 interviewees who had remarried were in second marriages that had broken down, or were onto their third marriage, and there were other examples of second and third marriages that were ridden with conflict.

There were several recurrent features in these difficult remarriages. One was where men who had been deeply wounded by divorce had remarried out of the desperateness of their lives alone, and entered their second marriages with unmatchable expectations. Whilst Shakoor talked about how he had learnt a lesson from his divorce about the importance of working on the marital relationship, his elder brother Faisal seems to have approached his second marriages with an axe to grind. According to Faisal, his first marriage broke down when he caught his wife, Shahida, having an affair. When I first met Faisal, in 2006, he was a divorcee living a miserable life in an unkempt, squalid house. As he told me then, with some understated emotion, 'living alone, it's killing'. When I caught up with him six years later, I learnt that he had remarried twice in the interim. The second wife had been a recent immigrant from Pakistan

with whom he's struck up a boyfriend-girlfriend relationship and 'married in the Islamic way'. He had rapidly become disillusioned with her: 'she wasn't who I thought she was'. After the decade he'd spent married to Shahida, no other woman could match up: 'my first wife was a hundred times better'; 'this one couldn't cook'. He divorced her within a year. His third wife, Laiba, was a young woman from his *biradari* in Mirpur, and they had had three children together. I hoped that the new marriage was working out to both their satisfaction but was saddened to learn that for Laiba, at least, it most definitely was not: she had involved the police for domestic abuse on numerous occasions. Because Faisal's second wife had taunted him for being *na-mard* (impotent), Laiba analysed, 'he forced me to have sex with him and have all those children'.

Faisal and Shahida's divorce set up a cascade of unstable remarriages on either side. He remarried twice, and so did Shahida; all four of their remarriages ended up breaking down. Meanwhile, their second and third spouses have now also remarried and moved onto their own second and third marriages. This example illustrates the aftershocks of people's divorces for their subsequent relationships.

A second recurrent feature in the difficult second marriages was where people had learnt that they stood to lose a lot from divorce, and decided to ring-fence their assets from their second spouse. Najma, introduced above, had independently purchased the house in which she lived with her second husband and explained her decision not to register the second marriage civilly as a way of 'securing herself' financially (see Akhtar 2015 on the non-registration of UK Muslim marriages). Najma felt that if she got the marriage registered, she would only have herself to blame if something went wrong. 'I don't want to be legally tied down in case there could be complications.' Similarly, Noreen, another UK-born woman, reported telling her third husband very explicitly 'whatever I have don't belong to you, you've got nothing to do with me, this is my son's house, and that's it'. These moves might be seen as 'self-protection strategies' to ward off the negative consequences of divorce, as proposed by Elisabeth Beck-Gernsheim (2002, p.26). And as Beck-Gernsheim observes, this narrowing of 'marital investments' may paradoxically increase the propensity to divorce (p.27). In a mediation session at the sharia council, I witnessed a heated argument between a remarried couple over the wife's

grievances about the husband not paying the mortgage, which she took as evidence that he was not ‘committed’. The husband’s position was that ‘if you want me to pay the mortgage, then you have to give me part of the house. Why should I pay the mortgage if it’s all going to your sons?’

A third, more culturally specific but connected factor in the instability of second marriages was the ‘gendered geographies of power’ (Pessar and Mahler 2003) which worked to channel second marriages back to Pakistan. British nationals often surmounted the stigma against divorcees in the ‘marriage market’ by marrying in Pakistan. In Chap. 8, I cited Naheed’s anxiety when she thought about the remarriages in her *biradari* and saw that most were of women marrying ‘needy’ men from Pakistan who she thought were using the marriage as a way to get Indefinite Leave. I also cited Zulfi’s quip about the ‘stacks of these zombie aunties piling up’ because of the ways in which their British nationality attracted insincere second husbands with immigration interests. Here, I wish to think about the spectre of ‘sham marriage’ more complexly, and consider the circularity of instability produced by mistrust.

Intriguingly, there were women who decided to marry men who were subject to immigration control because of their desire to feel *more* secure in the marriage. Zubia, a UK-born woman who suffered from mental illness, had been through two excruciating divorces and was now married a third time to an asylum seeker from Pakistan. She openly acknowledged that her husband’s insecurity about his immigration status in the UK made him dependent on her. Although her illness manifested itself in aggressive outbursts—she was possessed by jinn—she felt secure because he could simply not afford to walk out on her:

If I can’t cook, if I’m sick, things like that you know, he’s helping me around.

So with him I’m just clinged on. It’s better to be with someone on asylum from back home because at least they don’t leave you. They need you.

UK-born Uzma seemed to be as conscious of her second husband’s need for Indefinite Leave as she was of the possibility that he was trying to trap her into a ‘sham marriage’. She attempted, even more explicitly and elaborately than Zubia, to use her husband Intezar’s dependence on

her for his Indefinite Leave as a way to shore up her hand in the marriage. As I outlined in Chap. 7, at the end of Intezar's then two-year probationary spouse visa, she enlisted the support of her MP to write to the Home Office and request a two-year extension to the probationary visa rather than apply for Intezar's Indefinite Leave. At the end of the next two years, she applied for another probationary spouse visa with her MP's help. She then contested Intezar's child contact application for another two years. In the end, when she finally gave him child contact, she made sure that it would be a sufficiently limited form of contact that he would still need a supporting letter from her to the Home Office.

Uzma's case illustrates very clearly the ripples of instability that arose from the spectre of 'sham marriage' and her wariness about it. Fearful that Intezar was taking advantage of her, she availed all the measures provided to her by immigration law to ward off the dangers of 'sham marriage', to the extent of using them to try and get him to reconcile with her and fighting a drawn-out court case that cost them both hugely, emotionally and financially. Meanwhile, Intezar's presentations in court suggested how, from his perspective, these actions could have cemented a mutual mistrust and led the marriage to unravel further. In a witness statement, he alleged that Uzma was using the visa to control him.

I considered my marriage to my partner as a genuine one of love and affection and felt the same was reciprocated. However, it is now clear to me that this was never a mutual relationship. My partner has always been controlling, manipulative and patronising towards me. I feel her unwillingness to support my Indefinite application is clear evidence of this as she feels this will result in surrendering her stronghold over me. This is the only explanation I can provide for her making these scandalous allegations against me.

There are many elements in Uzma's story that suggest that she may have good reason to suspect Intezar of having ulterior interests in the marriage. His witness statements were prepared by his legal team with the expressed purpose of convincing the judge, and are not a straightforward source on his experience of the marriage. However, his repeated references to his insecurity over his immigration status do confirm that he felt

trapped in the relationship because of his need for Uzma to endorse his application for Indefinite Leave.

There are resonances here with John Harriss' (2003) intriguing work on trust in Indian business. Harriss argues that trust, which has conventionally been seen as 'the quality that allows for the negotiation of risk occasioned by the freedom of others' (p.757), can be based on two very different types of assessment. The first is 'character assessment', where A trusts B because of who they are, and the second is 'incentive assessment', where A trusts B because of their assessment of the incentives acting on B if they failed to behave appropriately. The incentives he cites include institutionalized sanctions, reputational damage, possibilities for direct retaliation, non-cooperation or the mere fact of interdependence (p.759). In Indian business, his ethnography shows that 'transactions between larger and smaller firms reflect power differences rather than trust' (p.763). The language of trust therefore often 'conceals relationships of power' (p.769). What Zubia and Uzma seem to be doing is use the strategic advantage afforded to them by their British nationality in their transnational marriages, to create disincentives for their new husbands against behaving inappropriately. Remarriage by choice might be a gamble: it might come without any of the guarantees or securities that people perceive as flowing from conventional practices of arranged marriage. To bridge those risks, people may turn to an immigrant spouse's 'need' as a way of being able to trust them, with trust a smokescreen for situational relations of power.

Conclusion

The cases explored in this chapter show that the women and men in my study, most of whom had a primary arranged marriage, continued to operate within the normative universe of arranged marriage in their subsequent repartnerings. Nonetheless, their remarriages were also motorizing cultural change. Whereas the standard explanation for the practice of arranged marriage is that love marriages are risky, the incidence of marital breakdown has led affected families to reappraise the situation. They now see arranged marriages, too, as risky. This chapter indicates

that there is a growing consensus that if a young person has given their parents' choice a try, tested the relationship and found it wanting, then they are entitled to family support in choosing their second marriage for themselves. Moreover, young women are aware of this process of renegotiation and they may even be knowingly manoeuvring within their arranged marriages, going along with them and 'waiting it out' in order to be able to eventually remarry and pursue their hopes for compatibility, love and intimacy.

Having established the willingness of parents to allow their children to choose their second marriages—or at least, their susceptibility to the argument that they should allow them to do so—the chapter showed that second marriages were very frequently with *ghair* partners (outsiders to the *biradari*). Moreover, some of the choices that the divorcees made were difficult for their families to stomach, presenting them with 'vital conjunctures' (Rytter 2013, drawing on Johnson-Hanks 2002) threatening to redirect their futures. Against the notion that love marriages herald a brave new world of individualization, however, this chapter showed that the divorcees were not repartnering in ways that were completely autonomous but making decisions with their families in mind, sometimes for the sake of their families, and working often very hard to help their families come to terms with their choices.

Finally, the material on remarriages requires me to reassess my earlier paper which uncritically assumed that self-chosen marriages would be more satisfactory for the people involved because they offer a closer fit to the ideals of romantic love, personal fulfilment, compatibility and intimacy that people seemed to demand. Whilst there were some very moving examples of happy remarriages, others were conflict-ridden and precarious. As Grover (2014) says of her findings from Delhi slums, while the freedom to remarry 'frequently appears liberating and synonymous with unequivocal post-marital choice, it nevertheless has grave risks for women, as it puts them in a position of vulnerability' (p.328). It is worth underlining, too, that mistrust was such a thorny problem in the difficult remarriages, as evinced by people's efforts to ring-fence their financial assets. This has been noted by the individualization theorist Beck-Gernsheim (2002), suggesting that some of the problems in these remarriages may be cross-cutting and would emerge equally in other ethno-religious groups.

There are cultural specificities too, in the 'gendered geographies of power' (Pessar and Mahler 2003) that skew the marriage markets and make for a high incidence of transnational secondary marriages. Whilst the logic of practice in arranged marriage has been that of minimizing the culturally salient risks of marriage failure, specifically for the wife, I have suggested here that there are indications of another cultural shift in people's efforts to use immigrant spouses' need for a visa to try, paradoxically, to lock their second and third partners into the relationship. In the context of frequent marital instability, we perhaps need to see the logic of practice as not just one of minimizing risks but also of maximizing trust, with trust understood, following Harriss (2003), as a veil for power relations.

References

- Ahmad, F. (2012). Graduating towards marriage? Attitudes towards marriage and relationships among university-educated British Muslim women. *Culture and Religion*, 13(2), 193–210.
- Akhtar, R. (2015). Unregistered Muslim marriages: An emerging culture of celebrating rites and conceding rights. In J. Miles, P. Mody, & R. Probert (Eds.), *Marriage rites and rights* (pp. 167–192). London: Bloomsbury.
- Beck-Gernsheim, E. (2002). *Reinventing the family: In search of new lifestyles*. Cambridge: Polity Press.
- Charsley, K. (2013). *Transnational Pakistani connections: Marrying 'back home'*. London: Routledge.
- Charsley, K., & Liversage, A. (2013). Transforming polygamy: Migration, transnationalism and multiple marriages among Muslim minorities. *Global Networks*, 13(1), 60–78.
- Duncan, S., & Phillips, M. (2011). People who live apart together (LATs): New family form or just a stage? *International Review of Sociology*, 21(3), 513–532.
- Edgar, I. (2006). The 'true dream' in contemporary Islamic/Jihadist dreamwork: A case study of the dreams of Taliban leader Mullah Omar. *Contemporary South Asia*, 15(3), 263–272.
- Edgar, I., & Henig, D. (2010). *Istikhara*: The guidance and practice of Islamic dream incubation through ethnographic comparison. *History and Anthropology*, 21(3), 251–262.

- Grover, S. (2014). 'Purani aur nai shaadi': Separation, divorce and remarriage in the lives of the urban poor in New Delhi. In R. Kaur & R. Palriwala (Eds.), *Marrying in South Asia: Shifting concepts, changing practices in a globalising world* (pp. 311–322). New Delhi: Orient Blackswan.
- Harriss, J. (2003). 'Widening the radius of trust': Ethnographic explorations of trust and Indian business. *Journal of the Royal Anthropological Institute*, 9(4), 755–773.
- Johnson-Hanks, J. (2002). On the limits of the life cycle in ethnography: Toward a theory of vital conjectures. *American Anthropologist*, 10(4), 865–880.
- Levin, I. (2004). Living apart together: A new family form. *Current Sociology*, 52(2), 223–240.
- Liberatore, G. (2016). Imagining an ideal husband: Marriage as a site of aspiration among pious Somali women in London. *Anthropological Quarterly*, 88(1), forthcoming.
- Pessar, P., & Mahler, S. (2003). Transnational migration: Bringing gender in. *International Migration Review*, 37, 812–846.
- Qureshi, K. (2010). Sickness, dreams and moral selfhood among migrant Pakistani Muslims. *Anthropology and Medicine*, 17(3), 277–288.
- Qureshi, K., Charsley, C., & Shaw, A. (2014). Marital instability in the Pakistani diaspora: Transnationality, changing conjugalities and legal pluralism. *Ethnic and Racial Studies*, 37(2), 261–279.
- Roseneil, S. (2006). The ambivalences of angel's 'arrangement': A psycho-social lens on the contemporary condition of personal life. *The Sociological Review*, 54(4), 846–868.
- Rytter, M. (2013). *Family upheaval: Generation, mobility and relatedness among Pakistani migrants in Denmark*. Oxford: Berghahn.

10

Children and Stepfamilies

It's not all bad, you know. People move on and they have kids with someone new, stepfamilies are massive these days.

