Modernising the *other*: assessing the ideological underpinnings of the policy discourse on forced marriage in the UK

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This article critiques the Labour government's conceptualisation of forced marriage (FM) as a cultural problem imported by immigrants. Contrasting the traditions and values of minority communities with the purported liberalism of mainstream British society, has given rise to policy initiatives focusing on victims' right to exit and the tightening of immigration controls, rather than the possibility of finding solutions *within* minority communities. The gendered nature of the problem, and its connections to other forms of violence against women in both mainstream society and minority communities, has been largely ignored.

Introduction

Over the last three decades, although violence against women (VAW) has become a matter of major public and academic interest in Europe, women from minority religious and ethnic groups in Western Europe have not been identified by policy makers as being in need of particular protection (Phillips and Dustin, 2004). Consequently, they have been rendered nearly invisible, and the specificity of their needs has been almost entirely ignored. More recently, however, the debate on forced marriage (FM) has brought to light the violence faced by women from minority ethnic communities; this has encouraged governments across Western Europe to address the problem directly. Yet, as the United Kingdom (UK) grapples with this challenge, every year many young women continue to be forced to marry against their will (Hester et al, 2008).[2] This is not to say that FM does not also affect men; however, the vast majority of victims are women. Indeed, statistics indicate that only 15% of callers to the Foreign and Commonwealth Office (FCO) Forced Marriage Unit helpline are men (FCO, 2010).

The former Labour government's policies on FM revealed a fluctuating and, at times, ambiguous response to the problem. In March 2009, the Labour government launched a consultation paper, *Together we can end violence against women and girls* (Home Office, 2009), as part of its commitment to developing a national strategy to combat VAW. The consultation events associated with this paper (which were held between March and May 2009) highlighted the importance of employing integrated measures to tackle VAW. However, this national consultation, although it involved a variety of stakeholders, did not go far enough in asking questions about the range of forms of VAW. Instead, it remained disproportionately concerned with policies and interventions relating to domestic violence rather than recognising that victims often experience a variety of types of VAW (from sexist stereotyping, sexual harassment and bullying, to sexual violence, trafficking, sexual exploitation, FM, female genital mutilation, forced abortion and forced pregnancy); for example, FM is often accompanied by domestic violence, including sexual violence and 'honour'-

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based violence. Therefore, it is crucial that different types of VAW are seen as related and interconnected, rather than as distinct and separate abuses.

On this last point, stakeholders were particularly concerned that the consultation paper did not explicitly define FM as a form of VAW, despite the government acknowledging it as such in its own previous consultation and in subsequent strategy papers (FMU, 2007). Instead, the consultation framed questions on FM as follows: 'How can we challenge cultural beliefs which promote forced marriage, crimes committed in the name of honour and female genital mutilation?'. A number of stakeholders argued that these forms of VAW are not intrinsically linked to one particular culture or set of beliefs but, rather, must be seen as part of broader issues of gender inequality, since VAW occurs in all societies. Indeed, although FM is often constructed as an Asian (primarily South Asian Muslim) problem, it also affects women originating from Armenia, Afghanistan, Africa, Eritrea, Iran, Iraqi Kurdistan, Somalia, Sudan, Turkey and Irish traveller communities (Hester et al, 2008), although the majority of victims originate from (or are part of British communities originating from) the Indian subcontinent (FCO, 2005: 15).

The United Nations' definition of gender-based violence identifies FM as a form of gender-based violence that 'results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life' (UN Declaration on Violence Against Women, article 1). Viewing FM as part of a continuum of VAW does not ignore the specificity of this act. It does, however, focus attention on the root of the problem: VAW, in all its guises, stems from gender-based inequalities.

