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Risk and Ritual: the protection of British Pakistani women in transnational marriage

Abstract *With increasing numbers of Pakistani nationals entering Britain as the spouses of British Pakistanis, concern has been voiced over the risks faced by British Pakistani women entering into such marriages. This article takes the issue of risk as a central explanatory factor in examining the effects of transnationalism on Pakistani marriage ceremonies. The involvement of marriages in multiple legal systems, together with the individual circumstances of geographically divided kingroups, may lead to additions or adaptations to wedding practices. The focus on risk, however, illuminates a novel strategy employed by some British Pakistani families to reduce the risks to young women marrying Pakistani nationals: the delaying of the couple's cohabitation until after the husband's successful migration. The challenge for state intervention in the regulation of risks to its citizens through immigration policy is to keep pace with these changing phenomena.*

Keywords: migration, Pakistani, marriage, risk, United Kingdom

Introduction

In recent years, the number of British Pakistanis marrying Pakistani nationals has increased, and the majority of British Pakistanis now probably marry transnationally in this way. For many Pakistanis, marriage is one of very few routes for migration to the UK still possible under the current immigration regulations (Shaw 2001).¹ Until the last few years, most marriage migrants from Pakistan were female. 1997, however, saw the abolition of the Primary Purpose Rule, which had required spouses to prove that their principal motivation for entering into the marriage was not to gain entry to Britain, and which had been seen as targeted at reducing South Asian immigration (Menski 1999). As a consequence of this change in regulations, the numbers of men entering Britain on spousal visas have increased. At first this was largely as a result of re-applications from those previously rejected (Home Office 2001), but this rise has been sustained. Women for whom marriages are arranged with Pakistani nationals are thought by both commentators and my informants to be vulnerable to two types of risk: that the visa application will be rejected, leaving the bride as an 'immigration widow' (Menski 2002); or that the marriage will be deemed, in the terminology used by the recent White Paper on immigration, 'bogus' (Home Office 2002). 'Bogus' marriages are 'ones in which men from South Asia trick local [British] Asian families into allowing them to marry their daughters, only to divorce them immediately they acquire British citizenship so that they can bring their real wives and children to Britain' (Werbner 2002: 3).² This article argues that one response to these risks can be found in changing marriage practices that allow the couple's cohabitation to be delayed until after migration.

The recent, largely sociological, literature on risk grew out of concerns over the dangers to human health and the environment presented by new technologies (Krimmsley & Golding 1992), and risk has been treated by some theorists as a distinctive feature of late modernity (Beck 1992; Giddens 1991). Whilst the topic has most often been dealt with at this macro-level, anthropological understandings of risk may be more useful in understanding the small-

scale, often ‘interpersonal’ (Lupton 1999: 14) calculation and management of risk involved in transnational marriage. Fundamental to the anthropological contribution to this field is the need to situate risks in their socio-cultural environment (Caplan 2002, Douglas & Wildavsky 1983; Douglas 1992).

The current article draws on ethnographic research carried out with people of predominantly Punjabi background, in both the Pakistani Punjab and in the English city of Bristol. The fieldwork involved eighteen months of participant-observation with families and community groups, and at wedding celebrations, together with just over thirty semi-structured interviews conducted in Bristol with participants in this type of marriage. As is common among South Asian Muslims, the majority of these marriages were between first or second cousins, or more distant relatives. Although most academic discussions of such marriage arrangements have emphasised the strategic motivations for the families involved – as a means to continue the migration of kin, to fulfill obligations to relatives, or to demonstrate kin group solidarity (Ballard 1987; Shaw 2000: 147-58; Shaw 2001) – this research revealed the role of risk in helping to shape marital choices.

For Pakistanis, arranging a marriage is understood to be a risky process, with the dangers that potential spouses’ flaws may be concealed, proposals may be rejected, or daughters mistreated. As noted above, transnational marriage serves to introduce new risks for the British brides. Migrants might be thought of as positively disposed towards taking risk (cf. Gardner 1995: 262-3), but transnational marriage can also be seen as a way of avoiding the perceived dangers of selecting a spouse raised in the West. Several informants suggested that the ‘British-born’ may be more likely to neglect religious knowledge or practice, to indulge in ‘immoral’ activities, or to exhibit a lack of commitment to marriage and the family - in contrast to the more traditional, religious, hardworking or family-oriented spouse that they hoped might be obtained in Pakistan (c.f Constable 1995 on such ‘gendered imaginings’ in transnational ‘marriage-scapes’). Elsewhere I have suggested that the current popularity of marriage between trusted close relatives is at least in part a reaction to the various risks

involved in selecting suitable spouses, as well as helping to strengthen connections between kin divided by migration (Charsley 2003; 2005a).³ Here, I argue that wedding rituals, already somewhat flexible, and sometimes multiplied or adapted in response to legal aspects of the transnational context, may also be modified in an attempt to protect the conceptually vulnerable British women marrying Pakistani men.