Sidra

This chapter completes the final movement of the book in relation to 'new kinship' by exploring the patterns of residence and contact with children that evolved after divorce, and the stepfamilies that were constituted through remarriage and repartnering. As noted previously, individualization theorist Beck-Gernsheim (2002) sees the stresses the complex permutations of post-divorce families as a matter of choice and inclination: 'the maintenance of the family tie is no longer a matter of course but a freely chosen act' (p.35). Anthropological and sociological work on post-divorce families has refuted this assumption very powerfully. Judith Stacey's (1990) study of working-class American families describes how post-divorce families are knitted together into 'accordion households and kin ties' (p.254) by their livelihood needs and survival strategies. She describes families 'finding ways to transform divorce from a rupture into

a kinship resource' (ibid.). She uses the term 'divorce-extended' families advisedly, as her informants claimed very literally that their families had been extended by divorce and that they had gained new members—such as ex-partners' new children—with whom they experienced intimacy and caring. Bob Simpson's (1998) work refutes the framing of divorce in terms of liberation and self-actualization even more directly. He observes that divorce is not an 'unfettered quest for personal freedom and individual autonomy' and that 'personal destiny and family history are deeply entwined, and in practice divorce is just as likely to reproduce continuities in social relationships as it is to establish discontinuities' (p.33). Smart and Neale (1999), as we have seen, sensitize us to the significance of the legal context here, which, in redefining relationships between divorced husbands and wives as between separated parents, has required people to sustain parenting relationships with their ex-spouses and created 'fragments of families' connected across households (p.179).

These descriptions seem very far away from the existing portrayals of British Asian families post-divorce, which, though scant, are uniform in their emphasis of *discontinuity* in relationships and their associated misery for the people involved. In her survey of 90 Asian lone mothers, Sinha (1998) found that compared with other studies of lone mothers at the time, the levels of contact maintained between the fathers and the children were much lower. Of the 70 sets of children whose fathers were still alive, fully 51 never saw their fathers. Similarly, Das' (2011) qualitative study of 18 British Indian adult children of divorce found that 12 had no contact with, and in fact hated their fathers. Thiara and Gill's (2012) study of the child contact arrangements of British Asian women victims of domestic violence argues that men use child contact as a tool for the ongoing control of their ex-wives and ironically, when they are granted contact through the courts, they maintain very little involvement with their children. In India, too, Aura (2008) describes an apparent cultural difference with the West, whereby divorced fathers either fought to keep the children and then cut the mother out completely, or resisted any overtures from the mother to bring about contact, and thus, they avoided the British situation where the role of the divorced father is mediated by the mother (from Simpson 1998, p.102, drawing on Strathern 1992). From her study of Belgian Muslims, Lecoyer (forthcoming) argues that cultural

assumptions that divorced fathers should remarry and make a fresh start are at odds with Islamic laws preferring the father to have guardianship for all of their children and custody for all but very young children.

My fieldwork generated a different picture which suggests that British Asian families are less exceptional in the levels of enmity and discontinuity entailed by divorce. I begin with the overall patterns of child contact and residence. Shared parenting was in fact the dominant pattern, and in the majority of cases, this was established by consensual negotiations between the separated family members rather than forced by the hand of the courts. There are therefore strong elements of commonality with the sociology of changing families. Moving on to the stepfamilies that evolved, however, this does not mean that the wider sociological analytics are entirely appropriate in this working-class British Pakistani context.

Ex-spouses Negotiating Parenting

The interviews generated accounts from 34 divorced parents about patterns of residence and child contact. In 26 of these cases, the children ended up with the mother as residential parent, in 3 cases the children ended up with the father and in 5 cases the children were split between the mother and the father. This overall pattern is familiar to studies of child residence in England, where in the vast majority of cases the children reside with the mother. In terms of shared parenting too, my study is unexceptional alongside the sociological literature. In 10 cases, the father was cut off from the children after the divorce because of a combination of resistance to contact by the mother, and emotional difficulties or lack of commitment from the father, particularly following the men's remarriage. However, in the remaining 24 cases, the pattern of post-divorce family involved shared parenting, and fully 17 of these seemed to have come about through mutual decisions among the separated parents and children. Only 7 had been forced by the hands of the courts, and in these cases too, the mothers described reconciling themselves to the contact for the sake of the children. My findings therefore indicate more consensual relations between divorced parents and more agency of children in determining residence and contact, and therefore more continuity with

the wider sociological literature than earlier work on British Asians has suggested.

Across a number of studies, with various collaborators, Smart has demonstrated that the new legal norms endorsing shared parenting introduced by the 1989 Children's Act have not entirely transformed contemporary cultures of divorce (Smart and Neale 1999; Smart et al. 2001; Smart and May 2004). The principle of matrimonial fault, which was the approved approach prior to the 1969 Divorce Reform Act, was based on the idea that one party was to blame for the breakdown and that it was appropriate to inflict punishment on the guilty party through the loss of parental and other rights. Today, still, the 'moral calculus' of separating parents frequently involves a 'balance made between "guilt" or irresponsibility and entitlement' (Smart and May 2004, p.358). In the 10 cases in this study where the father was cut off from the children after the divorce, there were patent examples of separated and divorced mothers expressing this 'moral calculus'. When Afshan's ex-husband asked for contact with their two daughters, she refused it immediately, citing tit for tat.

He's always said that [the two daughters] are not his, he's always said that they're someone else's ... I was like 'Ok, if you believe that I don't mind, I'll let you believe that, they're not yours.' So then when at one point he did try to come into their lives, then I was like 'No, remember, they're not your kids.'

Kulsoom, who took out a court injunction against her ex-husband Afzal, shared Afshan's history of domestic violence but an equally salient issue in her refusal of child contact was her opinion that Afzal was not paying a fair amount of child maintenance. He was paying the flat rate of £5 a week, which she felt could only mean that he was hiding his income from the Child Support Agency. Kulsoom argued that he had no right to then expect contact:

Five years have passed but I haven't let him see his children. He wants to meet them, but how? Not through the courts. Not through supporting them or paying the maintenance money, no. My eldest daughter is now 22 years old, and the daughter who is his, is now 13 years old, she will be 14

soon and until this day she has not worn a single item of clothing that comes from her father's income, she hasn't eaten a bite of food bought from his income. We have nothing in our home which we could claim that it is from his income.

[Translated from Urdu]

The same 'moral calculus' is illustrated in the other cases of contested contact applications in my study (see Chap. 7). As Smart and May (2004) observe, 'contributing [financially] to children's upbringing is regarded as proof of a father's love and commitment, without which he is seen to forfeit the benefits of fatherhood' (p.352). It is a common cultural value across these working-class British Pakistani families and the ethnic majority families represented in the sociological work (see Simpson 1998, pp.113–18 and Ribbens McCarthy et al. 2003, p.97). And moreover, in the context where I worked it seemed to also outweigh considerations of Islamic normativities concerning child custody and contact. Lecoyer (*forthcoming*) found divorcing Muslim women in Belgium to be intensely committed to fulfilling their religious duty to facilitate their ex-husbands in upholding their fatherly responsibilities, to the extent of seeking religious authorization from sharia authorities before filing any court requests for exclusive custody. In my study, however, only two women made any kind of reference to Islamic ideas in discussing residence and contact, and those two used ideas about Islam more knowingly in backing up their stance. Rabia, for example, justified her refusal of Altaf's child contact application on grounds of his failure to live up to her interpretation of the Islamic model of what a father should be—namely, a provider figure.

You know, 'you're a Muslim, for God's sake' [this is an argument with him that she is staging in her mind, after his application for child contact]. Look at the sayings of the Prophet, [he said] 'Who[ever] brings his two daughters up properly would be like this, in *jannat* (heaven) with me.' 'You had three daughters [in addition to Manahil, Altaf had two daughters in Pakistan from his first marriage] and you haven't paid a penny towards your first two daughters, or your third daughter.'

In addition to the cases where the mother had flatly refused the father contact, there were other instances where the father's emotional commitment to

seeing the children waned over time. Noreen acknowledged that she had used child contact as a 'weapon' against her first husband during their acrimonious divorce. Eventually the courts granted her ex-husband contact. However, she stressed that his commitment to the arrangement did not last long, and that this had left her elder son disturbed and resentful to this day.

With Sayeed [her older son] obviously I said to him [her ex-husband] 'No you can't see him', I did use him as a weapon. But then the judge did grant it, where he would have Saturday, the right to come and see him, but then what he started to do was come one Saturday—and Sayeed'd be so excited, 'Daddy's going to come and see me'—and take him, bring him back at five and then he wouldn't see him for the next two weeks, he'd see him on the third week. And I used to have to pick up the pieces because he'd just cry, 'Daddy's not coming, daddy's not here', and he really was heart-broken. I took him [ex-husband] back to court and told them this was what he was doing, so they gave him a warning or whatever, and then he just stopped coming to see him at all. And Sayeed ... he got heart-broken.

An interesting part of Noreen's account is the extent to which she describes herself coming round to the idea of the contact despite having resisted it earlier on, partly realizing how much it meant to her son and partly infuriated with her ex-husband for showing their son so little commitment after having dragged her through the courts. This was common in the narratives of women who refused their ex-husband's bids for contact. Such grievances affirm the earlier research with women victims of domestic violence about their concerns that men are supported by the courts to 'play dad' (Thiara and Gill 2012, pp.68–70, see also Smart and Neale 1999, pp.147–52). However, it is helpful too to try and avoid the tendency for divorce research to 'pile up accounts in favour of one side or the other' (Simpson 1998, p.20) and try and acknowledge the absent fathers' perspectives too. In earlier chapters I have discussed men's distress at losing contact with their children, their regrets and their reasons for trying to 'toughen themselves up' with regard to the children and 'get over it', as I quoted Zulfi saying in Chap. 8. For fathers, as Simpson has observed, the tendency for children to remain with their mother after divorce brings feelings of 'detachment, disengagement and disempowerment in relation

to the mother-child dyad' and compounds the wider cultural positioning of the mother as 'mediator' between a father and his children (p.102, building on Strathern 1992, and see Smart and Neale 1999, p.47).

Evidently, then, there were cases of discontinuity and enmity in relationships between fathers and their children following divorce. However, the majority of separated parents in my study espoused the new 'moral etiquette' (Smart and May 2004, p.348) about the importance of children having a father figure and about the right of the father, or his family, to have his connection and influence over them. Shumaila went to her solicitor to request that her ex-husband's weekly six-hour contact with their seven-year-old daughter be increased, as she wished her daughter to see more of her father's family. She was disappointed at the lack of interest that he personally showed during the visits, but felt these were his right:

My feeling was that there was not enough contact between [their daughter] and them [her in-laws] and she needs her *dadi* (paternal grandmother) and she needs her *puppos* (father's sisters) as well. I did not have any *dushmani* (enmity) with them. I only wanted to be separate with *him* [Shumaila's emphasis]. The rest happened because of the circumstances... [So] after that I allowed her to stay from Friday until Saturday. Of course he did not care about his child and was not playing with her or spending time with her [during those visits], he was more interested in fighting with me. But even then, *she is his daughter* [emphatically].

[Translated from Urdu]

Naheed linked her desire for the children to see their father with her strong commitment to their education. Her children had a low opinion of their father, as I discuss further below, but she had always encouraged them to go and see him. She acknowledged how much of an emotional wrench this was for her at times, but felt it was important for the children.

I always gave him full, free access, I never caused any problem cause I always believed that parents can be however they are, but they ought to have their influence. It shouldn't be like 'Oh, he can't see his father because he treated me like that.' Because children are neutral. We shouldn't use them as a weapon, 'Oh, because he's such a *kameena* (bastard) and he did

this with me.' If they're not studying or they're wasting time then you know, putting them in the middle isn't going to help.

Naheed's views are exemplary of the post-Children's Act ethos, namely as Smart (2004) puts it 'the move away from seeing children as rewards for good behaviour towards seeing parenting as a responsibility that endures regardless' (p.403). This new ethos means that rather than the 'clean break' which was seen as the appropriate solution to the antagonisms that divorced men and women felt towards each other as recently as the 1980s, divorced parents are now required to go on living alongside each other and 'continue to have a relationship, but across a spatial division' (ibid.). In my study too, people described negotiating parenting with their former spouses as intensely problematic. The bad blood between them did not end with the marriage, and contact over parenting was a channel for conflict to continue. Nusrat, who ended her marriage by moving to the UK with her children and left her ex-husband in Pakistan, found that whenever she tried to orchestrate contact between her children and their father, he would malign her and jeopardize her relationships with them.

I sent [youngest son] for my sister's wedding [in Pakistan], I thought that this would be a good chance for him to meet his father. I always try and make it possible for the children to be near their father. At the end of the day, *he is their father* [emphatically]. So then he [son] went there and came back, and I went to receive him from the airport. He did not even look at me, not even one look. He was trying very hard to ignore me. I was trying to hug him and kiss him and he was saying 'Go away, leave me alone, leave me alone, don't touch me', he was saying like that. Anyway, this reaction went on for about six months. But what happened, one night, he gets hay fever because he's allergic to pollen, one night in the summer he developed a high fever and I sat with him for hours massaging his head and caring for him. He said to me in the fever 'Mum, please *mujhe muaf karo* (forgive me), I am sorry, I hurt you a lot, that time was difficult for me. I know that my father he is crazy, he's not a good guy'. I said 'Shhh, it's just the fever'. He said 'No mum, he made me mad. He said some very wrong things about you, that you were not a good mother when we were little.'

Nusrat recounted experiences like this in relation to all three of her children. Appreciably, however, she persisted in communicating with her ex-husband about what was going on in the children's lives and in facilitating their connection with him. And it was not only women who took on the thankless position of the compromising kin-keeper. Amin, as I mentioned in earlier chapters, was the residential parent for his two daughters. It had been a ten-year legal battle to secure contact with them when suddenly, aged nine and ten, the girls ran away from their mother and turned up at Amin's house—this, as in six of the seven other cases where the children did not all reside with the mother, being only the most overt expression of children's agency in negotiating parenting arrangements (Smart et al. 2001).