Reliable figures concerning FM are hard to obtain, in part because of the difficulty of distinguishing between coercion and consent in matters of marriage. Research on black and minority ethnic communities in the UK indicates that, while most people perceive a difference between arranged and forced marriages, they also recognise some overlap (Gangoli et al, 2006). Indeed, as Eade and Samad (2003) have argued, research on and debates about FM have been complicated by the fact that the problem is difficult to define precisely because duress and coercion come in so many different forms, ranging from physical violence to emotional blackmail. The grey areas between coercion and consent were alluded to in a recent case in which it was feared that a woman (SK) who went 'missing' after being taken to Bangladesh had been forced into marriage. Justice Singer (SK, Re [2004] EWHC 3202 (Fam)) issued a summons for SK's family to produce her at the British High Commission and applied injunctive relief, restraining her family from threatening, intimidating, harassing or using violence against her, or proceeding with the supposed wedding. Justice Singer argued that:

> [T]here is a spectrum of FM, from physical force or fear of injury or death in their most literal form, through to the undue imposition of emotional pressure which is at the other end of the FM range … a grey area then separates unacceptable FM from marriages arranged traditionally which are in no way to be condemned, but rather supported as a conventional concept in many societies. Social expectations can of themselves impose emotional pressure, and the grey area to which I have referred is where one may slip into the other:

> arranged may become forced but forced is always different from arranged. (SK, Re [2004] EWHC 3202)

Despite the extension of the definitional ambit of coercion, the notion of free will remains central to the legal discourse on FM in the UK (Anitha and Gill, 2009: 170–1).

In striving to ameliorate the problem of FM, as evidenced by the numerous consultations on the matter and the enactment of a civil remedy (ie the Forced Married [Civil Protection] Act 2007) in July 2007, the Labour government framed the issue in cultural terms, rather than viewing FM as a specific manifestation of the wider problem of VAW. Thus, policy initiatives have, to date, paid little attention to the ways in which all women are located within a matrix of gendered, structural inequalities (Thiara and Gill, 2010). Indeed, the Labour government's policy on FM in England and Wales, which is the focus of this article, was epistemologically predicated on a desire to 'modernise' minority communities, which was in turn based on a concept of cultural *othering*.

The first section of the article looks at the numerous England and Wales initiatives on FM that overtly or covertly attempt to modernise minority communities. The second section argues that underscoring initiatives with a narrative of cultural causality is the result of a policy environment concerned with community cohesion and characterised by marked scepticism about finding solutions to problems such as FM within minority communities. The third section argues that the Labour government's essentialist agenda has led to the development of measures to tackle FM that, instead of aiding women to resist gender-based violence, focus solely on tightening immigration controls and assisting victims to exercise their right to exit.

Modernising the *other*: UK government initiatives on FM and the interface between culture, policy and minority women

FM became the focus of a number of policy initiatives in 1999, following the formation, by Home Office Minister for Community Relations Mike O'Brien, of the Working Group on Forced Marriage. The remit of the Working Group was to 'build understanding' (FCO, 2000: 7) about the issue and (2000: 29) to

> probe the extent of the problem, engage all of the relevant service delivery agencies on this issue, stimulate a public debate to raise awareness of the issue of forced marriage, and develop a comprehensive strategy for tackling the issue of forced marriage effectively, including [via] preventative measures[.]

A key factor in the formation of the Working Group was the number of high-profile FM cases reported in the British media in the 1990s, including the murder of Rukhsana Naz in 1998. Rukhsana, who was forced to marry a man chosen for her, was murdered for having an extra-marital affair with her childhood sweetheart. Another key case concerned Jack and Zena Briggs, a young couple who went on the run from Zena's family when they opposed their relationship and planned to force her to marry someone else. Jack and Zena Briggs were eventually put under a witness protection programme by the Labour government. During the early years of policy interest

in FM, Ann Cryer (Member of Parliament [MP] for Keighley) spoke of the fate of such women as having been 'sealed virtually from birth' (*BMMS*, 1999: 3). Rukhsana Naz and Zena Briggs' experiences influenced the ideological basis of subsequent UK government policy on FM, especially in terms of framing remedies predicated on the right to exit. Their experiences resulted in the right to exit being placed at the centre of governmental remedies for FM (see the third section of this article for a detailed discussion). Remedies based on the right to exit ideologically position redress as only being available outside minority communities, never within them.