Pakistani Weddings

I start with an idealised portrayal of a ‘typical’ Pakistani-Punjabi wedding. Marriage customs vary (see Charsley 2003), but this outline of some common features of weddings in which both spouses are resident in Pakistan will form a backdrop to the developments presented in the remainder of the paper. Pakistani weddings tend to be lengthy affairs consisting of a variety of events spread over several days. These most commonly include three main festivities held on separate (conventionally subsequent) days: the pre-wedding *menhdi*, the *barat* (feting of the groom’s party), and the *walima* celebration given by the groom’s family. *Mendhi* translates literally as henna, used to decorate the bride’s hands and feet in preparation for her marriage, but is also the name for the most popular of the pre-wedding festivities. More than the other days of a wedding, the *menhdi* is eagerly anticipated as an occasion for women to gather, play the *dholki* (a small drum), dance and sing. Women from the other ‘side’ (i.e. the groom or bride’s relatives, although in close kin marriage this division can be somewhat artificial for some mutual relatives) come to the celebration bringing decorated trays of *menhdi*, and the singing and dancing can become quite competitive, with songs that ridicule the groom and his family, and the bride and groom’s sisters striving to perform the best dances. The bride takes no part in the festivities, but sits with her head modestly covered and bowed, whilst guests hand-feed her sweets and place money and small lumps of henna and gifts of money on her outstretched palm.

On the *barat* day, the groom’s party (*barat*) arrives at the bride’s home or wedding hall. If the *nikah-namah* (the Islamic marriage contract) has not already been signed, the bride and

groom will sign it separately, before being seated together as man and wife for the first time. The bride is elaborately dressed and wears the gold jewellery given to her by both her natal family and new in-laws. Both families and guests wear their finest clothes. After the giving of more gifts of money, and much photography, a meal is normally served. Legislation designed to curb expenditure on weddings has banned the serving of food at marriages in Pakistan, but this is widely ignored. The final ritual of the *barat* day is the *rukhsati* leave-taking, a conventionally tearful moment when the bride leaves her natal family to go with her husband to her new home. The following day, it is the groom's family's turn to host a function, the *walima*, to celebrate the arrival of the bride in her husband's household. This time the bride's relatives arrive to greet the newly married woman, and are also served a meal.

As an alternative to this format, the *nika-namah* is sometimes signed on a separate occasion, often known simply as the *nikah*, which may be days, weeks, or even years prior to the *barat*. Such variations are discussed in greater detail below, but are mentioned here in order to illustrate the potential flexibility in Pakistani marriage ceremonies, which lies at the core of their potential for adaptation in the transnational context. In the sections which follow, I shall argue that the impact of transnationalism on marriage practices is two-fold: marriages become involved in the legal systems of two countries and may be adapted to fit the constraints and opportunities presented by this type of legal pluralism; and the potential flexibility of wedding rituals is exploited and expanded in innovative ways to manage the risks engendered by the introduction of international migration into the negotiations of marriage.

The transnational legal context and the multiplication of marriage rituals

When the *nikah-namah* is signed in Pakistan, it is recognised as a legal marriage by the British immigration system, but when carried out in Britain the *nikah* alone does not fulfil British marriage requirements.⁴ So if a couple marry in England, they will usually have a civil

ceremony so that their marriage is legally registered in the UK.⁵ Yilmaz has recently drawn attention to the existence of this variety of legal pluralism for Muslims in England, where in particular, marriage, divorce and polygamy are dealt with very differently by Muslim and English law.⁶ ‘Muslim law,’ Yilmaz writes, ‘is still superior and dominant over English law in the Muslim mind and in the eyes of the Muslim community; and many Muslim individuals follow Muslim law by employing several strategies in England’ (2002: 343).

This is an example of what has been called ‘new’ rather than ‘classic’ legal pluralism (Merry 1988). Whereas ‘classic’ legal pluralism refers to colonial and post-colonial contexts in which foreign law was superimposed on pre-existing indigenous practices, the ‘new’ legal pluralism ‘pertains to the existence of plural normative orders within modern, western societies in particular’ (Fuller 1994: 10). Transnational processes, writes Merry, ‘shape local legal situation in a variety of ways’:

Colonialism pulled entire legal systems across national borders and imposed them on very different sociocultural systems. Pockets of formerly autonomous indigenous peoples have become incorporated within nation-states as a result of European expansion... The processes of nation-state formation have produced multi-ethnic societies in which local groups struggle to maintain autonomous legal systems while national interests endeavour to unify and standardise these diverse systems. Some nations have voluntarily imported entire law codes of legal procedures from other nations and applied them to culturally different communities. Innovations in policing, judging, punishing and settling disputes have been borrowed among postcolonial nations and former colonizers. International institutions and regulations exercise an increasingly important influence over local legal orders. (1992: 357-8)

Transnational migration, however, produces a further type of legal pluralism, as marriages become involved in the legal institutions of two countries. Islam permits polygyny, for

example, with a man allowed to have up to four wives.⁷ In Pakistan, second marriages require court permission, taking the views of the existing wife into account. However, marriages that occur without this permission are still considered legally valid (Yamani 1998: 156), providing a loop-hole that allows men to remarry without their first wife's consent or even knowledge. During fieldwork I encountered several examples of polygyny in the older generations, where it seems to have been not uncommon practice for an immigrant man to have one wife in Britain, and another in Pakistan.⁸ British immigration regulations permit only one wife to be resident in the country, so one young woman I met in Pakistan finally obtained her visa to come to the UK after ten years of marriage, as her husband did not apply for her to join him until his first marriage ended in divorce. Even within Britain, however, the duality of Muslim and English law can be manipulated to allow a man to have more than one wife resident in the UK: in rare instances, a man has married one woman by *nikah* only in Britain, and another either in a British civil marriage, or in a Pakistan ceremony later recognised by UK immigration (cf. Shaw 1988: 57; Yilmaz 2002).