Amin recalled phoning up his ex-wife to ask her what they should do, and in the heat of the moment she snapped 'keep them then'. Amin used this story-within-a-story to illustrate the girls' main grievance with their mother, which was that she was so inflexible. She was unable to admit her mistakes, Amin regretted, unable to change the way she'd been brought up—expressing the 'deep knowing' (Jamieson 1998) that he continued to have of his ex-wife despite the divorce, and offering empathetic insight into why she was the way she was:

My ex-wife didn't break the mould [sighs], she did exactly how her mother brought her up, she did the same thing with the kids. What she used to complain to me about her mum, she did with my daughters and ended up telling them the same thing and the story just continued itself and if you ask my eldest daughter, she'll tell you her dad says 'You've got to break the mould.' You've got to break the mould, but in a nice way, you know? Care about the people who really are your family and who care about you and love you enough to understand.

As this indicates, Amin was still contending with his frustrations over his ex-wife's inflexibility in her parenting and the way it isolated the girls from her. But he kept encouraging his daughters to see her, never allowing them to walk away from her.

My daughters don't talk to her which I think is the saddest thing. My daughters will tell you that it's her [i.e. it's not him] because I grew up

without a dad [Amin's father died when he was a child] and now they've grown up without a mum, but their mum's alive so why would you want to do that? 'Oh, mum's a bitch.' 'Listen, grow up! Not all mums are perfect but she's your mum, acknowledge her, don't just throw it away.'

Given the earlier work indicating exceptional discontinuities in British Asian families, it is fitting to end this section with Amin's thoughts about there being a cultural assumption about the fall-out from divorce in British Asian families being particularly acrimonious. Amin refuted this assumption with his own example, offering me the fact that he was currently putting up his ex-wife's brother in his spare room as proof of his willingness to submit himself to the hard grist of negotiating difficult relationships over time. As he said,

I don't hold grudges in the family, I'm not that kind of person and that's why we're living together because I'm not like that, I don't do what the culture tells you to do. In that cultural thing, it says if families fall out, they fall out. But no, we're friends, why should we fall out just because my marriage ended with his sister—really badly? [Laughs]

There are no two ways about it. Marital breakdown is traumatic, and having to continue a relationship with an ex-spouse is most often an emotional wrench. But against the existing portrayals of British Asian families as a throwback to an earlier era of blame and vilification, I suggest that there are more commonalities with wider changes in the 'moral etiquette' (Smart and May 2004, p.348) of divorce than may have been acknowledged. In these British Pakistani families, too, the continuities in relationships after divorce were frequently as important as the ruptures.

Stepfamilies

Simpson (1998) distinguishes two ends of the spectrum of post-divorce family life: the 'reconstituted nuclear family', where the family of orientation seems to 'close down and start up again'—exemplifying the propensity for discontinuities—and the 'accretive model', where 'functioning

relationships are added on to it' (p.46). He suggests that the 'accretive' model is more readily available to people with financial assets, because

absence of resources for the material expression of relations, whether this be in terms of formal payments of maintenance or informal donations of gifts and money to spend on socializing, may well render relationships precarious and liable to atrophy (p.48).

Divorce, he says, 'renders the material underpinning to family life quite explicit: the maintenance of relationships costs money' (p.50). Ribbens McCarthy et al. (2003) report similar findings in that the working-class stepfamilies in their study were more likely to emphasize social fatherhood—the idea that a father is the one who does the fathering and providing—whereas the middle-class stepfamilies were more likely to prioritize biological connections to children and allow the non-resident fathers to stay involved. In my study, however, I found that shared parenting was producing equal numbers of what might be described as 'reconstituted nuclear' and 'accretive' arrangements, even among these working-class families. At least half of parents were dealing with the kinds of 'external boundary' issues that come with negotiating contact with an ex-spouse alongside creating a new nuclear family with a new partner (see Allan et al. 2011; Widmer 2012, pp.79–82 on the disruptive effects of such 'triadic' structures in post-divorce families). The class distinctions proposed by other scholars did not seem to be hard and fast. Moreover, I found that 'accretive' arrangements could also be underpinned by economic constraints, as in the example of Uzma and her first husband Tariq.

After Uzma and Tariq divorced in 2007, both rapidly remarried and both had children with their new spouses. According to both interviews, they had agreed consensually that Sidra, their daughter who was nine years old at the time, would live with Uzma afterwards. Neither Tariq nor Uzma made contact or residence an issue in the divorce proceedings. As Uzma said in her interview, '*baap ka haq hai*' (it's his right as a father). They agreed between them that Sidra would see Tariq about once a week, informally and with no fixed timings. Uzma would drop her there and pick her up whenever she felt that Sidra ought to see her father. The financial arrangements between them were equally undocumented. Uzma did

not apply for child maintenance from Tariq through the Child Support Agency because Tariq had bought her out of the marital home to the sum of £80,000. She felt obliged towards him and did not want to risk aggravating him by involving a government agency. Nevertheless, Tariq made financial contributions for Sidra in the form of paying for her Arabic classes at mosque, buying the expensive outfits she needed for Eids and weddings, and giving cash gifts for Eids and birthdays, all of which were quite significant in Uzma's domestic finance. Intezar, her second husband, had never provided *kharcha* (financial maintenance), and throughout the years they lived together Uzma had struggled with mounting debts and low income.

Sidra's contact with Tariq continued during the years Uzma was living with Intezar, but Uzma and Tariq's interactions over parenting Sidra became more and more difficult as according to Uzma, Intezar was suspicious of their relationship and wanted to them cut off communication altogether. By the stage that Intezar left the marital home in late 2011, Sidra's contact with her father and the financial contributions that Tariq put towards her were becoming even more significant in Uzma's domestic finance. She had told Tariq that she was in 'hard times' and he had therefore increased the financial transfers to pay for Sidra's after-school tuitions as well the other things he had paid for previously, which at £300 per month was quite a significant chunk of Uzma's income. He was also giving Sidra £20 whenever she went round to visit, which took care of her demands for spending money.

Uzma searched for part-time work on top of her full-time job, to bring in some extra money. This created a need for additional childcare which she met by dropping Zarah, the daughter she had now had with Intezar, off with Sidra at Tariq's—something that had now become possible because of Intezar's absence and inability to object. I was struck by Tariq's magnanimity in welcoming Uzma's daughter from her second marriage into his house and I asked him about it in his interview in 2012. Whilst Uzma's side of the contact arrangements was partly undergirded by her need for childcare, Tariq explained himself in terms of his continued care and affection not only for his daughter Sidra but also for his ex-wife.

I've always felt it was remarkable the way that you have Zarah in your house and the ways in which you have this connection with Zarah. Has that been difficult for you?

It's not difficult for me at all, the reason I was doing it is for Sidra, to make Sidra happy. I know that Zarah is not my blood, you understand? But basically, for me, it's no problem, I look after her, that's no problem. I'm the kind of person that I've got no problem with anyone. If someone's got a big house, big car, big bank balance I say 'I'm so happy for them. Allah give them more and more.'

Lots of people would not be able to do that.

Yeah [chuckles] ... people have got small hearts, what can I say.

Do you do it just for love for Sidra or do you do it because of all the relationships, I mean, all of the family?

Yeah [chuckles] Good question actually, because Sidra's mum, she ... myself, I still have respect for her, sometimes she'll call me and tell me 'I've got this problem', blah blah blah, so I try to help her out. But it's basically you're right, it's.... something is there, that's why. You just care for people, isn't it.

In this post-divorce family, then, the separated parents had not only sustained a joint-parenting relationship over their biological daughter Sidra, but Tariq had also taken Sidra's half-sister Zarah into the bargain. It is an 'accretive' family not despite the low income of both parents, but partly also because of it. Rather than Simpson's (1998) or Ribbens McCarthy et al. (2003) descriptions, this has greater resonances with Judith Stacey's (1990) study of working-class Americans, for whom survival strategies knit separated couples, their new partners and their children together into 'divorce-extended' families. My findings resonate with her claim that working-class families, 'where divorce rates are higher and where women have far greater experience with, and need for, sustaining cooperative kin ties' (p.254), may in fact be characterized by continuity not severance.

With regards to Stacey's warm representations of 'divorce-extended' families, however, it may be useful to take a more discerning view of these relationships and see how they may be perceived differently by different family members (see Smart et al. 2001; Zartler 2011 and Widmer 2012 on the differences in family members' perceptions). In 2014, I interviewed Uzma and Tariq's daughter Sidra, aged 16. She expressed great ambivalence. Showing again similarities with the wider sociology of divorce in Britain, Sidra saw her step-parents not as parents, as such, but as appendages to her parents—as Smart

(2004) observes, ‘more of an adjunct to one parent, or possibly just as a family friend of no great significance’ (p.405). In fact, Sidra described her relationship with her stepfather Intezar in much worse terms than this.

How would you describe the kind of relations you had with him?

There was none. It was just, ‘Hi, hello’, that’s it. He used to just be with my mum, like he was before and stuff, with my mum. There was no relationship, there was nothing.

Did he used to treat you like a daughter?

No, never.

Like a friend?

Never ... No ... How do you expect another guy to treat you like his daughter? No way. No guy would do that.

Fina, Tariq’s second wife, was a more positive figure from Sidra’s perspective.

When she came from the airport, I was at dad’s house, and it was like, then she came. And she gave me a hug and a kiss, she was like, ‘Hello, how are you?’ and stuff. It was nice, it felt more comfortable with her than Inzy. She was nice.

But Sidra complained that she now seemed to see more of Fina when she visited her father than she did of her father—speaking to Allan et al.’s (2011) observation that stepmothers are often towering figures in stepfamilies because they take on the normatively gendered ‘managerial responsibilities for the smooth operation of the family’ (p.88).

When you go round, who is it that you actually spend time with in his house?

His girlfriend, I mean his wife there, yeah. He goes upstairs and he’ll be busy on the laptop or he’ll be at work, and whenever he does come down he’ll be like, ‘Oh hello, how are you, how’s college?’, that’s it. He will never want to go out with me, never want to spend time or do anything else.

Despite Tariq’s efforts to ensure continued contact with Sidra and prioritize her in his stretched finances, Sidra felt that emotionally, her father had really closed down his first family and started up another—she felt that his

was a replacement nuclear family rather than an accretive one. And although Sidra claimed to 'get on alright' with Fina, she did not see her as a mother figure, and would never dream of calling her anything but her first name.

What did you use to call Inzy?

I used to call him Inzy.

Right, there was never like 'uncle' or 'dad'?

No, no. He didn't deserve that sort of status in the relationship, no.

And what about on the other side, with Fina?

I used to call her Fina.

Did they ever ask you to call her 'mum'?

No, no. I wouldn't have said it, so why would they?

Sidra complained too about Fina's children. When the eldest of her half-sisters had arrived from Pakistan, Sidra said it had been nice have a baby around to play with, but as two more had rapidly followed and Fina was now pregnant with a fourth, Sidra's opinions had soured.

With me, I don't have any grudges against no one anymore, I never had, I never will because that's just life and that's what happens, things go wrong. I mean she [Fina] had to come in this family, she came, so good on her. But I would never say that they are my sisters or whatever [her half-sisters from Tariq], no they're not, they're just there, that's it. I don't have any grudges against them, I don't hate them but they're nothing.

Do you feel he gives more attention to the other girls?

Yeah he does. Obviously he lives with them, that's why.

Tariq's new daughters were irksome to Sidra because she felt they detracted from the attention she received from her father. Another aspect, which I turn to below, is that they were all female and growing in number. Sidra expressed different feelings towards Zarah, her half-sister from Uzma. She denied having a full siblinghood with Zarah too:

Do you feel like Zarah is a sister?

Zarah is just Zarah, she's just my mum's daughter, that's it.

How do you feel about her?

I do what my mum tells me to do. [i.e. look after Zarah]

Which is quite a lot.

Yeah. I do love Zarah still, I do. But.... she's just my mum's daughter.

Sidra was offhand in the interview, but as she admits here, she did observably love Zarah. Unlike with Tariq's new daughters, Sidra had with Zarah the intimate bond of living together, of sharing most of their waking hours together, and of caring for her, with all the ups and downs and frustrations that this entailed. In fact, after Uzma took on her second job, Sidra took on more and more caring responsibilities for Zarah. She was getting Zarah up in the morning, getting her ready for school, taking her to school, picking her up, feeding her, taking her to mosque, and fitting all of this around her General Certificate of Secondary Education (GCSE) studies. In her interview, Sidra was fed up.

She just doesn't listen at all, like if I wake her up she wouldn't wake up, she'll be constantly like, 'I wanna sleep', she won't put her clothes on and I have to shout at her then get her up, then get her ready. I mean she's little, she obviously wants her mum to get her ready. She doesn't want me to get her ready, she wants her mum to drop her to school. I understand that, but it's mum innit, you know, doing all this.

Accretive post-divorce families could be as much a structural feature a feature of working-class family life as the replacement nuclear families. People may be glued together by material as well as emotional needs. But, equally, family members may have very different perspectives on the levels of emotional continuity or discontinuity post-divorce. Even in an ostensibly 'divorce-extended' family like Uzma and Tariq's, new persons were not straightforwardly welcomed by everyone, as people with whom they could experience caring and intimacy.

Blood

As suggested by the extracts cited above, the subject of *khoon* or blood was much discussed by the women and men I worked with. Here we approach the question of what kinship actually means to people and the

cultural idioms they use to talk about it, an important element of the 'new kinship' studies (Strathern 1992; Carsten 2000, 2004).

