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## **British Asians to reject block on forced marriages**

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The outlawing of forced marriage will fail because brides who get their relatives sent to jail will be rejected by their South Asian families, two leading anthropologists have warned the Home Office. One of the authors of a report attacking the law going through Parliament is a British Bangladeshi who was a founder member of the Government's anti-forced marriage unit. The anthropological study shows that South Asian culture has taken such deep roots in Britain that even cultural practices such as forced marriage, which dismay Western liberals, cannot be effectively forbidden.

Census figures show that the South Asian population of England and Wales doubled to three million between 1991 and 2011. The Forced Marriage Unit deals with 1,485 cases a year, with two thirds of the international cases involving South Asia and 13 per cent involving victims under 15. The Times obtained the document, a submission to a Home Office consultation about criminalising forced marriage, through the Freedom of Information Act.

The authors are Roger Ballard, director of the Centre for Applied South Asian Studies, and Fauzia Shariff, the former joint director of the London School of Economics BA in anthropology and law. Ms Shariff worked for the Forced Marriage Unit, originally formed as the Community Liaison Unit in 2000, but has since criticised what she sees as the Government's move away from working with South Asian communities to turning against them. The Prime Minister pledged to abolish the cultural practice last year, insisting: "Forced marriage is abhorrent and is little more than slavery."

The Antisocial Behaviour Crime and Policing Bill going through the House of Lords will make it a crime to force someone to marry even if the wedding takes place abroad. The anthropologists condemn supporters of the new law as "ill-informed pedlars of 'improvement' . . . seeking to rescue damsels in distress". They argue that the consequences of prosecutions are likely to be disastrous for the unwilling brides. There would be "a lengthy public trial exploring the internal dynamics of the entire extended family, as well as the prospective imprisonment of one or more of its members - a shattering process which would be most unlikely to bring any immediate benefits to the deeply embarrassed young women on whose behalf the whole exercise was nominally being conducted".

Current European and American traditions emphasise personal autonomy so young people reaching the age of majority "are regarded as having a right to organise their personal lives in whatever way they choose, regardless of their parents' priorities", the anthropologists observe. In South Asian families, individuals are expected to prioritise their obligations to relatives over their personal interests. South Asian young women who become pregnant before marriage dishonour their whole extended family. For immigrants, "ensuring that their daughters protect themselves from disgrace" becomes a high priority. Many parents are

acutely concerned that their daughters will find an unsuitable boyfriend or might remove themselves from parental supervision by going away to university.

In exceptional circumstances, if early marriage cannot be arranged or a suitable boyfriend found, "panic stations set in, such that an immediate marriage is arranged regardless of the protests of the young women concerned: a forced marriage, no less". Treating it as a crime would be "likely to split the family asunder, leaving the unhappy ex-spouse in a condition of kinlessness. Given the intensity of the networks of interpersonal reciprocities in South Asian families, few young women who have been brought up in such contexts view the prospect of leaving all those ties behind them with any degree of enthusiasm, even if well-meaning interventions by outsiders leads them to do so when all else has failed".

The new law will demonise other cultures. It would be "widely perceived as part of a unilateral effort to undermine the integrity of new minorities' cultural traditions, in favour of the adoption of individualistically orientated (and hence 'superior') Euro-American premises and practices".

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This article attracted a riposte in the form of a Times editorial:

### **Unhappy Couples: Forced marriage is barbaric, no matter where you come from**

About 1,500 times a year British officials intervene to prevent the forced marriage of young women and occasionally young men. Many are children. Some are not even teenagers. All are deprived of the most fundamental freedom of choice and put at risk of grave mental and physical abuse. Not before time the Government is intent on making forced marriage a criminal offence. It is facing strong headwinds from experts who fear that the new law will do more harm than good, but the experts miss the point. Forced marriage is a crime. No civilised country can pretend otherwise. To do so would be a betrayal of its victims, a betrayal of justice and a surrender to moral relativism at its most pernicious.

Most international forced marriages that come to the attention of the authorities involve South Asia. More than half are linked to Pakistan. In a depressingly familiar pattern, local traditions of marriage to first cousins, and laws conferring the right of residency on spouses of British citizens, lead to marriages not worthy of the name that trap young people in domestic purgatory when they should be preparing for GCSEs.

The Anti-social Behaviour, Crime and Policing Bill now before Parliament would criminalise forced marriage in Britain for the first time. A report submitted to the Home Office attacking the Bill argues that putting parents on trial for forced marriages would be a "shattering" process for victims, splitting their families and isolating them from the communities on which they depend. The report's authors, professional anthropologists, mock the Bill as the work of "ill-informed peddlers of improvement" hoping to rescue "damsels in distress". There is nothing wrong with improvement. There is much wrong, however, with arguments based on the premise that forced marriages are inevitable and that the best Britain's judiciary and social services can do is therefore to limit the damage that they do.

Forced marriage is, as David Cameron said last year, "abhorrent and little more than slavery". It is crucially distinct from arranged marriage, in which bride and groom may not have full freedom of choice but are able to give or withhold their consent. Without consent, so-called marriage is a coercive contract that can all too easily lead to \ rape, statutory rape and subtler abuses, including forced withdrawal from education. In many of Britain's most poorly integrated immigrant communities it only deepens the isolation that enabled families to consider forced marriage in the first place.

In France, Germany, Denmark, Belgium, Austria and other European countries, forced marriage is a crime. The unambiguous signal this sends has been welcomed by campaigners. Fears that criminalisation would send the practice underground have proved exaggerated. In Britain, as elsewhere, enforcing the law will require a combination of resolve and sensitivity, but its main purpose will be to deter. Preventive measures including Forced Marriage Control Orders will still be available to stop youngsters being taken abroad against their will, and breaches of these orders must be prosecuted more vigorously than they have been so far.

Making forced marriage a crime should not be controversial. Those who think it is are not helping those most likely to be its victims.