The concept of legal pluralism has been criticised on the grounds that 'it merely reminds us that from the legal perspective (as from any other) isolated, homogenous societies do not actually exist'; and that it risks blinkering the researcher, 'reproducing law-centred misconstructions' (Fuller 2002: 10). In the British Pakistani context, it is true that such a perspective tends to privilege these religious and legal marriages over the 'common-law' unions that some Pakistanis form, particularly with non-Pakistani and non-Muslim partners. Nevertheless, such a privileging is common amongst British Pakistanis themselves – marriages not solemnised by *nikah* may not be recognised by the community in Bristol and are often subject to disapproval. For the purposes of this discussion, the concept is also useful in that it draws attention to the issue of legislation, a matter of crucial importance in the negotiation of immigration, and one that will be revisited in the closing discussion.

The dual legal system can be employed to circumvent the problems of the immigration system in another way. Current Home Office regulations allow for a transfer of visa category

from study or visit to spousal settlement – so that students or visitors who marry UK nationals may be granted the right to remain in Britain without the need to return to their country of origin and apply for a spousal visa. The recent White Paper on immigration proposed disallowing such ‘swapping’ (Home Office 2002), but at the time of writing, no such changes have yet been made. So Rasham from Bristol, for example, who is now in her thirties with teenaged children, married her husband while he was in Britain as a visitor. They had two weddings – a quick registry office marriage before his visa expired, allowing him to stay in the country, and the ‘proper’ Pakistani wedding a few months later.

In another case, Uzma’s family had been advised that the simplest and quickest route to secure their daughter’s fiancé’s immigration status was to hold a civil marriage while he was studying in Britain. Early on in the year of Nadir’s study in Bristol, their grandfather visited from Pakistan, and Uzma’s mother decided this would be the perfect time to hold the official engagement party – partly inspired by the excitement of attending another family wedding. During another visit by the grandfather (this time visiting a seriously ill relative), the family considered staging the *nikah* while he was there to enjoy it. These plans were shelved, however, when a friend of the family died, making festivities inappropriate. They decided to stick to the earlier plans of having a joint *nikah* and civil ceremony, with a large function for their relatives in England. The couple’s marriage would finally be completed, and the couple would cohabit for the first time, in a full three-day affair in Pakistan to celebrate in style with Nadir’s family and other relatives there. In the event, however, the illness of another family member prevented travel, and the *rukhsati* and *walima* were held in Bristol, six months after the *nikah* and civil marriage. A few months later, when Uzma and Nadir visited Pakistan to attend Nadir’s sister’s wedding, they planned to hold a party to celebrate the union with relatives in Pakistan, although the wedding was theoretically complete as the *walima* had taken place in Bristol.

This example demonstrates the many interacting factors – cultural, geographical, legal, political, financial and emotional – that can result in the multiplication of the ceremonies of

marrying. The opportunities and requirements of the pluralistic legal situation form only a part of this complex picture. The transnational character of these families means that visits can be such rare occasions that important life events that cause a gathering of kin may be scheduled to coincide with them. The ability to hold the religious marriage as a separate function increases such possibilities. Legal pluralism creates another opportunity for division because a separate civil ceremony can be held, and current immigration policies provide an incentive for such ‘paper’ marriages. Finally, a wedding in Pakistan presents opportunities to celebrate in much greater style than would be possible in Britain, given the favourable exchange rate and the availability of wedding venues, goods and services. It is also a chance for parents who migrated to the UK several decades ago, to mark this important life event – the marriage of their child – with the siblings and other relatives they left behind. Where the main events of the marriage are held in Pakistan, a function may also take place in Britain to celebrate the arrival of the bride or groom with friends and family here.

The divisible wedding

The addition of the British civil ceremony represents a multiplication of the rites of marrying, whilst holding a separate *nikah* is a dividing-up of the conventional Pakistani wedding celebration. Over the course of the research, it became apparent that the normal way in which Pakistani marriages are described, as consisting of the *menhdi*, *barat* and *walima* – which may be reflected in the titles of three different cards within a wedding invitation – did not really reflect the most important elements of marrying. Some rituals that occur during these days came to appear more essential than others, and some were occasionally dispensed with all together.

Some do not hold a *menhdi* as they consider singing and dancing un-Islamic. The *walima*, on the other hand, is a religiously-prescribed event. Nevertheless, I have come across occasional cases where no *walima* was held. The *barat* day is in any case generally the most extravagant, in keeping with the general pattern across much of North India and Pakistan for the woman’s

side to spend more on a marriage. Nabila, however, was sent off from Pakistan as a fiancée, and had a simple *nikah* ceremony at her husband's home in Bristol, so missing out on the *barat* altogether. Photographs from the family celebration in Pakistan, nevertheless show the conventional *rukhsati* leave-taking scene being enacted, although there was no husband waiting in a car to take her away.