The significance of blood as a signifier of kinship has been brought up in earlier studies of stepfamilies. Although Ribbens McCarthy et al. (2003) claim that middle-class parents were more preoccupied with genetic kinship than working-class parents, who tended to stress financial, practical, and emotional bonds, they describe women and men across the entire sample confronting dilemmas over 'fairness' in relation to the treatment of biological children versus stepchildren. The families they studied strived to diminish any kind of differential treatment according to blood. Yet studies with children in stepfamilies show that complex messages about the role of blood in differentiating degrees of relatedness do filter down to children, or are perhaps fitted together by children themselves. Mason and Tipper (2008) and Alexander (2009), for example, show British stepchildren sifting between their siblings and cousins according to whether they are blood relations or not.

Blood was important in the stepfamilies I worked with too, but it seemed to figure slightly more complexly in people's reckonings of kinship. I began to prick my ears up to what people were saying about blood during an exchange between Shareen and a woman called Fauzia. Fauzia had migrated to England as a child and was more expressive in Mirpuri than in English. Mirpuri being a language I do not speak, I asked Shareen to help conduct and translate the interview with me. Fauzia had two older sons from her first marriage, which was to a cousin from Pakistan who she characterized as a 'bogus husband', and a third son, Shahid, aged ten, from her second marriage. Fauzia's second husband had left her whilst she was pregnant with Shahid. One of the stories that Fauzia recounted was about how her second husband had been having an affair with a White woman, a *gori*, with whom he also had a son. Fauzia said her ex-husband had shown his true colours to the *gori* too and left her shortly after that child was born. At this, Shareen started to take interest. She asked whether Shahid ever met with his half-brother, referring to the half-brother in Mirpuri simply as *bra* (brother). Fauzia said that she had not told Shahid that he had a *bra* from his father as she thought it might upset him. Shareen objected that Shahid had a right to know because this was his *khoon na bra* (blood brother) and if Fauzia didn't tell him about

it herself, if he ever found out about it when he grew up, he would be very angry with her. Fauzia looked a little injured at this free advice, and Shareen was able to draw her no further on the subject.

The situation seemed to bother Shareen. After the interview, later that evening, she called me up to volunteer her opinion that Fauzia was doing the wrong thing in not telling Shahid that he had a brother from that *gori* girlfriend of his father. If it was Shareen, she would tell Shahid about it and let him meet with his brother. She seemed to think that Fauzia was separating him unfairly from his brother and denying him his *haq* (right) to know that he had one. I was perplexed by how strongly Shareen felt about it. I didn't see why Fauzia should tell Shahid. Fauzia's second husband had returned to Pakistan and now had no contact with them. Fauzia said he had left the *gori* as well, and that the *gori* had brought up the son on her own. Shahid had grown up with two older half-brothers on his mother's side, and he related to them as brothers. But Shareen repeated that it was important because they were 'blood brothers'.

In my notes that night, I wrote that 'I think Shareen has a more powerful sense of the power of blood and the rights and relatedness that accompany it than me'. My assumption was that the father's role in bringing either boys up was minimal, so they were not connected in any meaningful way. Over the course of the fieldwork, however, I came to understand that the idiom of blood or *khoon* had a particular cultural resonance that had long-term repercussions for the post-divorce families that evolved. The signifier blood seemed to fire people's imaginations in relation to the father-son relationship and the relationships between male children of the same father. This is perhaps unsurprising in the light of North Indian kinship literatures which have documented conception beliefs emphasizing the father's contribution to the formation of the child, in contributing the seed or the blood, and downplaying the contribution of the mother, likening it to the soil that provides only the wherewithal to allow the seed to grow (Böck and Rao 2000; Lambert 2000). Peter Loizos and Patrick Heady (1999) have linked such beliefs to patrilineal kinship systems in which the salient aspects of personhood are given by paternity, although the relationship between kinship systems and conception beliefs is not straightforward. Whilst the personhood of daughters is as much shaped by their fathers as that

of sons, the assumption that daughters will marry out and become members of their husbands' patrilineages seems to render them less important incarnations of their father's bloodline. This frequently combines with inheritance laws and norms channelling property to sons, making for a situation where the bloodline between fathers and sons is given a social reckoning of indelible significance.

To my knowledge, such dynamics have not been much explored in studies of British post-divorce families. Simpson (1998) hints at the significance of patrification in British stepfamilies but only in the distinctions of surnames that may be found in them: 'the whole sibling group would be domestically united by maternal care and residence but publicly divided by the patronyms they received from their respective fathers' (p.44). He does not explore the meanings that people give to these patronyms, although Ribbens McCarthy et al. (2003) suggests that they do have cultural significance: in legal cases erected against mothers who attempt to change their children's surnames to those of their new husbands, judges have affirmed the rights of the birth fathers to name their children. In their authoritative study, Allan et al. (2011) identify countless configurations of stepfamily relationships, and can only identify that these are highly variable: the only consistent pattern they find lies in whether stepsiblings live together as children. They conclude that step relationships are highly dependent on the 'mundane sharing of family-relevant experiences' (p.182) and that in this respect 'stepfamilies are just families' (p.168). By contrast, my findings suggest that in this particular context, ideas about bloodlines may be important in creating differences among stepsiblings as well as in the long-term connections that fathers maintained with their children.

In her interview, Sidra laid out the distinction between her two sets of half-sisters in accordance with the mundane sharing that came from living together with Uzma's daughter Zarah. However, I learnt that other principles were important too after Tariq's fourth child with Fina was born, and turned out, against the odds, to be another girl. I met Sidra in a café on the day of the birth, on her way to the hospital. She had bought Fina a hamper of pink baby clothes to welcome the new addition, but she expressed regrets about Tariq's bad luck at the baby being a girl: a girl would be yet another economic liability for her father.

First look after the children you have, *then* you can go for more children. If you can't even give provide for your first daughter, if you can't do anything for her, then what's the point of having more? Is he gonna pay for all of our weddings?

It is worth reflecting on just how far into the future Sidra was thinking. Her half-sister was not even a day old, yet Sidra brought up the fact that Tariq would eventually have to pay for this newborn baby's wedding as the critical issue at stake. The relationships Sidra had with her father's new daughters were less intimate than the taken-for-granted bond she had with Zarah. Even if Zarah could be annoying, Sidra felt close to her in an unquestioning, automatic way because they lived together. With her half-sisters from her father, by contrast, Sidra felt bound in a jural sense because of their competing entitlements to their father's support in their eventual marriages. Sidra had accepted that she would not receive any of her father's ancestral land in Pakistan, and that he might not give her any stake in the house in England either, but a lavish wedding was something she had been brought up to expect.

You don't expect anything [inheritance] from your dad because your husband is supposed to be the one that's gonna like give you a house and stuff. Your dad's only right is to get his daughters married, that's it.

The young men I interviewed described a similar distinction between their half-siblings from their mother's side, with whom they shared family-relevant experiences because of living together, and the jural bond they had with their half-siblings from their father's, in which was implicated highly-charged questions of bloodline, ancestral property and inheritance. Asad, the eldest son of Rabia, introduced in earlier chapters, grew up in a house with three older half-brothers from his father's first marriage. He described always being aware of the difference between these two branches of the family, of growing up 'in the shadow' of the first set of brothers. The eldest of them, Sadiq, had always been kind to Asad and his siblings, but the rest had not.

I grew up in their shadow, basically, if I can put it that way. Because they were from the first marriage and we all lived in one house. To be honest,

with Sadiq, he *was* like an elder brother. Because when he moved out a few years later, with him it was quite good, because he would still visit from time to time or bring a film, a Pakistani or a Bollywood film and we would watch it together in the evenings. The second brother Ashraf, I didn't get on with him at all, and there was another brother, Mo. They didn't really want to know us, that was alright, they made it pretty obvious.

And were you always taught to think of yourself as one family, or was there a very clear difference, that you were the kids from your mum and they're the ones from the previous one?

Oh, there was a big difference, there was a *big* difference [Asad's emphasis]. It was like, again, I use the word shadow advisedly. They were more loved by my father's side of the family, they were all accepted as children, but we weren't, cause dad married a second time.

Rabia's marriage to Asad's father broke up when Asad was ten years old, by which time all of the older half-brothers had married and moved into their own homes. Rabia stayed in the marital home and Asad's father took a flat on rent. Asad described having little contact with his half-brothers for many years after the break-up. But in 2005, his father died very suddenly and the half-brothers came back into his life because of the inheritance. Asad's father had the house in England, the one in which Asad had grown up, and quite a substantial plot of agricultural land in Mirpur. A major conflict with the half-brothers ensued when Asad went back to Pakistan for the funeral. The half-brothers had always been aggrieved that Rabia had assumed residence at the marital home after the divorce, as they considered it to be their father's. They therefore proposed to Asad that he pass over his claim to the land in Pakistan in exchange.

They [half-brothers and his father's elder brother] were all sort-of involved trying to get me to sign documents to pass over my inheritance share. They said, 'If you're getting the England property you've got no right to the Pakistani inheritance.' They gave me some kind of affidavit or something saying 'Me and my brothers are giving up land in Pakistan, we are no longer the inheritors of this property in Pakistan.' I called up mum [in the UK]. She goes 'Don't sign anything, if there's paperwork don't do anything, say "I've just come for dad's funeral, just came for that reason only and we'll sort things out afterwards."', Mum goes 'It's not just your rights, it's your

other brothers' as well.' I said 'Fine, don't worry.' So I left after like ten days, I came back [to the UK]. So they were trying to deny the very existence of us, they wanted to cut us off because of mum, you know, 'We don't want nothing to do with them, they're not entitled to any inheritance', they were having their own law and so on.

Sharing a father made for a heady concoction of shared blood and shared rights to the patrimony of the bloodline—the ancestral land in Mirpur—a state of affairs that locked Asad into a long-lasting relationship with his half-brothers well after social interactions had otherwise ceased between them. This is furthermore a heady concoction of blood and land among the male children of a father: Asad's sisters and half-sisters do not figure in the story at all.

If we compare Asad's narratives about his relationships with his half-brothers to that of his relationship with Manahil, his half-sister from his mother's second marriage, they are very different. The fact that Manahil's father Altaf had left the family by the time of my fieldwork meant that Asad expressed particularly paternalistic feelings towards Manahil. They were more than 20 years apart in age, and he was concerned about her vulnerable emotional state after Altaf left the marital home. But Manahil was someone with whom Asad shared mundane family-relevant experiences, rather than a threat to his rights. In fact, Rabia had never even told Manahil that she had a different father from her siblings, to protect her from feeling 'this "step" thing' in her mind:

I want to protect her in a way really, until she's able to understand it more clearly. I mean she doesn't even know that I married twice, that her brothers, they are stepbrothers and sisters. She doesn't know these things yet, so I don't want to confuse her at this stage until later, when she's in her teens, when she can understand more because you get this 'step' thing in their mind and then the relationship breaks. She talks to my other children like they are her brothers, or more than brothers, they've been a father to her, more like a father than her dad.

It is interesting to note that Rabia saw her children from two different men as stepsiblings rather than as half-siblings related to each other

through blood kinship with her. Rabia had seen with her own stepchildren that the qualifier 'step' could produce a great rupture in relationships as, irrespective of having grown up together in the same household and with apparently the same parents, the implications of one's birth father could be profound in shaping the sense of personhood and connectedness that constitute kinship. Father's blood was thus understood to create significant differences between sets of stepsiblings by conveying long-term jural rights and interests.

Marriage

Rabia's attempt to protect Manahil from discovering her different parentage from her half-siblings taught me something else about the significance of blood in divorce-extended families. The idiom of blood is closely linked to marriage. Marriage is when the blood of the patrilineage is exposed to potential mingling with the blood of another. Rabia expected that the difference of Manahil's father from that of her elder half-brothers and sisters would be a flashpoint again when the time for her marriage would come, when Rabia and Altaf would tussle once more over their rights over their child and over the cementing of kinship bonds (and immigration possibilities) through Manahil's marriage, which she presumed would go to one set of kin. Indeed, this was Rabia's interpretation of Altaf's insistence on taking her to court over child contact. He didn't want to be a 'proper dad', she claimed, only the kind that took his kid out to McDonalds once in a while, to keep his stake in the game:

You need to be able to understand this Kaveri, you've married into that culture. Pakistani men, even if they're not interested in their daughters, they will never, never let go of their daughters because at the end of the day they want to have that *haq* (right) decide who her *rishta* will be with. Probably he wants to get her married to his nephew or something, so that she can bring him over, not someone in our *biradari*.

Manahil was only nine at the time: Rabia was thinking far into the future and attributing underhand motives to Altaf, representing him

to herself in the worst terms possible. But there were older children of divorce who narrated life experiences along exactly these lines. Naheed's eldest son Shabir is a case in point. Shabir had had recently rekindled his relationship with his father. He said he had started to feel like he wanted to have some kind of 'memory' of his father and get some 'answers' as to what happened between his parents:

He's probably gonna die one day and I'll probably regret it, you know. When he dies or whatever, I won't really have any memories of him, fond memories with him to be honest. I won't have known much about him.

Do you enjoy his company now?

He's alright, I mean I guess he can be a laugh, as I said, but sometimes you just wanna talk seriously and he just ... he's always evasive. And he can be a little bit irritating too. I can only handle him in small doses.

As this extract shows, Shabir's visits to his father were not easy. And significantly, for our concerns here, something that was making his visits to his father particularly difficult was that he had started to throw his weight around over Shabir's marriage, an increasingly prominent topic of conversation now that Shabir approaching his mid-20s.

He's, you know, trying to stick his foot in there.

Has he got some opinions of about that now [the question of Shabir's marriage]?

Prff ... Not really, I mean I think he does but no one really listens to him or clicks with him because I guess he sort of forfeited that right, didn't he? I mean he doesn't really have a say, does he?

Shabir felt that he'd given his father an inch and he was trying to take a mile. But in any case, Shabir thought the situation was laughable, because one subject on which he was resolute was that he was never going to have an arranged marriage. He wanted to find someone for himself—and very, very carefully, having seen divorce from such close quarters as a child.

I'm not getting an arranged marriage.