The establishment of the Working Group in 1999, followed by the creation of a Community Liaison Unit in the FCO, firmly established FM as a policy concern for the Labour government. However, it was not until 2003 that the Working Group and the FCO relaunched the Community Liaison Unit as the Forced Marriage Unit in a bid to offer a broad, interdepartmental solution to FM. The subsequent efforts of both the government and its various agencies to tackle FM demonstrated a shared understanding of the problem as rooted in the cultural values, traditions and practices of black and minority ethnic communities.

During the period 1999–2007, the Labour government commissioned a number of consultations with service delivery agencies, women's groups, faith communities and families affected by FM. In 2000, Baroness Uddin of Bethnal Green and Lord Ahmed of Rotherham wrote the first consultation report, *A choice by right* (FCO, 2000), commissioned by the Working Group. At this early stage in the process, the authors recommended that, before measures to tackle the problem were proposed, a clear distinction needed to be made between arranged and forced marriages. Even though members of frontline women's organisations that provide specialist support services for minority women (including Southall Black Sisters) who were part of this early consultative process argued against there being a clear distinction, citing the considerable overlap between these types of unions (cf Eade and Samad, 2003), the report's authors upheld the culturally sanctioned nature of arranged marriages and focused on the concept of choice as being the crucial factor in deciding whether a marriage is forced (FCO, 2000). Thus, the measures proposed in the report centred on tackling the 'general lack of awareness and understating of individual rights relating to marriage' (FCO, 2000: 20). In presenting family mediation as an avenue for tackling FM, the consultative report referred to the importance of encouraging reconciliation between victims and their families. This controversial policy led one of the members of Southall Black Sisters to resign from the Working Group on the grounds that mediation would be antithetical to the wishes of some women and that it might well prove dangerous, as evidenced by the stabbing of Vandana Patel by her husband in 1991 at a mediation meeting organised by the Metropolitan Police Department.

The Labour government's early attempts to legislate against FM represented a venture into uncharted territory: until this point, the particular problems facing minority ethnic women with respect to gender-based violence had only been articulated by frontline women's groups. *A choice by right* set the stage for the ideological policy initiatives on FM that are still in place today. However, the mixed results of the first consultation, including the resignation of one member of Southall Black Sisters and the ambiguous nature of the report's recommendations, led to a second consultation, although this had a specific goal: rather than simply

seeking to understand the issue, the government wanted input on what it could do to end FM. In September 2005, the Community Liaison Unit consulted with various stakeholders on the feasibility of creating a specific criminal offence relating to FM. During the consultative process, the unit worked closely with academics and frontline groups, such as Ashiana, Rights of Women, Newham Asian Women's Project and Southall Black Sisters.

This consultation resulted in the publication of a new report, *Forced marriage: A wrong not a right consultation*, based on the views of 157 third sector stakeholders. This report considered the arguments for and against the criminalisation of FM, and assessed the practicalities of creating a specific criminal offence. The general consensus was that creating a new criminal law to tackle FM was unfeasible because criminalisation would merely drive FM underground rather than preventing it (Derby City Council, 2005), and because the existing body of law could be used to legally address FM (Gill and Mitra-Kahn, 2009): those against the measure contended that it would add little to existing legislation on murder, kidnapping and offences against the person, not least because it would be difficult to obtain sufficient evidence in individual cases to satisfy the criminal burden of proof required under the proposed law. Furthermore, as the new law would address FM specifically, there would be a danger of fragmenting laws and policy measures aimed at tackling VAW in its many guises. Another of the main arguments against the proposed legislation was that a criminal offence specifically targeting FM would not be an effective deterrent, nor would it provide adequate protection for victims. Some stakeholders raised concerns that the law might even deter victims of FM from seeking help from public authorities for fear that family members would be prosecuted as part of state-run legal proceedings over which they, as victims, would have very little control: any prosecution would be brought by the state in the *public* interest, rather than being initiated by the victim in their interest.