It seems that the two elements of the wedding that always occur are the *nikah* and the *rukhsati*. It is of course hardly surprising that the *nikah* is indispensable, as without this the marriage would not be recognised as legitimate by members of the religious community. *Rukhsati*, meanwhile, refers to the final ritual of the wedding day when the bride is sent off to her new home, accompanied by lamentation and weeping by her female relatives. It is also understood, however, to have the more general meaning of leaving the parental home to cohabit with the husband, and implies the consummation of the marriage. As such it is an equally inevitable element of being wed – where the *nikah* is the contract which establishes the union as legitimate, *rukhsati* is the practical act of marriage that transforms the virgin bride into a wife.⁹ This double meaning of the term *rukhsati* was reflected in occasional confusion in talking about the issue. Jamilah for example, said there was no *rukhsati* at her wedding, while her husband said there was. She explained:

This is what happened. We went home together and we had dinner... And then he went to his house [and] I went to mine. So it was like a *rukhsati*, but not a **complete**... We went home together, but we did not actually, if you know what I mean. And then I went home. He stayed for about a week... not even a week – couple of days... We arranged for him to stay at a family member's house.

In this case it seems that the dual meanings of *rukhsati* have been reified by temporal separation – the ceremony of leave taking and joining the husband was performed, but the consummation of the marriage took place at a later date. Although the sequence of the marriage ceremonies is somewhat different, this can be compared to Nabila's case in which

the *rukhsati* conventions were enacted when she left her parents in Pakistan, but the couple did not cohabit until after her *nikah* in Bristol.

The *nikah* and *rukhsati* can thus be separated and held on different occasions, sometimes with many months or years intervening. The reasons for doing so are diverse, as we shall see, but for current purposes, the phenomenon can be separated into two categories: the ‘separate *nikah*’ and the ‘delayed *rukhsati*’. In the former case, a smaller function is held for the *nikah* some time before the marriage celebration proper. In the latter, the normal wedding is held, with the arrival of the *barat* and the signing of the *nikah*, but the ‘complete’ *rukhsati*, in Jamilah’s terms, does not take place. The bride may, like Jamilah, initially depart with the groom, or the conventional *rukhsati* scene may be staged for the cameras, but the bride will not accompany the groom to spend the night with him and consummate the marriage.

The separate *nikah*

This practice of holding the *nikah* several months or even years before the rest of the wedding exists in Pakistan as well as amongst Pakistanis in Britain – one woman in Pakistan went so far as to say that the *nikah* was really a ‘strong engagement’ – the couple weren’t really married yet, but it would be unusual for the match to be dissolved once the *nikah-nama* had been signed. Others would object to the term ‘engagement’ as it undermines the importance of the *nikah* as the religious marriage. Women in Bristol provided a variety of reasons why the *nikah* might be held separately. If the families were not well known to each other, this time might allow them to make sure that the *rishta* (match/proposal) was indeed suitable.¹⁰ Families might want to finalise the match before the couple were ready to marry – they might still be studying, the groom might wish to establish his career, or the families might need time to save for the wedding. In addition, one woman told me, families might push for an early *nikah* if they feared that the groom might change his mind later on. In one case, a young woman who had to return to her job in Bristol simply didn’t have time for the full wedding.¹¹ The holding of Uzma’s *nikah* as a social event for the benefit of a visiting relative was an

echo of the *nikah* of her aunt two decades earlier in Pakistan during the visit of an uncle from Britain.

As a religious marriage, the *nikah* also has a legitimating effect. As such, an early *nikah* can permit behaviour that might otherwise provoke disapproval. If a couple are already religiously wed, for example, they may sit side by side at a joint *menhdi* celebration, and Sonam's *nikah* to her British cousin was carried out so that scandal would not result when she travelled abroad to study with another, theoretically marriageable, male relative. In Bristol, one couple took advantage of the freedom provided by this state of being religiously but not practically married by going out unchaperoned on shopping trips to buy jewellery during the year in which they were '*nikah-ed*' but not living together, overcoming the traditional prohibition on contact between engaged couples. There was another reason that this couple had their wedding so long after their *nikah*, however, and here we return to the issue of legal pluralism raised above. They could not have their civil marriage, or publicly celebrate their union, until the groom's divorce from his first wife had been finalised, so they chose to solemnise their relationship initially through the religious marriage contract.

A separate *nikah* may therefore be held for a number of reasons: to secure the *rishta*, as an excuse for a celebration that gathers kin together, to circumvent the British legal or immigration systems, to legitimate behaviour, or to buy time.

The delayed *rukhsati*

While the separate *nikah* seems to be an accepted tradition in Pakistan, this research uncovered a remarkable number of transnational marriages in which the *rukhsati* was delayed, so that the marriage would remain unconsummated until the Pakistani spouse arrived in Britain. I did not hear of this situation in Pakistan when international migration was not involved. Moreover, among those I interviewed, this arrangement was more common where a British bride was marrying a Pakistani groom, than vice versa.

Where motivations for holding the *nikah* separately show wide variation, those for delaying *rukhsati* were remarkably consistent, centring round a desire to protect against future difficulties and distress. The stories of two sisters, Nasreen and Rubina, help to cast light on why delaying the *rukhsati* may be attractive to the families of British Pakistani women. Nasreen and Rubina did not have their *rukhsatis* when they were married in Pakistan.

Rubina: Basically my parents – they’ve seen it a lot that people go to Pakistan, they have the wedding – full, full wedding – they have a wedding night together and everything, the bride gets pregnant and the husband doesn’t get a visa. So she’s here and she’s a single parent and everything. So my parents wanted to avoid all of that.

Nasreen: The *rukhsati* means, obviously, spending the night together. Everybody was worried – like we don’t really want babies and things involved if we’re trying to get you over [i.e. during the visa application process]. And we knew it was going to be complicated for me because... I wasn’t working... Me and my mum and dad all sort of thought that it was a better thing to do. I don’t know really – I guess if you become heavily physically involved with someone, it’s not necessarily the right thing to do I suppose – to not see them for months and months in that same situation. Maybe it’s not mentally healthy or something.