You're not ... and you've said that?

Yeah, I already told mum. How can you marry someone you don't even know?

Mm

You need to know someone a long time before you can say, 'Yeah I wanna spend the rest of my life with you.' And all these messed up marriages in my family, it's like they're all cautionary tales, so I'm not rushing into it.

How do you imagine it happening then?

I'll meet someone myself. It's only ever going to be that, I mean I can't do the other way, when I'm meeting someone that they choose.

And is your mum OK with that?

She has no option [chuckles] She's not getting married, it's me who's getting married.

All of the adult children of divorce who were not yet married echoed the same views, in keeping with the adult children of divorce interviewed by Das (2011). Their aversion to arranged marriage suggests an ironic prognosis for the future. Some parents may be locked together into shared parenting out of a concern to protect their rights and influence over their children's eventual arranged marriages, at least in part, yet the children of divorce express out-and-out hostility to the very idea. In this, the prospect for individual trajectories and family histories to be redirected by the 'vital conjuncture' of future partner choices (Rytter 2013, p.12, drawing on Johnson-Hanks 2002) remains on the agenda.

Conclusion

In contrast with earlier studies, my findings suggest that British Asian post-divorce families are not very exceptional set against the wider sociology of contemporary British families. They are not a throwback to an era of blame and vilification, and the complicated moral etiquette of shared parenting was the majority pattern among the families with whom I worked. Earlier studies have suggested that social class may further inflect patterns of post-divorce family life, with middle-class families more likely to show continuity and working-class families more likely to adopt a

replacement or reconstituted family structure post-divorce. I did not find this a helpful distinction to understand the working-class families with whom I worked, for whom shared parenting very frequently produced accretive post-divorce families. Furthermore, I suggest that the economic need to secure financial contributions and childcare from ex-spouses may make accretion as much a structural feature of working-class family life as the replacement nuclear family, depending on the willingness of the ex-spouse to extend their however limited financial resources. I have endorsed Judith Stacey's (1990) notion of the 'divorce-extended' family to understand the forms of family that people built after divorce, which appreciates the greater experience and need that working-class women have for kinship ties in the context of survival economies and strategies. Whilst working-class people may be good at 'transforming divorce from a rupture into a kinship resource' (p.254), however, I have suggested that perspectives within families may be divergent and differentiated and that the economic and practical resources that 'divorce-extended' families may tap on to, may not necessarily come along with feelings of intimacy and caring for all family members.

Influentially, Bob Simpson (1998) has portrayed post-divorce British families as 'unclear'. Carol Smart (2004) has argued similarly that divorce makes for family relationships that are "rethought" rather than taken for granted' (p.406). My findings support these claims and show people grappling reflexively with questions such as what should the appropriate term of address be for a stepdaughter towards her stepfather, or whether to tell a daughter that she doesn't share the same blood as her half-brothers. However, I have also shown that traditional cultural conceptions of kinship enter the equation for stepfamily life and make considerations of the shared blood between fathers and sons and the jural rights connected with this come to the fore in ways that have not been described for English stepfamilies. The long-term concerns with arranged marriage, the mingling of blood between different *biradaris* and immigration interests are also distinctive. For my informants, divorce has not turned the family into an arena of complete unclarity or cultural fuzziness.

New kinship, based on studies of novel family forms in the West, privileges the flexibility of people's understandings of kinship and their dependence on the mundane practices of sharing family-relevant experience.

Here, however, patrification and the reproduction of the patrilineage—questions that were the forte of old kinship theory—seem to matter. The challenge is thus whether the analytics of new kinship studies are genuinely more true to emic constructions of kinship across cultures, or whether, as with earlier kinship theory, it is an academic extension of changing, and now perhaps more ‘optative’ English folk conceptions of kinship (Strathern 2005; Vivieros de Castro 2009).

References

- Alexander, S. (2009). ‘Do grandmas have husbands?’: Generational memory and twentieth-century women’s lives. *The Oral History Review*, 36(2), 159–176.
- Allan, G., Crow, G., & Hawker, S. (2011). *Stepfamilies*. London: Palgrave.
- Aura, S. (2008). *Women and marital breakdown in South India: Reconstructing homes, bonds and persons*. Helsinki: University of Helsinki Research Series in Anthropology.
- Beck-Gernsheim, E. (2002). *Reinventing the family: In search of new lifestyles*. Cambridge: Polity Press.
- Böck, M., & Rao, A. (Eds.). (2000). *Culture, creation, and procreation: Concepts of kinship in South Asian practice*. Oxford: Bergahn.
- Carsten, J. (Ed.). (2000). *Cultures of relatedness: New approaches to the study of kinship*. Cambridge: Cambridge University Press.
- Carsten, J. (2004). *After kinship*. Cambridge: Cambridge University Press.
- Das, C. (2011). *Adult British Indian children of divorce: Context, impact and coping*. Aldershot: Ashgate.
- Jamieson, L. (1998). *Intimacy*. Cambridge: Polity.
- Johnson-Hanks, J. (2002). On the limits of the life cycle in ethnography: Toward a theory of vital conjectures. *American Anthropologist*, 10(4), 865–880.
- Lambert, H. (2000). Sentiment and substance in North Indian forms of relatedness. In J. Carsten (Ed.), *Cultures of relatedness: New approaches to the study of kinship* (pp. 73–89). Cambridge: Cambridge University Press.
- Lecoyer, K. (forthcoming). *Legal pluralism in Belgium: A human rights analysis of family dispute resolution*. Unpublished PhD thesis, Faculty of Law, University of Ghent, Gent.
- Lewis, J. (2001). *The end of marriage? Individualism and intimate relations*. Cheltenham: Edward Elgar.

- Loizos, P., & Heady, P. (Eds.). (1999). *Conceiving persons: Ethnographies of procreation, fertility and growth*. London: Athlone Press.
- Mason, J., & Tipper, B. (2008). Being related: How children define and create kinship. *Childhood*, 15(4), 441–460.
- Ribbens McCarthy, J., Edwards, R., & Gillies, V. (2003). *Making families: Moral tales of parenting and step-parenting*. London: Sociology Press.
- Rytter, M. (2013). *Family upheaval: Generation, mobility and relatedness among Pakistani migrants in Denmark*. Oxford: Berghahn.
- Simpson, B. (1998). *Changing families: An ethnographic approach to divorce and separation*. Oxford: Berg.
- Sinha, R. (1998). *The cultural adjustment of Asian lone mothers living in London*. Aldershot: Ashgate.
- Smart, C. (2004). Changing landscapes of family life: Rethinking divorce. *Social Policy & Society*, 3(4), 401–408.
- Smart, C., & May, V. (2004). Why can't they agree? The underlying complexity of contact and residence disputes. *The Journal of Social Welfare and Family Law*, 26(4), 347–360.
- Smart, C., & Neale, B. (1999). *Family fragments*. Cambridge: Polity.
- Smart, C., Neale, B., & Wade, A. (2001). *The changing experience of childhood: Families and divorce*. Cambridge: Polity.
- Stacey, J. (1990). *Brave new families: Stories of domestic upheaval in late-twentieth-century America*. Berkeley: University of California Press.
- Strathern, M. (1992). *Reproducing the future: Essays on anthropology, kinship and the new reproductive technologies*. Manchester: Manchester University Press.
- Strathern, M. (2005). *Kinship, law and the unexpected: Relatives are always a surprise*. Cambridge: Cambridge University Press.
- Thiara, R., & Gill, A. (2012). *Domestic violence, child contact and post-separation violence: Issues for South Asian and African-Caribbean women and children*. London: National Society for the Prevention of Cruelty to Children.
- Vivieros de Castro, E. (2009). The gift and the given: Three nano-essays on kinship and magic. In S. Bamford & J. Leach (Eds.), *Kinship and beyond: The genealogical model reconsidered* (pp. 237–268). Oxford: Berghahn.
- Widmer, E. (2012). *Family configurations: A structural approach to family diversity*. Ashford: Ashgate.
- Zartler, U. (2011). Reassembling families after divorce. In R. Jallinoja & E. Widmer (Eds.), *Families and kinship in contemporary Europe: Rules and practices of relatedness* (pp. 178–191). London: Palgrave.

11

Conclusion

I think the problem is with women's empowerment really. I think there's been so much talk about Asian women being downtrodden and oppressed, that now the women have taken it in the *opposite* way and they started sticking up for themselves so much—too much—and now they don't know how to do *sabar* (exercise patience) any more. *Sabar* is what the religion teaches us. The women have been given their own qualities of tolerance and so have the men.

Mr Nasim

This book has argued against the dominant representations of British Asian families as traditional and stable. Not only has marital breakdown increased, but as people have taken on board the fragility of marriage and the possibility of divorce, this is also changing the interiority of family life in nuanced and culturally particular ways. As marital breakdowns become more ordinary, the 'kinscripts' (Stack and Burton 1994) for family mediation change. Fewer women are told by their natal families that 'we want you to die out of the family you marry into', and in extended families where there are already many examples of prior divorces, parents

quite readily acknowledge their daughters' problems and encourage them to leave. The emergent shift towards matrilateral asymmetry, already evident in the context of migration, is deepened as long-term separated or divorced women return to their natal families, who provide them with accommodation, childcare and financial support. The social taboo associated with being a lone parent household, or with being separated and divorced also dissipates. Assumptions about arranged marriages necessarily being more stable than marriages of choice change, and marriages based more on the personal say of the individuals involved become less and less non-conformist and disruptive. Women and men make provisions for the possibility of divorce, such as having the Islamic *nikaah* but not civilly registering the marriage, or ensuring that finances will be kept separately, to ward off the legal consequences of divorce—but these engender further marital conflicts. As divorce and remarriage become more normal, stepfamilies become more common and demand new kinds of complex manoeuvres to sustain post-divorce relationships between ex-spouses, relationships that are ever ambivalent and changeable.

This book has argued equally against the dominant characterizations of British Asian families as patriarchal and authoritarian. There are persistent gender inequalities, as we saw in the chapters on the grounds for marital breakdown, family mediation and on staying single or remarriage. But the book has also showed that these gender inequalities are shaped not by a timeless patriarchy but by the intersections with race, class and immigration, which serves to shore up the hierarchical matrix of the families into which migrant spouses settle. Moreover, there are observable differences in family cultures. If there are hard-hitting gender inequalities in some families, in others, parents readily step in to defend their daughters, redress what they come to acknowledge as their earlier mistakes or oversights, work to release young women and men from unsatisfactory marriages and support them in making more consensual second marriages and building happier post-divorce families.

In bringing this book to a close, I draw together the arguments made in relation to the concepts of conjugality, legal pluralism and new kinship which structured these chapters, and turn back to the questions I raised in the beginning concerning what the rise of marital breakdown among British Asians might mean and how we should interpret it.

Conjugality

Chapters 2 and 3 indicated that working-class British Pakistanis are articulating expectations of marriage that resemble Euro-American representations of modern conjugality. Marriages that are felt to be unfair are deemed to be intolerable, marriages that don't develop into passionate love and 'understanding' are questioned, and people pursue sexual satisfaction and may have extramarital affairs—and men even remarry polygamously—should this not be forthcoming. In Chaps. 8 and 9, I showed that similar considerations—the hope for consensual relationships—animate people's reasonings concerning remarriage.

At the same time, the study has shown that women and men continue to evaluate their marriages pragmatically, and that love and intimacy are not set apart from mundane domestic acts of care and material provisioning. The notion of the male provider continues to have enduring cultural power, as shown in the motives for divorce narratives that questioned the viability of the marriage on the grounds of a man's failure to 'take responsibility', or in women's judgements about the conditionality of a man's entitlement to a fathering relationship with his children, as discussed in Chaps. 7 and 10. In Chaps. 8 and 9, I also examined the vulnerabilities of women that were factored into their reasonings concerning repartnering and remarriage. Marriage was thus not a free-floating bond between souls, but involved relationships with needy bodies as well. There are clear resonances with Shalini Grover's (2011, 2014) depictions of marriage in Delhi slums, where pragmatic considerations are inseparable from desires, passions, romantic aspirations and emotional considerations. Equally, however, there are resonances with studies of the UK ethnic majority, which have shown that 'pragmatism [can] itself inform narratives of "falling in love"' (Langhamer 2012, p.286).

Another problem revealed with the story of the advancement and globalization of modern conjugality is that, in the families with whom I worked, it was never just the couple in hermetic isolation. The normative model of marriage to which they subscribed was of living very closely alongside the extended family. This was the aesthetic of family

in which they had grown up, and it also signified the seriousness with which both parties had taken the marriage. I showed in Chap. 3 how joint family life provided a particular, and sometimes challenging context for a husband and wife to develop conjugal intimacy. Not only a woman's mother-in-law, but in the context of migration also a man's mother- or sisters-in-law could produce a 'triangulated marital subsystem' (Nath and Craig 1999; Sonpar 2005). In Parts II and III, moreover, I discussed how pivotal the natal families of both the wife and the husband could be in shaping a couple's response to marital conflict, in supporting an unhappy party to leave, in allowing them to return to their natal homes, in the decision to divorce and throughout its legal processes. Natal families could then be utterly central in building a meaningful relational life after divorce. Although the emphasis that the women and men in my study gave to love in their marriages does not allow me to support fully Gabb and Singh's (2014) arguments about the cultural irrelevance of conjugality in British Asian families, this study underlines their call for openness about the nature of the conjugal unit and the need to appreciate a diversity of relationships and intimacies. Again, however, this is not an analytic move demanded exclusively by studies of South Asian marriages. Smart (2005) and Widmer (2012) have shown the significance of grandparents or wider 'family configurations' in understanding patterns of, and responses to marital conflict.

Legal Pluralism

In studying my informants' privatized family responses to marital conflict, I showed in Part II that women and men had a sense of entitlement to support from natal kin which was understood to follow from having an arranged marriage. Family mediation can be seen as an implicit, unwritten, taken-for-granted 'normative order' (from Merry 1988, p.871). When it comes to the question of whether family mediation counts as law, however, this study has raised questions. The entitlement to kinship support was seen as a rule, but in Dresch's (2012) terms, this rule was not very distinct from habit or practice. Moreover, treating family mediation

as an instantiation of law did not get us very far with understanding it. More helpful were the South Asian ethnographies which examine kinship support as a form of kinship practice through which troublesome relations between affines and natal kin are negotiated.

Part III showed that the sharia and English law are inherently plural. The course of events was directed in the background by the interpretations offered by family and friends, and these forms of law therefore operate as much through the informal negotiations that take place in their waiting rooms and car parks, as in their official mediations. Comparing Chaps. 6 and 7 makes it clear that women and men did not consider the sharia and English law to be equivalent. From the perspective of a community study, which recruited informants through residential fieldwork rather than from among those who had walked through the doors of sharia councils, it emerged that the sharia may be less authoritative than earlier studies have assumed, as well as far more fragmented. The embedding of the sharia within moral and communal claims, rather than through the possibility of enforcement, is particular to the UK context. It allows for more flexibility in the decisions that can be made by the *ulema* as well as on the part of the women and men who seek and then sift through, and perhaps discard their decisions. I found that state law and the sharia were ‘mixed’ in people’s minds and actions (de Sousa Santos 1987, p.298), and one could be used against the other for leverage in divorce cases that were addressed simultaneously in both forums. But state law was felt to be more authoritative, disempowering and marginalizing, particularly because of the ways in which its workings were shaped by social class and educational privilege.

The study calls for going beyond the ‘classic’ formulation of legal pluralism (Merry 1988) and seeing it within a wider frame. In so doing, however, the study also raises the age-old ethnographic problem of the social scientific definition of law itself. I have endorsed efforts to elaborate upon law as a culturally distinct and so-recognized phenomenon. In addition, this is important not only to nuance the conceptualization of law, I would argue, but also to help understand the family processes that intervene so powerfully in situations of marital conflict and work—in the shadows of law—to shape its course.

New Kinship

Chapter 8 showed that academic celebrations of the new forms of relational life that have opened up outside marriage may need to be reworked for British Asian contexts. Women cherished the family lives they built up with their children, natal families and their friends, but these were rather different from the discussions of transient sexual ‘arrangements’ (Roseneil 2006) and friendships that we have heard about in family sociology. Meanwhile, divorced men were often quite socially isolated. This led more men than women to remarry. As I showed in Chap. 9, people reasoned through their remarriages not only in the ambivalent context of broken trust and hopes for better relationships but also within the normative context of arranged marriage and biased transnational ‘marriage markets’. In Chap. 10, I showed that British Asian families are not, as earlier literature had suggested, a throwback to an earlier era of blame and vilification. Shared parenting is the predominant arrangement post-divorce, and this is resulting in ‘divorce-extended’ families which are, as Stacey (1990) argued, not precluded by financial hardship but also necessitated by it. Equally, though, Chap. 10 suggested that depictions of post-divorce families as ‘unclear’ may efface other considerations. The *biradari* or patrilineage remained extremely important in structuring post-divorce families, with ideas of the male bloodline quite powerful in parents’ considerations of differences between step- and half-children as well as in the relational textures sensed by those children. The stake of children’s eventual marital alliances with either the mother’s or the father’s *biradari* also affected the relationships parents developed with their children post-divorce, even if the children were themselves dubious.

The study therefore raises questions about whether the concern with ‘optation’ is a genuinely more emic approach to kinship or whether it is a projection of the new folk models of Euro-American anthropologists (Strathern 2005; Vivieros de Castro 2009). My findings agree with Morgan Clarke (2008), whose study of assisted reproductive technologies in Lebanon concluded not with an argument for jettisoning new kinship but cautioned ‘against celebration of a triumph over “ethnocentricity” or ready proclamation of an analytical superiority over other academic projects, including “old kinship”’ (p.155). Clarke argues furthermore

that new kinship studies could be seen as a form of cultural imperialism in the same guise as old kinship studies, and that with its liberal normativity and oversight of matters of propriety, it would likely be seen so by many Middle Easterners. A similar argument could be made about the studies of divorce. Many a woman informant was infuriated with the presumption of post-divorce contact for fathers, and maintained that their ex-husbands were only seeking a limited form of contact in order to keep their stake in eventual marital alliances within their own *biradari*. Again, however, a careful reading would suggest that this is perhaps not a move exclusively necessitated by studies of British Asians: there are hints of the significance of patrification in studies of the UK ethnic majority too (see Simpson 1998, p.44; Ribbens McCarthy et al. 2003). Perhaps these concerns deserve more scholarly attention.

Questions That Remain

In the beginning of this book, in discussing Berthoud's (2000) analysis of 'three patterns of family formation in multicultural Britain', I suggested that there are two pressing questions raised by the rise of marital breakdown among British Asians. Does the rise of marital breakdown represent a form of acculturation, or is marital breakdown undergirded by different moral reasonings in ethnic minority families? Second, is divorce an expansion of individual choice, a Hobson's choice or something else? In this final section, I return to these questions, offering some final thoughts, but no neat, tied-up conclusions.

The material discussed here provides no evidence for a straightforward acculturation with the UK ethnic majority. This is partly because the literature on divorce in the UK ethnic majority shows that the White British themselves are not a monocultural entity that can be characterized stably in terms of individualization. Moreover, I have shown the continued importance of traditional South Asian cultures among these divorcing working-class families. New elements, such as the celebration of conjugality in terms of love and intimacy, can be written on top of traditional practices such as arranged marriage and therefore combine and coexist.

People's understandings of what tradition is are also subject to change, as with the contrast the informants drew between Islamic entitlements to divorce and traditional Pakistani pressures on women to compromise. Different elements may become important to people at different junctures in their lives, as, for example, with the women who compromised in their own unhappy marriages but urged their adult daughters to stand up for themselves.

For the most part, my findings agree with Smart and Shipman's (2004). The British Asian families I worked with are not falling simply into the march of White British families, and their alternative modes of 'doing family' (p.496) are not destined to die out. As Smart and Shipman observe, individualization theorists 'marginalize difference' (p.506). They suggest that the experiences of transnational families 'need to be incorporated into a wider analysis of social change' (*ibid.*). If we follow this idea, what might such an account of social change look like? Neither the British Asian families that I or Smart and Shipman have worked with, nor for that matter the White British families whose experiences are captured in the wider literature on the changing landscapes of the contemporary family seem to take divorce as an individual choice, if this connotes autonomy, isolation and mere personal inclination. People 'make choices in context, often with others in mind or for the sake of others' (Neale and Smart 2001, p.5). Individualization is thus tempered by the countertrend of 'linked lives' (Smart 2007, pp.44–5). It follows that social change is not a matter of linear replacement, but evolves like a palimpsest, overlaid with different layers that 'can accumulate, overlap, be written over, or gradually fade away' (Pooley and Qureshi 2016, p.15).

At the same time, my findings do not completely repudiate some of the claims of authors like Giddens. Whilst Giddens' grand narrative of individualization is problematic, there is a useful insight in his foregrounding of women's demands for equality with their partners. Most of the chapters in this book have addressed, in one way or another, the matter of patriarchal kinship structures, changing gender norms and resistance by women. I would argue that changing formations of gender *are* at stake in the rise of marital breakdown among British Asians and that gender *is* being reconfigured through marriage. This was certainly the opinion of Rani, an informant we have heard much from in the pages of this book

and an astute observer of people in her own right. Here she is complaining about how her divorce and remarriage cut her off from the other British Pakistani women she grew up with:

They've got that fatalistic kind of point of view, 'My life is *dukhi* (painful), it's easy for you' and I'm just sitting there thinking, 'What? It's easier stepping out and saying "No" than staying in a bad marriage with someone? You made a choice, I made a choice. Nothing's easy ... I'm responsible for what happens in my life, and if I take away that responsibility then I take away my empowerment, my power to make choices. And if you're giving that away, to your family, to your husbands, to the community, well good luck to you.'

Many of the marital breakdowns I have described were the result of one party, most often the wife but sometimes also the husband, 'stepping out and saying "no"'. I do not want to end on this note, however, without further considering the political implications of doing so in the context of what Black and post-colonial feminists have identified as a dominant discourse that essentializes patriarchy among British Asians and obscures the diverse lived realities that women actually inhabit. The point here is not to remind readers that British Asian families are not homogeneous or that there are huge gender inequalities in White British families too. There is a need to consider further the implicit imperial-feminist mode of thought and the way in which it portrays British Asian women, whether as victims or survivors, as 'politically immature' and in need of being 'versed in the ethos of Western feminism' (Amos and Parmar 1984, p.4). Seeing the rise in divorce as an expression of women's refusal of patriarchy assumes the form of liberatory politics endorsed by Rani above, one that suits liberal feminism and effaces, or diminishes, other forms of women's agency.

In her ground-breaking ethnography of a women's mosque movement in Cairo, Saba Mahmood (2005) has argued to uncouple the notion of agency from the politically prescriptive project of liberal feminism, with its propensity to celebrate resistance to patriarchy. She seeks to problematize 'the universality of the desire ... to be free from relations of subordination and, for women, from structures of male domination' (p.10). In a

parallel move, Suad Joseph (2005) analyses ethnographically the lifelong pedagogies that produce Arab women as relationally constituted selves embedded in hierarchical relations of gender and age, and shows how they are brought into being as subjects who, far from desiring freedom from patriarchy, come to actually desire the desires asserted by the men and elders in their families. In studies closer to home with the topic of marriage, Virginia Blum (2005) critiques the antagonism of contemporary social theory towards the idea of sacrifice because sacrifice implies compromise and therefore 'threatens to diminish the self' (p.346). Caroline Osella (2012) too expresses dismay that academics seem so uncritically embedded within liberal expectations of love and pure relationships à la Giddens, 'relationships without sacrifice, compromise, a little touch of pragmatic adjustment and realism, a love enmeshed in the everyday messiness of domestic duties and hidden bargainings' (p.242).

In this spirit, I suggest that it is increasingly necessary to think about forms of gendered agency outside of the political project of liberal feminism. To fail to do so would be to devalorize the hard grist of sacrifice and compromise of women like Soraya, who I offer as a final example. Soraya embodies the messiness and hidden bargainings that Osella suggests we need to attend to more. Soraya had remarried, in a polygamous arrangement, to a man from her home city in Pakistan. Whilst the marriage negotiations were underway, he told Soraya that he no longer saw his first wife and that they didn't get on. Only after the marriage did Soraya discover that the first wife did actually 'care for him'. The first wife was infuriated with his new marriage and tried to get him to divorce Soraya, pressuring him to do so with the weight of her whole family. Years on, Soraya was still facing difficulties in the marriage. Her husband went back to Pakistan every year, for months at a time, to live with the first wife.

Everybody asks me *ap kaise bardasht karti hain* (how to you bear it). I tell them 'What can I do'. You have to compromise a lot, for the small things. I can't do anything about him going to Pakistan because at the end of the day, his other wife, she has *haq* (rights) too.

My sister advised me, 'Don't tell him to leave his wife, don't argue with him about *fazool* (pointless) things like leaving his wife. But you can make him compromise on other things.' In the beginning of our marriage he

didn't use to take responsibility for us, not even for his son. For the older ones [Soraya's children from her first marriage] I never asked him for anything, because I knew that they were my responsibility, they were not his responsibility. But even for his son [whom he had with Soraya], he was not giving us money. So my sister told me 'Don't argue with him about his first marriage but argue with him over the *kharcha* (expenses).' Eventually he did start giving us money and taking more responsibility.

I tease him sometimes that he only married me for the visa. He denies it, but I tell him 'Put your hand on your heart, you know that it was really all about the visa.' You have to compromise a lot, but we get on with it.

[Translated from Urdu]

At this point Shareen, who was listening to the interview with me, suggested the proverbial saying '*chalti ka naam hai gaari*' (so long as it runs, we can call it a car, i.e. so long as the marriage is intact, we can call it a marriage). 'Exactly', Soraya said, agreeing with Shareen, both women's eyes brightening with laughter.

Nothing's easy. It is not necessarily more agential to leave an unhappy marriage than to stay in one, and as analysts, if not as activists, we should be mindful not to uphold one choice over the other.

References

- Amos, V., & Parmar, P. (1984). Challenging imperial feminism. *Feminist Review*, 17(Spring), 3–19.
- Berthoud, R. (2000). *Family formation in multi-cultural Britain: Three patterns of diversity*. Colchester: University of Essex: Institute of Social and Economic Research.
- Blum, V. (2005). Love studies: Or, liberating love. *American Literary History*, 17(2), 335–348.
- Clarke, M. (2008). New kinship, Islam, and the liberal tradition: Sexual morality and new reproductive technology in Lebanon. *Journal of the Royal Anthropological Institute*, 14(1), 153–169.
- de Sousa Santos, B. (1987). Law: A map of misreading: Towards a postmodern conception of law. *Journal of Law and Society*, 14(3), 279–302.