Although acceptance rates for spousal visa applications have risen, I have indeed heard of cases of ‘immigration widows’ whose husbands’ visa applications were refused, but who have conceived children on visits to Pakistan. The risk of rejection may help to explain why *rukhsati* is more often delayed for British women. Not only is the risk run by women higher than that for men – as the plight of an effectively single mother is unenviable – but there is considered to be a greater risk of husbands being refused visas than for wives, as men are under greater suspicion of being motivated by economic migration.

Moreover, as Nasreen suggests, prolonged separation due to immigration procedures might be difficult after embarking on a physical relationship. Pakistanis believe sexuality to be a powerful force – a common justification for *purdah* practices is that an unrelated man and woman left alone together would be unable to resist each other. Whilst this temptation towards illicit sex is seen as wicked, regular sex within marriage is considered healthy, and the separation of husband and wife thought difficult for both (cf. Das 1994).

The two young womens' cousin is Jamilah, quoted earlier talking about her delayed *rukhsati*. She added another matter in which her father sought to protect her:

...because my father had doubts in his mind that what if he never got to England, the visa was rejected, and then he still wanted me to be 'pure'. I'm the only daughter you see, so my dad's very protective of me.

If a husband's application to enter Britain is rejected, not only will the fact that the marriage is unconsummated protect against the dangers of children born without a resident father, and emotional attachments generated and then severed, but the young woman will have remained a virgin. As such, not only should it theoretically be simpler for her to obtain a divorce, but it may also be easier for her to remarry. Jamilah's father is thus reducing that which the family stands to lose in the risks of transnational marriage and negotiating the immigration system.

Of course, parents in Pakistan may also have similar concerns for their daughters who are marrying British men. As already noted, however, it is considered easier to bring wives from Pakistan than husbands. Moreover, it may be that the British side, with its promise of a better life, holds greater sway in the negotiations over such matters. When Talib from Bristol married Zahida from Pakistan, his mother clearly recognised that the consummation of the marriage might cause her new daughter-in-law problems, but avoided shouldering responsibility by employing the common discourse of fate:

Well people do – they don't consummate the marriage because they have other plans... but we said, 'They're married and why shouldn't they? It's now their

destiny how quickly she gets here... It's their right and why should we get in the way?'

Fears for British Pakistani women

Even if a husband's visa application is successful, there are other fears for British Pakistani women marrying men from Pakistan, and for Nasreen and Rubina it seems that delaying the *rukhsati* was also intended to protect against these additional dangers. The family decided to bring the young men, who are friends, over one at a time, with Nasreen's husband first. When the marriage failed, and her husband was repatriated within a few weeks of arriving, the family decided not risk bringing Rubina's husband to Britain at all and sought a divorce.

The assertion that the main reason for separating the *nikah* and *rukhsati* – not having a 'full' wedding as they put it – was to reduce the various risks to Nasreen and Rubina, is supported by the contrast with their sister Asma's wedding. Although the family took care that all three functions were identical in all other respects, Asma's *rukhsati* took place on the day of her marriage. This difference can be explained by the divergent degrees of danger perceived in these matches. Asma's husband is her mother's sister's son, a much closer relative than either of the other two men. He also has professional qualifications, while the others were poor and relatively uneducated. This educated 'boy' from a familiar family was far less risky than the two lesser-known quantities with clear potential incentives for economic migration. The family could thus feel much more confident in allowing Asma's marriage to be completed by cohabitation.

The Home Office's concern, formerly expressed in the Primary Purpose Rule, that marriages should not be contracted simply for the opportunity for economic migration is shared by many young British Pakistani women. For Pakistanis, however, whilst it is by no means the only consideration involved, connections to wealth and opportunity are often an accepted and intrinsic part of the search for a spouse. Accordingly, young British women may be realistic about the economic aspect to their marriages, so when Shareen was deciding whether to

marry in Britain or Pakistan, she thought: 'I may as well give somebody an opportunity from there [rather] than somebody that's already here – d'you know?'

Nevertheless, the potential or perceived gains from such marriages are such that they may undermine confidence in the Pakistani husband's commitment to the marital relationship. Most serious is what the immigration regulations term the intention to 'live permanently with the other as his or her spouse' – in this case, the husband's intention to stay with his wife once he has gained the right to remain in Britain. A few husbands in Bristol have deserted their wives – either having gained 'permanent right to remain' after a year, or (and my impression is more commonly) having waited until they 'get their British passport' (i.e. are granted British citizenship) after at least three years. In some cases, once the husband's position in Britain is secure, he has contracted a second marriage in Pakistan.¹² The possibility of being deserted, perhaps with young children to support, while your husband of only a few years gains the right to remain in Britain and even imports another wife, understandably worries many women. These concerns are intensified when news of such an event spreads through the Bristol grapevine. A further fear is that the husband will not be sufficiently oriented towards his new commitments in Britain, neglecting duties to his wife and children in favour of his relatives in Pakistan. Many women accept that their husbands will fulfil their filial duties by sending money to support their parents, but in a few cases British families feel that the financial demands are excessive.