- Dresch, P. (2012). Legalism, anthropology, and history: A view from part of anthropology. In P. Dresch & H. Skoda (Eds.), *Legalism: Anthropology and history* (pp. 1–38). Oxford: Oxford University Press.
- Gabb, J., & Singh, R. (2014). Reflections on the challenges of understanding racial, cultural and sexual differences in couple relationship research. *Journal of Family Therapy*, 37(2), 210–227.
- Grover, S. (2011). *Marriage, love, caste and kinship support: Lived experiences of the urban poor in India*. New Delhi: Social Science Press.
- Grover, S. (2014). 'Purani aur nai shaadi': Separation, divorce and remarriage in the lives of the urban poor in New Delhi. In R. Kaur & R. Palriwala (Eds.), *Marrying in South Asia: Shifting concepts, changing practices in a globalising world* (pp. 311–322). New Delhi: Orient Blackswan.
- Joseph, S. (2005). Learning desire: Relational pedagogies and the desiring female subject in Lebanon. *Journal of Middle East Women's Studies*, 1(1), 79–109.
- Langhamer, C. (2012). Love, selfhood and authenticity in post-war Britain. *Cultural and Social History*, 9(2), 277–297.
- Mahmood, S. (2005). *The politics of piety: The Islamic revival and the feminist subject*. Princeton: Princeton University Press.
- Merry, S. E. (1988). Legal pluralism. *Law and Society Review*, 22(5), 869–896.
- Nath, R., & Craig, J. (1999). Practising family therapy in India: How many people are there in a marital subsystem? *Journal of Family Therapy*, 21(4), 390–406.
- Neale, B., & Smart, C. (2001). *Relationality and hard choices: Re-partnering after divorce*. Paper presented at CAVA conference on care, value and the future of welfare, 22 October, University of Leeds, Leeds.
- Osella, C. (2012). Desire under reform: Contemporary reconfigurations of family, marriage, love and gendering in a transnational South Indian matrilineal Muslim community. *Culture and Religion*, 13(2), 241–264.
- Pooley, S., & Qureshi, K. (Eds.). (2016). *Parenthood between generations: Transforming reproductive cultures*. Oxford: Berghahn.
- Ribbens McCarthy, J., Edwards, R., & Gillies, V. (2003). *Making families: Moral tales of parenting and step-parenting*. London: Sociology Press.
- Roseneil, S. (2006). The ambivalences of angel's 'arrangement': A psycho-social lens on the contemporary condition of personal life. *The Sociological Review*, 54(4), 846–868.
- Simpson, B. (1998). *Changing families: An ethnographic approach to divorce and separation*. Oxford: Berg.

- Smart, C. (2005). Textures of family life: Further thoughts on change and commitment. *Journal of Social Policy*, 34(4), 541–556.
- Smart, C. (2007). *Personal life: New directions in sociological thinking*. Cambridge: Polity Press.
- Smart, C., & Shipman, B. (2004). Visions in monochrome: Families, marriage and the individualization thesis. *The British Journal of Sociology*, 55(4), 491–509.
- Sonpar, S. (2005). Marriage in India: Clinical issues. *Contemporary Family Therapy*, 27(3), 301–313.
- Stacey, J. (1990). *Brave new families: Stories of domestic upheaval in late-twentieth-century America*. Berkeley: University of California Press.
- Stack, C., & Burton, L. (1994). Kinscripts. *Journal of Comparative Family Studies*, 24(2), 157–170.
- Strathern, M. (2005). *Kinship, law and the unexpected: Relatives are always a surprise*. Cambridge: Cambridge University Press.
- Vivieros de Castro, E. (2009). The gift and the given: Three nano-essays on kinship and magic. In S. Bamford & J. Leach (Eds.), *Kinship and beyond: The genealogical model reconsidered* (pp. 237–268). Oxford: Berghahn.
- Widmer, E. (2012). *Family configurations: A structural approach to family diversity*. Ashford: Ashgate.

Glossary

- Alim* Religious scholar
Angrezi shariat British Muslim law
Baji Elder sister
Barhe Elders
Beizzati Disgrace, dishonour
Biradari Extended family, patrilineage, clan, caste
Cafcass The Children and Family Court Advisory and Support Services
Chacha Father's brother
Deen Religion
Faskh Marriage dissolved by scholar or judge
Gora/gori/gore White person, people
Halal Legitimate
Halala Practice whereby a woman who wants to remarry her husband must first marry another man and be divorced by him
Haq Right, entitlement
Haq mahr Sum of money pledged from the husband and his family to the wife, in consideration for the marriage
Iddat Three-month period following widowhood or divorce during which a woman is not permitted to remarry

<i>Imam</i>	Priest
<i>Istikhara</i>	Ritual divination by dream
<i>Izzat</i>	Respect, honour
<i>Kala/kali/kale</i>	Black person, people
<i>Khala</i>	Mother's sister
<i>Kharcha</i>	Money, household expenses
<i>Khul, khula</i>	Islamic divorce by mutual consent
<i>Mahr As haq mahr</i>	See above
<i>Mama, mamoo</i>	Mother's brother
<i>Maulana</i>	Priest
<i>Maulvi</i>	Priest
<i>Namaz</i>	Obligatory prayer
<i>Nikaah</i>	Islamic marriage
<i>Nikaahnama</i>	Islamic marriage certificate
<i>Paise</i>	Money
<i>Pir</i>	Spiritual mentor or healer
<i>Puppo</i>	Father's sister
<i>Qazi</i>	Religious judge
<i>Razinama</i>	Agreement to reconcile
<i>Rishta/rishte</i>	Proposal, match, hand in marriage
<i>Rishtedar</i>	Relatives
<i>Shaadi</i>	Marriage, wedding
<i>Sharia</i>	Islamic law and ethical norms
<i>Sharom</i>	Shame
<i>Sheikh</i>	Religious mentor
<i>Sula</i>	Reconciliation
<i>Talaaq</i>	Unilateral Islamic divorce by the husband, repudiation
<i>Talaaqnama</i>	Divorce agreement
<i>Taveez, taweez</i>	Amulet used for spiritual healing
<i>Ulema</i>	Religious scholars, plural
<i>Zever</i>	Jewellery

Index

A

Abuse. *See* Domestic abuse

Adultery. *See* Infidelity

Affines. *See* In-laws

Agency, 9, 22, 159–60, 273–4,
307–9. *See also* Children,
Empowerment, Gender
equality, Gender inequality,
Women's rights

Ahmad, F., 8, 21–2, 80, 220, 224, 255

Ahmad, I., 8, 27, 216

Alim. *See* *Ulema*

Allan, G., et al., 19, 281, 284, 289

Amos, V., and Parmar, P., 8, 307

Arranged love marriages, 12, 243–4,
256

Arranged marriages, 12–13, 22–3,
30, 31, 69, 85, 87–9, 92–4,
103–4, 116, 119, 123, 135,

243–4, 300. *See also* *Biradari*,

Family mediation

arranged love marriages, 243–4

associated with forced marriage, 7–8,
69, 80, 89, 102, 108, 120, 249

choice of spouse within, 12–13,
243–61, 293–6

courtship in, 89, 94, 244

definition, 22

intermediaries in, 170, 189, 255

love in, 12–13, 61, 88–93, 234–5,
261–3

marriage market, 224–5, 232,

236–7, 240, 264, 268, 304

preference for, 22–3, 144, 234–7,
243–68, 293–6

Aura, S., 8, 231, 239, 272

Austerity, 21, 192

Authoritarian family, 2, 300

B

- Bano, S., 7–8, 26, 102, 105, 124,
158–60, 167, 171–3, 186
- Barristers, 193, 209
- Beck-Gernsheim E., 6–7, 9, 94, 263,
267, 271
- Benefits. *See* Welfare
- Berthoud, R., viii, 2–5, 7, 305
- Biradari*, 23–4, 26, 32, 43, 50, 77,
110–12, 114, 118–19, 124,
143, 218, 223, 246, 251,
261–4, 293, 296, 304–5. *See*
also Patrilineality
- definition, 23, 110
- endogamy, 50, 293, 296, 304–5
- exogamy, 103
- family cultures and, 110–12, 134–5
- moral pressure of, 88, 118, 121,
135–6, 205, 223, 249–51
- politics, 124
- Black magic, 71, 145–6, 247, 249
- Blood, 16–17, 19, 32, 232, 283,
286–93, 296–7, 304
- Bogus husband. *See* Immigration law
- Bourdieu, P., 16, 116
- Bowen, J., 160, 171–2, 186
- Boyfriend. *See* Dating, Premarital
relationships
- Breadwinner. *See* Gender roles

C

- CAFCASS, 190, 194, 197–8,
203–4
- Carsten, J., 17, 231
- Caste. *See* *Biradari*
- Census, xi, 3–5
- Charsley K., 24–5, 27, 76, 81, 83,
87–8, 92–3, 188, 244–5, 254

- Child maintenance, 173, 195, 274.
See also Gender roles
- Children, 4, 7–9, 28, 31–2, 47–50,
55–6, 62, 65, 71, 75–6, 82,
84, 86, 120, 129–36, 141,
144, 146–8, 171, 190–1,
222, 225, 273, 1719. *See also*
Lone parenthood, New
kinship
- adult children of divorce, 8, 28,
272, 295
- agency of, 233, 273–97
- contact, 18, 31–2, 66, 123,
171–2, 177–8, 190–210,
271–85, 287–8, 293–7, 300,
305. *See* Islamic norms for
child contact post-divorce
- impact of marital breakdown on,
48, 52, 130–2, 133–4, 146–7,
168, 173–5, 178, 190–210,
217–27, 257, 263, 271–97,
300, 304
- moral etiquette about, 277, 280,
295
- remarrying for the sake of the,
222–7
- residence, 24, 47, 89, 91–2, 112,
172, 189–91, 193, 195, 259,
273, 275, 291
- as a source of strength, 47–8,
146–7, 218–27, 232–7,
273–80
- Choice, 6, 9, 12, 18, 30–1, 31, 87,
89, 121, 159, 215, 224, 229,
231, 239, 243–68, 261, 271,
273, 281, 300–1, 305–9
- Chronic illness. *See* Health
- Civil divorce, 16, 115–17, 156–7,
165–7, 180

- Civil registration. *See* Unregistered Islamic marriages
- Clarke, M., 19, 175, 181, 304
- Class, 8, 12, 14, 23, 81, 101, 156, 165, 173, 179, 251, 281, 300, 303
 middle-class, 8, 12, 22, 93, 196, 281, 287, 295
 working-class, 1–2, 18–25, 32, 73, 76, 78, 94, 101, 104, 123, 136, 149, 164, 186, 193, 196, 199, 201–2, 209, 267, 271, 273, 275, 281, 283, 286, 287, 295–6, 301
- Close-kin marriage. *See* Cousin marriage
- Cohabitation, 11, 73, 78–9, 165, 259. *See* Premarital relationships
- Colonial influence. *See* Post-colonial
- Commitment, 11, 30, 70, 73–9, 105, 113, 120, 140–1, 200–2, 207, 224, 231–2, 259, 264, 275–6
- Community-level debate, ix, 1–2
- Compatibility, 69, 146–7, 245, 250, 255–7, 267
- Conjugal home. *See* In-laws
- Conjugality, 10–13, 32, 92, 300–2, 305
 definition, 10
 in Euro-American societies, 14, 23–4, 239
 history of, 10–11
 in South Asia, 8, 12–13, 22, 69, 88, 92, 103, 157, 221, 231, 302
- Conjugal roles. *See* Gender roles
- Conservative family, 2, 123, 135, 177
- Conservative party, 3
- Court, 14, 22, 31, 62, 123, 159–61, 166–7, 185–210, 233–4, 272–76
- Courtship. *See* Dating
- Cousin marriage, 22–3, 57, 72–3, 76, 78, 80, 89, 105, 108, 111, 112, 116–19, 130–1, 135–6, 140–1, 146–7, 164, 167, 196, 218, 229, 246, 251, 254, 286.
 See also Family mediation, *Vato-sata*
- Cox's Bill, 171
- Custody. *See* Children
- D**
- Das, C., 8, 272, 295
- Data archiving, ix
- Dating
 courtship after marriage, 89
 halal dating, 22, 224, 255–8
 Muslim marriage events, 224
- Deep acting, 62
- Deep knowing, 11, 61, 140, 147, 279
- Depression. *See* Health
- de Sousa Santos B., 14, 172, 186, 188, 209, 303
- Divorce. *See* Civil divorce, *Faskh*, *Khula*, *Talaaq*
 stigma of, vii–ix, 106–7, 132, 216, 228–9, 236–7, 240, 264, 300
- Doatee*. *See* *Vato-sata*
- Domestic abuse, 79–80, 84–5, 86, 158, 159, 263
- Domestic finance. *See* Commitment, Employment, Financial problems

Domestic violence. *See* Domestic abuse
 Dresch, P., 15–16, 116, 119, 124, 302

E

East London, vii–viii, 19–24, 27, 29
 Economic violence. *See* Financial problems
 Education, 21, 56, 78, 115, 189, 216, 226–7, 238, 277
 Eglar Z., 23, 72, 103, 111, 117
 Employment, 21, 76, 78, 81, 216, 238
 incapacity, 187
 informal, 76
 unemployment, 76
 Empowerment, 70, 187–94, 201, 216, 222, 227, 234, 276–7, 307
 Estrangements, 129–32, 135–6, 149–51, 201–2
 Ethics. *See* Morality, Research ethics
 Ethnographic fieldwork, 25–9, 45, 67, 102–3, 158–60, 303
 Extra-marital affairs. *See* infidelity

F

Family mediation, 13–14, 30, 101–24, 299–300, 302–3. *See also* Arranged marriage, Biradari, Love marriage
 appointment of intermediaries, 102, 106, 114–17, 120, 122, 143–4
 in arranged marriages, 101–24

discouragement to divorce, 111, 113–15, 117–18, 129–31, 137–9, 205
 encouragement to divorce, 105–10, 113, 168
 family meetings, 102, 112
 formal, 14, 101–2, 178–9, 206–10
 in legal cases, 186–210
 in love marriages, 119–24, 143–4, 168–9, 205
 parental refuge, 13, 102–24
 refuge from brothers, 107, 113–14, 117–18, 129, 136–9, 228–9, 255

Faskh

definition, 156, 172–3
 Feminism, 8–9, 29, 102, 158–9, 220, 307–8
 Financial crisis, the, 21, 76
 Financial problems, 59, 62–3, 73–9, 105, 113, 140–1, 173–5, 227. *See also* Commitment
 Finch, J., and Mason, J., 17, 124
 Forced marriage, 7–8, 69, 80, 89, 102, 108, 120, 249
 Fourth National Survey of Ethnic Minorities, 2–4
 Friendship, 23, 31, 229–40, 305, 307