Some men are considered more of a risk than others, and other tactics may be employed to reduce these dangers. Several women reported that their husband's financially stable background was a factor in agreeing to the marriage. Not only did they suspect that poorer men might be motivated by economic gain, but they often hoped that their household budget would be less subject to demands for remittances. Zaynab, whose first husband's visa was refused, was divorced by her second husband once he gained British citizenship. She has since rejected proposals that she marry someone in Britain on a visitor's visa, for fear that he might only be looking for a way to stay in the country. Another family brought a man from

Pakistan to Britain as a daughter's fiancé on a trial basis. The marriage did not take place in the end, as the family had developed doubts over his character during his stay. In two other cases, I met people in Bristol whose future spouses had come over on visits, allowing the families concerned to see how they acted in this environment. This option is not, however, open to all. Those without financial securities in Pakistan may find it harder to obtain a visa, and it is commonly thought that visitor visas are less frequently given to the young and unmarried for fear that they will try to evade the normal spousal immigration routes by marrying during their stay.

***Mahr*: Islam's protection of women in marriage**

Islam itself makes provisions to protect women against casual divorce and hardship after the end of a marriage. In the marriage contract, a sum of money to be paid by the groom to his new bride must be specified. This payment, the *mahr*, should be made before consummation of the marriage, but may be deferred or 'forgiven' by the bride. At the latest, however, it should be paid to the woman if her husband divorces her, and as such has been viewed both as a deterrent to divorce and a kind of alimony to support the divorced woman. Informants in Bristol generally referred to the payment as *haqq mahr*, *haqq* meaning true, just or appropriate.

The local character of *mahr* is, however, subject to great variation in terms of the amount paid and its meanings and consequences (Wakil 1991: 55).¹³ In Pakistan, larger amounts correlate with, and indeed confer, higher status, although payment is often deferred. Poor families may engage in exchange marriages in which costs including *mahr* are low (Donnan 1988: 109, 150; Wakil 1991: 55-6). Small *mahr* payments are not only, however, driven by economic constraints. Prestige may be gained by an agreement on the 'Prophet's *mahr*' of 32 rupees, the amount said to have been pledged on the Prophet's daughter Fatima. Several of my informants reported this amount (or one approximating to it), which is in effect a token *mahr* given the current value of the Pakistani rupee, and which they more commonly called

shar`i mahr, i.e. the amount prescribed by Islamic law.¹⁴ In Britain, Shaw reports that small symbolic amounts are traditional, and seen by older women as symbols of trust in close kin marriage (2000: 243). Moreover, to demand a large *mahr* is to risk appearing *lalchi* (greedy). In any case, a ‘good wife’ is often expected to excuse the payment of *mahr* (Shaw 2000: 243). In this context, to attempt to manage the risks to women in marriage by asking for a large *mahr* could produce other dangers by undermining the presumption of trust between kin (cf. Bujra 2000 on risk and trust between kin in a rather different context).

Islamic feminists argue that the reduction or omission of *mahr* runs counter to the provisions for women’s rights in Islam, and criticise the Pakistani tradition for husbands to ask their wives to ‘forgive’ the *mahr* on their wedding night, perhaps with the incentive of a gift of a ring. It is worth noting, however, that even the tiny *shar`i mahr* may be forgiven – in which case a gold ring may make this a very good bargain.

For several informants in Bristol, *mahr* seemed so unimportant that they could not remember the amount that had been specified, or whether it had been paid. In some cases there was confusion about what was *mahr* and what were other marriage prestations. The *munh dikha`i* custom in which the husband gives his new wife a present to persuade her to let him see her face sometimes seems to be confused with the issue of payment or forgiveness of *mahr*, which should be done before the husband first touches his wife (i.e. consummates the marriage), unless a deferral was specified in the marriage contract. This confusion seems to be most common among young men. Thus when I asked Tahir from Lahore about his *mahr*, he answered:

Mahr – yes, well the first night... let me remember what I did with it a little bit... I had to buy a present for the first night, so what happened [was] that I didn’t really have the time – or I didn’t know what I was going to do the first night. People told me at the last moment, ‘Oh you have to give a present, you have to give the *mahr*’... My mother told one of my aunts to bring over a present and they gave me it as a surprise and said, ‘You give it to your wife’... It was a

watch... [Then on reflection:] No – it hasn't anything to do with the *mahr*, but I paid around 5,000 rupees – but I didn't know it was *mahr* at that time until later on. My father asked me in the morning, 'Well, did you pay your *mahr*?' I said 'Oh right, did I have to pay that as well?' So next day or a few days after I asked her to just forgive it if she wanted to. Otherwise I could have paid it to her. It's not that much...

His British wife's memories are also vague, and differ from those of her husband.

Mahr, yeah... I can't remember how much it was. But there was a lot of money given. Because he gave me a watch on the wedding night, as a present from him. And I think it was 10,000 rupees – *salami* I think it's called, and he gave me that. And the *haqq mahr*, it was a wee little bit – 35 rupees I think it was. He hasn't given it to me, but I said just give me it whenever, he probably already used it on me! Because it's only a little bit of money, but he said whenever you want it just tell me, so I said, 'Oh when we go next time I'll just take it then'.

Saif, from Bristol, seems to have been even less aware of the practice. At first, he could not remember the name of the payment, and said that when his wife declared she was keeping ten thousand rupees from the wedding gifts as her *mahr*:

I wasn't sure if she was pulling a fast one on me! But I just accepted it anyway. She said, 'Right - this is 10,000 rupees for me, this is my *haqq mahr*.' And I said, 'All right then... What's *haqq mahr*?'

It seems that for many Pakistani women, *mahr* does not seem to provide any kind of marital or financial security. This may be because the amount involved is very low, particularly with the value placed on the *shar`i mahr*, which has by now become a token payment, but even a large *mahr* may not be paid if the wife 'forgives' it.¹⁵ Moreover, even if *mahr* were operating effectively in Pakistan, it is unlikely that it could afford any real protection to British Pakistani women engaged in transnational marriages to men from Pakistan. Given the

exchange rate between sterling and the Pakistani rupee, even the most generous rupee *mahr* would provide neither an effective deterrent to divorce once the husband is earning in Britain, nor any kind of adequate financial support to the divorced wife. Given the heightened risks that British women and their parents run in arranging transnational marriages, it is hardly surprising that other methods of protection, such as those set out in this article, have been sought.

Conclusion: Transnational Kinship, Immigration and Risk Management

Recent years have seen an increasing interest in transnational social relations, or ‘transnationalism from below’ (Smith & Guarnizo 1998). As Robin Cohen writes:

A world economy is propelled by many social and economic actors, including states, international organizations and transnational corporations. These may be the sinews binding the ends of the earth together, but the flesh and blood are the family, kin, clan and ethnic networks that organise trade and allow the unencumbered flow of economic transactions and family migrants. (1997: 175-6)

The pursuit of a ‘bottom up’ perspective is often intended as a counter to the ‘top-down’ emphasis in the literature on transnationalism and globalisation. Nevertheless, the focus in such studies has often been on remittances and economic activity, leaving the ‘transnational domestic sphere’ poorly documented (Gardner & Grillo 2002: 179). Recent work on marriage migration has helped start to fill this ethnographic gap (e.g. Charsley 2005b; Constable 2005; Mand 2002). Marriage migration plays a crucial role in sustaining and transforming transnational Pakistani social networks, and the detailed examination of such marriages has much to reveal about contemporary migration and transnationalism. The research presented here suggests that a focus on risk, understood as embedded in cultural systems, social relations, and legal contexts, may be a fruitful avenue in the pursuit of a richer understanding of the processes of change and continuity in migration. Conventional Pakistani conceptions of

vulnerable brides may be rooted in traditions of virilocal residence that do not apply in the context of contemporary male marriage migration, but the same concerns are seen to re-emerge on the basis of new hazards. These underlie novel transformations in wedding traditions that fulfil immigration requirements in holding a marriage ceremony, but protect women from the dangers of consummating the union before the husband's immigration status is secure.¹⁶

Returning to the literature on risk, Adams (1995) provides a useful framework for conceptualising this dynamic process in his observation of the existence of parallel risk management strategies: the formal (e.g. governmental) and the informal. Immigration regulations governing spousal migration are one example of the state's formal attempt to reduce risks to its citizens by screening out what it considers to be 'bogus' marriages.¹⁷ Assessments of risk are dynamic, part of what Douglas and Wildavsky call the 'dialogue on how best to organise social relations... For to organise means to organise some things *in* and other things *out*' (1983: 6). From this perspective, the heated debates following the then Home Secretary's implicit advice to British Asians to seek partners from within Britain in light of the dangers of 'bogus' transnational marriages (Home Office 2002) can be seen as a process of negotiation of acceptable risk. The development of informal strategies takes formal provisions into account, and attempts to manage marital risk are set against the background of current immigration policies and legal definitions of marriage and divorce. Each system responds to the other. The abolition of the Primary Purpose Rule has made it far more likely that Pakistani husbands will be granted visas to join wives in Britain. In response, the number of British Pakistani women marrying men from Pakistan seems to be rising, which in turn has heightened other risks. British embassy staff in Pakistan expressed concern that without the ability to reject on primary purpose grounds, they may have to grant visas in some cases where they suspect the marriage to be 'bogus' or forced. Immigration regulations will almost certainly continue to be adapted in the future in response to the perception of such risks.

These dialogues echo Adams' observation that the formal sector tends to try to reduce risk, while the informal seeks to balance risks and benefits (1995: 4). So when Jamilah summed up the range of uncertainties faced by many young women, her account simultaneously demanded protection and freedom:

Your permanent stay shouldn't be given in one year, it's too quickly. You've got to remember these people don't know each other. First it's hard enough putting people in a house together that already knew each other, but we've got two steps in one if you know what I mean. So I think it should be five year period at least... We've had this really bad experience in the family... and it wasn't fair at all. I think it all comes down to how easy it is. I know we pester [the authorities] to say we want to bring our husbands over, I know it's our fault as well partly, but you should have checks on it again and that the permanent stay be delayed. Maybe not delay them coming over, but [make sure] that they are suitable. Half the people you've got coming here... have got nothing to do with us [i.e. their wives] any more. They've all left – maybe gone back to Pakistan and married someone they really wanted to. It's all using – lots of it is. I mean I couldn't say it doesn't happen in the family [i.e. with marriages between kin] because it happens everywhere now – it's very common to be used... but this is fraud. You're using someone to come to England, pretend to get married, pretend to have children with them, pretend to love them and then – not even five years some of them – after two, three years turn around, go back to Pakistan and get married again and leave those people to live on government benefit. You could have done that in the first place, why do we have to have them living here and paying our taxes towards them?... I don't think it's fair... They think it's going to make their homes more financially stable back home. They don't give anything about people here and they say, 'Oh, you live in a trampy lifestyle and I'll keep sending money back home. Rich them up, make them go upper class or

whatever it is they want to do'. And their needs are not even essential any more, they're like, 'I want a mobile phone', or a stereo system, 'So you can't have your dinner tonight'. So it's not very fair... That's not us though [she and her husband], but it happens... They seem like the best people when you first meet them, very kind – you wouldn't think they could ever do a thing like that. Then they do. Very cold-blooded.¹⁸