G

Gabb, J., 13, 29, 51, 86, 92, 149, 302
 Gay and lesbian, 17, 232
 Gender division of labour. *See* Gender roles

Gender equality, 13, 157
 Gender inequality, 8–9, 300, 307
 Gender roles, 11
 breadwinner, 73, 77–8
 childcare, 135–6, 149, 219, 282, 296, 300
 father's role, 195, 200, 288
 head of the household, 10–11, 84–5, 142–3
 housework, 76, 90–1, 133, 136, 142–3, 170, 188–9, 227, 257, 264
 kin-keeping, 238
 maternal role, 238
 mobility restraints, 84, 219, 230
 protection, 220–7
 provider, 59, 62–3, 76–9, 105, 113, 121–2, 173–80, 195, 256–7, 273–6, 280–2, 308–9
 Generational change, 5–13, 32, 52, 67–95, 196, 228, 249, 299–300, 305–8
Ghar jawai, 81
 Giddens, A., 5–6, 9, 11, 94, 306, 308
 Gill, A., 26, 80, 83, 89, 186, 200, 221, 272
 Girlfriend. *See* Dating, Premarital relationships
 Gold. *See* *Haq mahr*
 Grillo R., 8–9, 158
 Grover, S., 12–13, 89, 104, 119, 123–4, 164, 245, 267, 301

H

Halal dating, 22, 224, 255–8
 Half-siblings, 290, 292–3
Haq mahr, 173–4, 186

Harriss, J., 257, 266, 268
 Health, viii, 225
 depression, 46–7, 79–80, 218–19, 225–6, 234–6, 238, 261
 psychosis, 79–80, 129–30, 225–6, 234–5, 238, 247
 Hobson's choice, 7, 9, 32, 305
 House. *See* Matrimonial property

I

Ideal husband, 76
 Ideal wife/woman, 9
 Ill-health. *See* Health
 Illness. *See* Health
Imam. *See* *Ulema*
 Immigration, 9, 20–1, 25, 27, 31, 72, 80–2, 116, 157, 202, 209, 224, 264–5, 296, 300.
 See also Transnational marriage
 Immigration law, 49, 82, 265
 Indefinite Leave to Remain. *See* Immigration law
 India, 3–4, 7–8, 12–13, 91, 232, 258, 266, 272, 288
 Individualization, 5–9, 231–2, 267, 271, 305–6
 Infidelity, 30, 51, 70, 85–8
 Inheritance, 289–92
 In-laws, 13, 27, 82–4, 104, 176, 244, 247
 Interlegality, 14, 172, 186, 188, 190, 209
 Interviews, xi, 25–9, 46–67, 80, 84, 102, 108, 110, 134, 158–61, 170, 188, 218, 223, 239, 273–4, 281

Intimacy, 6, 11–13, 75, 81–2, 87–8,
91–5, 121–2, 129, 130, 146,
150, 244, 255, 267, 301–2. *See*
also Conjugality
definition, 11–12, 89
within marriage, 95
within remarriage, 121, 242–68,
300–2
sexual. *See* Sex
Islamic norms for child contact
post-divorce, 158, 171, 190,
271, 275
Islamic norms for marriage, 77–8,
107–8, 109, 177–8, 215–16
Izzat. *See* Respectability

J

Jadu. *See* Black magic
James, D., 44–5, 55, 66
Jamieson, L., 11–12, 61–2, 75, 89,
140, 216, 238–9
Jeffery, P., 8, 103–4
Jewellery. *See* *Haq mahr*
Johnson-Hanks, J., 244, 259, 267,
295
Joint family living, 24, 89, 92, 106,
135–6, 227–8, 302
Judge, 119, 156, 162, 178, 189–94,
197, 199, 203–10, 276

K

Keeping the name. *See* *Nikaah*
Khula or *Khul*, 107–8, 146–7,
150–1, 156, 164–81, 260
definition, 156
Kinscript, 119, 123–4, 144

Kinship support. *See* Family
mediation

L

Labour market, 128–9
Langhamer, C., 10–11, 301
Legal aid, 21, 192, 196, 199, 201–2,
209
Legal consciousness, 187, 209
Legalism, 15–16, 30, 116–19,
123–4, 156, 302–3
Legal pluralism, 13–16, 30, 155,
157, 185, 300, 302–3
classic legal pluralism, 155
new legal pluralism, 14, 200, 209
Lemons, K., 160, 180–1
Lewis, J., 11, 73, 191
Liversage, A., 8, 83, 87, 188, 224–5,
254
Living apart together, 234–5, 259,
261. *See* Premarital
relationships
Living together separately, 129–32,
149–51. *See* Estrangements
Lone parenthood, 3, 69
lone father, 232–4, 273, 279–80
lone mother, 7, 120, 134, 272
Love, 10–13, 22, 30, 52, 53, 62, 72,
77, 78, 88–94, 228–9, 233. *See*
also Conjugality, Intimacy
material need, and, 10–13, 75,
78–9, 112–13, 121–2, 201–2,
301–2
Love-come-arranged marriages. *See*
Arranged love marriages
Love marriages, 22, 30, 93–4,
119–23, 143, 243–44, 256,

266, 267. *See also*
 Cohabitation, Family
 mediation, Living apart
 together, Premarital
 relationships
 definition, 22
 inter-*biradari*, 77, 143–6, 246–9
 interethnic, 27
 inter-religious, 258–60
 love in, 12–13, 93–4, 143–6
 negotiations with parents, 228
 opposition to, 12, 93–4, 119–24,
 143–6, 243–68
 self-arranged, 243–4

M

Mahmood, S., 159, 307
Mahr. *See* *Haq mahr*
 Mand, K., 128–9, 149, 222, 226
 Marital home. *See* In-laws
 Marital therapy, 70. *See also* Family
 mediation
 Matchmaking. *See* Arranged
 marriage, Dating
 Matrilocality, 149–50
 Matrilateral asymmetry, 24, 129, 135
 Matrimonial property, 47, 120, 131,
 140–1, 165, 171–2, 188–94,
 216, 218, 229, 263–4, 281–2,
 291–2
 Merry, S.E., 14, 155, 186–7, 200,
 204, 209–10, 302–3
 Mody, P., 12, 88, 119
 Morality, 19, 155
 Mothers-in-law. *See* In-laws
 Muslim marriage events, 224

N

Narrative genres, 67, 108
 heroic, 53–4
 nostalgic, 77
 realist, 61, 67, 140, 143
 romantic, 108, 218
 victimhood, 61–2, 66, 67, 93,
 218
 Narratives, 27–9, 43–8, 51, 53, 55,
 57, 65–7, 69–73, 80, 87,
 93–5, 108, 129, 160, 188,
 221–2
 Natal family, 62, 107, 109–10, 132,
 136, 138, 150, 225, 228–9,
 237–8. *See also* Matrilateral
 asymmetry
 Neale, B., 18, 79, 195, 200, 216,
 219, 222, 272, 274, 276–7,
 306
 New kinship, 16–19, 31–2, 45, 271,
 287, 296–7, 300, 304–5
Nikaah, 48, 89, 132, 137–8, 163,
 165, 167–70, 173, 186, 194,
 252–3, 256, 259–61, 300
 importance of, 132–9, 163–4,
 253–61

O

Office for National Statistics, x–xi,
 3–5, 20

P

Pakistan. *See* Immigration,
 Transnational family,
 Transnational marriage

Patrilineality, 19, 23–4, 92, 136,
228, 288, 289, 293, 297, 304
Patrilocality, 24, 103. *See also*
Matrilateral asymmetry
Pearl, D., and Menski, W., 139,
157–8, 168, 179, 185–6
Pessar, P., and Mahler S., 240, 245,
264, 268
Peterborough, viii–ix, 19–21, 23, 27,
29
Pir. *See* Spiritual mentors
Police, 28, 60–1, 80, 113–14, 116,
118, 164–5, 191–2, 202, 205,
210, 220, 263
Polygamy, 88
Post-colonial, 14, 307
Post-divorce families, 18–19, 271,
281, 286, 288, 289, 296, 300,
304. *See also* New kinship
Premarital relationships, 188–90,
233–4, 245–61, 287–8
Property. *See* Matrimonial property
Provider. *See* Gender roles

Q

Quarterly Labour Force Survey, x–xi,
3–5, 128
Queer. *See* Gay and lesbian
Qureshi, K., 3, 20, 25, 47–8, 92,
228, 244–5, 252, 306

R

Race, 73, 80, 81, 300
Reconciliation, ix, 30, 122, 133,
139, 149, 158, 162, 164, 169,
187, 194, 202, 206, 210

Refuge. *See* Women's refuge
Registration of marriage. *See*
Unregistered Islamic marriages
Relationship counselling. *See* Marital
therapy, Family mediation
Religious mediation. *See* Sharia,
Sharia bodies in mosques,
Sharia councils, Spiritual
mentors
Remarriage, 31, 189, 191–2,
215–16, 224, 225, 228, 232,
237–9, 243–68, 273, 300,
301, 304, 307
Remittances, 234
Repartnering. *See* Remarriage
Reputation. *See* Respectability
Research ethics, 26
Residence. *See* Children
Respectability, 10–11, 19, 85, 90, 92,
111, 115–16, 122, 143, 177,
202, 218, 226, 229, 260, 289
Ribbens McCarthy, J. et al., 19, 275,
281, 283, 287
Risk, 113, 179, 193, 204, 207, 209,
221, 257, 266
Roseneil, S., 64, 216, 231–2, 239,
259, 304
Rytter, M., 25, 244, 254, 267, 295

S

Sabar, 48, 53, 58, 110, 129, 134,
235, 299
Second marriage. *See* Remarriage
Self-representing, 197, 201–10
Separation, 2, 3, 6, 89, 95, 123,
128–9, 132–9, 149, 173, 176,
231, 250–1, 255

- Sex, 12, 84–6, 87, 94, 221, 263
 double standards, 260
 before marriage, 12, 94, 233–4,
 251–4, 260–1
 within marriage, 8–9, 12, 30,
 51–5, 85–8, 90, 130–2, 139,
 142, 262–3
 rape, 85
 vulnerability, 83, 119, 201, 216,
 227, 232, 267
 on the wedding night, 89, 121
 Shah-Kazemi, S., 7–8, 26, 102, 158,
 167, 172, 216
 Sham marriage. *See* Immigration
 law
 Sharia, 8, 15–16, 26, 28, 30–1,
 155–81, 185–6, 209
 definition, 155–6
 sharia bodies in mosques, 28
 sharia councils, 8, 26, 28, 30–1,
 156–60, 162, 164–81,
 185–6, 190, 207, 260, 263,
 303
 Shaw, A., xi, 22–3, 24, 92, 146,
 244–5
 Simpson, B., 17–18, 28, 45, 50–1,
 53, 63–6, 216, 238, 272,
 275–6, 280, 283, 289, 296,
 305
 Singh, R., 13, 91, 92, 149, 302
 Single father. *See* Lone parenthood
 Single mother. *See* Lone parenthood
 Sinha, R., 7, 216, 222, 272
 Sisters-in-law, 228, 302
 Smart, C., 7–9, 18, 43, 64, 70, 79,
 102, 105, 193–5, 200, 216,
 219, 222, 272, 274–9, 283,
 296, 302, 306
 Social services, 133, 192, 194, 210.
 See also CAFCASS
 Solicitors, 28, 45, 165, 188, 193
 Spiritual mentors, 169, 179
 Spiritual practices, 146, 169. *See also*
 Black magic
 Spouse visa. *See* Indefinite Leave to
 Remain
 Stacey, J., ix, xii, 18, 149–50, 271,
 283, 296, 304
 Stack, C., 119, 123–4, 227, 299
 Standing on my own feet. *See*
 Empowerment
 Staying single, 215–40. *See also*
 Remarriage
 Stepfamilies, 17–19, 31–2, 271–3,
 280–97, 300
 stepbrother, 292
 stepchildren, 55, 287, 293
 stepfather, 57–8, 223, 225, 284–5
 stepmother, 55, 71, 284
 stepsister, 289–93
 Strathern M., 17, 19, 45, 149, 272,
 277, 287, 297, 304
- T**
 Taking responsibility. *See*
 Commitment
Talaq, 27, 72, 107–8, 114–16,
 133–4, 139, 147, 149–50,
 151, 156, 160–9, 172, 175,
 186, 188, 247
 definition, 156, 160
 Thiara, R., 26, 80, 186, 200, 221,
 272, 276
 Throwing out one's spouse, 58–62,
 81–2, 140–1, 247

Traditional family, viii, 6, 9
 Transnational family, 7, 128, 306
 Transnational marriage, 8, 24–5, 30,
 31, 76, 84, 92, 94–5, 105,
 112, 123, 135, 245, 266
 Trust, 11, 31, 57, 104, 178, 191,
 193, 221, 225, 230, 244–5,
 257, 264–8, 304
 Twamley, K., 12, 89, 93

U

Ulema, 26, 31, 171, 177, 181, 303
 Unregistered Islamic marriages, 170,
 194, 210

V

Vato-sata, 71–2, 117
 Vatuk, S., 8, 24, 104, 181
 Violence. *See* Domestic abuse
 Visa. *See* Immigration law
 Vivieros de Castro, E., 19,
 297, 304

W

Welfare, 21, 47, 74, 128–9, 133,
 165, 176, 202, 203, 207, 216,
 226, 238. *See also* Austerity
 Werbner, P., 23, 110
 Werbner, R., 45–6, 53–4, 61, 65–7,
 77, 108
 Weston, K., 17, 232, 239
 Widmer, E., 19, 281, 283, 302
 Women's refuge, 26, 28, 87, 118,
 164–5
 Women's rights, 53, 104, 107, 110,
 113, 116, 123, 124, 139,
 158–60, 166
 Work. *See* Employment

Y

Yoyo marriage, 30, 124, 127–51,
 150

Z

Zever (see Haq mahr)