Continuing transnational marriage suggests that for many British Pakistanis, the risks remain worth taking. The immigration system plays a contradictory role in these potential dangers as both cause and protector: a rejected visa application can cause the failure of a marriage; whilst immigration procedures attempt, but inevitably sometimes fails, to eradicate the danger that a Pakistani spouse might only be 'marrying a passport'. The elaboration of the potential divisibility of Pakistani marriages in order to delay the consummation of the wedding until immigration has been achieved is a clear example of an 'informal' response to the state's 'formal' provisions for risk management. The fact that the marriage may be unconsummated does not negate its being considered a valid and subsisting union.¹⁹ It is in this valuable space for negotiation within the formal immigration structures, and in a context of legal pluralism, that the technique of reducing risks to British women by delaying their *rukhsati* has been able to develop. Wedding practices, far from being a fixed aspect of a reified Pakistani culture, should thus be viewed as at least partly the product of social and legal dialogues, and as capable of further change and development. The challenge for immigration policy is to keep pace with these changes so that the evidence presented by spousal migrants in support of their visa applications may be accurately interpreted and fairly assessed, whilst also retaining such crucial spaces for informal negotiations of risk reduction.

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Notes

1. Shaw is, however, careful to point out that this is only one among many motivations for such marriages. For a full discussion see Charsley (2003).
2. See the recent disagreement between Werbner (2002) and Menski (2002) over the relative importance of these two risks.
3. There is evidence to suggest that the rates of consanguinous marriages are higher in transnational arrangements than is the case either in the parental generation, or where marriages take place between British Pakistanis (Shaw 2001).
4. Not only are officiants and venues often not registered for marriages, but Islamic marriage declarations can be made by the couple in separate rooms, while in English law the bride and bridegroom must both be present to recite set vows (Yilmaz 2002: 348). This situation led the leader of Britain's Muslim parliament to warn that women who only have a religious ceremony may not realise that their marriage is not legally recognised, and that they thus have minimal rights on divorce or widowhood (*The Guardian*, 24 November 2003; 'Islamic weddings leave women unprotected'.)
5. Such practices form part of the developments in legal practice among migrant Muslim populations in Britain that Menski has termed Angrezi (English) Sharia (Menski [unpublished] cited in Bano 1999).

6. The mechanisms of divorce are complicated by the situation, and women in Britain who were married in Pakistan may find it difficult to obtain a religious divorce from the Pakistani authorities (Shah-Kazemi 2001).
7. The Quran states: 'Marry the women of your choice, two or three or four. But if you fear that you may not be able to deal justly with them, then marry only one.', a passage which is widely interpreted as meaning wives should be treated with complete equality (Yamani 1998: 156). Whether precise equality is possible in practice, and therefore whether polygamy is actually effectively prohibited is a matter of debate.
8. This type of arrangement featured in the popular recent British film *East is East*.
9. Indeed, in the *nikah-nama* the term for a virgin (*kunwari*) also means an unmarried woman. It must be specified whether the bride is a virgin, divorced or widowed.
10. In Sri Lanka it is apparently common among Hindus for the civil marriage formalities to take on this function, as the couple is not regarded as married in practice without the religious ceremony. If the marriage does not place for some reason then they have to 'divorce' in civil terms. My thanks to Dr Anthony Good for this apposite comparison.
11. In Bangladesh, Gardner reports the opposite phenomenon, as the traditional delaying of the couple's cohabitation is relaxed in some circumstances where grooms must quickly return to work abroad (1995: 167).
12. It is often difficult to judge whether this was the husband's original intention, however, or a decision made later as a result of dissatisfaction with their first marriage (Charsley 2005b).
13. For contrasting practices compare, for example, Moor on Palestine (1991) and Tugby on Sumatra (1959).
14. In North India, Jeffery's informants report the amount of the *shar`i mahr* to be 125 silver rupees (2001).
15. Jeffery (2001) describes a similar situation of confusion and scepticism surrounding *mahr* in rural North India. Whilst many of her informants either did not know the amount of their *mahr*, or reported a low figure, not one of them had actually received the money.

16. Photographs of the wedding celebrations are commonly part of the evidence of marriage presented during the visa application process.
17. It should be noted, however, that some commentators are sceptical about the government's intentions. Menski, for example, suggests that Home Office discourses of protecting British Asian women mask a situation in which 'the "primary purpose rule" was only formally abolished, its restrictive principles are still in place' (2002: 20).
18. The probationary period for spousal settlement has now been increased from one to two years.
19. During the research for this study, an Entry Clearance Officer reported that a lack of *rukhsati* may, however, be considered suspect if the couple are claiming that the marriage was a 'love' match, and there are no signs of 'intervening devotion' (letters etc) since the marriage. This interpretation may, however, rest on an artificial polarisation of 'love' and 'arranged' marriages. See Mody (2002) for descriptions of 'love-cum-arranged' marriages in which the fact that the match arose due to a romantic connection between the couple does not alter the 'arrangements' which may later be made for the couple's marriage.

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