In June 2006, the Labour government decided against criminalising FM, although it did not abandon the idea of a stand-alone law on the matter. Thus, in November 2006, Lord Lester of Herne Hill QC proposed a Private Member's Bill, supported by Southall Black Sisters, which set out civil remedies for addressing FM (Gill and Anitha, 2009). Lord Lester (2009: 6) argued that it would be 'entirely misguided' for the UK government to:

> [t]olerate the exploitation of children or the maltreatment of wives and daughters because such practices [are] condoned by a particular national, religious or cultural group ... [cultural tolerance] must not be a cloak for oppression and injustice within the immigrant communities themselves.

Lord Lester hoped that the Bill would be supported by a coalition of 'enlightened British Asians and other minorities' (Gill and Mitra-Kahn, 2009: 132) and that it would promote a more victim-friendly approach than a criminal law as, under a civil law, it would be the victims themselves, or someone acting in their interest, who would initiate legal proceedings.

Despite the fact that Lord Lester's Bill received Royal Assent as the Forced Marriage (Civil Protection) Act at its reading on 26 July 2007, a third consultation process was soon initiated. The new consultation focused on the possibility of establishing

a new category of injunction against FM: a new type of court order to prevent conduct leading to FM. As part of this process, third sector stakeholders were asked three questions:

- Should the provisions of the Bill be incorporated into Part IV of the Family Law Act (FLA) 1996 or should it remain a free-standing measure?
- Should the time limit for nullity petitions[3] in cases of FM be extended?
- What should the role of third parties in seeking injunctions against FM be?

While the Bill received support from a number of key organisations, including Southall Black Sisters, other organisations were sceptical: a group of these submitted a joint, official critique of the Bill, concluding that it would fail to offer swifter redress for women, as injunctive relief was already available under the Family Law Act and that, therefore, there was no need for a stand-alone law (Gill and Mitra-Kahn, 2009). However, by making FM a specific legal offence, the Bill expressly prohibits the practice of FM and provides civil remedies (ie injunctions) for victims and potential victims. It also provides the police the power to arrest those suspected of perpetrating the offence.

During the debate about criminalising FM, the government tellingly focused its consultations on immigration issues. As a result, two other consultation processes were set in motion. In the first, following the recommendations report by the Commission on Integration and Cohesion (COIC, 2007), the Home Office together with the Borders and Immigration Agency (BIA) sought the views of third sector stakeholders on whether an English language requirement should be made a precondition for foreign nationals to join a British spouse in the UK (BIA, 2007). The agencies stated that the idea was motivated by concerns that spouses with insufficient language skills were disadvantaged socially (ie because they were unable to integrate into British society) and economically (ie through lack of employment opportunities), as the Commission on Integration and Cohesion report argued that English language fluency was both fundamental to an individual's enjoyment of British society and necessary for achieving community cohesion. Moreover, as they argued, English language skills would be needed for the foreign spouse to pass permanent settlement tests. While knowledge of English is valuable for those living in the UK (indeed, it is especially valuable for victims of FM as it facilitates access to public services), asking new spouses to demonstrate 'some level of proficiency' (Gill and Mitra-Kahn, 2009: 137) is an ambiguous demand at best: after all, how would such a vague concept of proficiency be assessed? Moreover, the government failed to ask a key question: does this objective 'justify limiting a fundamental right' (ILPA, 2008: 3)? If spouses are refused residency into the UK because they have not been able to demonstrate proficiency in English, this could be considered unjust and discriminatory under both article 8 of the European Convention on Human Rights, which concerns the right to a private family life, and article 12, which guarantees the right to establish a family. Indeed, in arguing against this proposal, third sector stakeholders noted that:

> [T]he UK government has accepted obligations under European Union law that mean that EEA [European Economic Area] nationals are not obliged to meet any language requirement. The objectives of integration and employment

> access are no less significant for EEA nationals, and some of these nationals may well have little or no English. (ILPA, 2008: 3)

The second consultative process was initiated in December 2007 by the BIA. It set out 15 questions for third sector stakeholders to answer concerning British nationals (or others settled in the UK) at risk of being forced into a marriage in order to secure a foreign partner's entry into the UK. The consultative document invited comments about proposals to:

- raise the minimum age (from 18 to 21) at which a British national (or other person settled in the UK) is able to sponsor a partner wishing to reside in the UK;
- provide British nationals who are planning to sponsor a partner opportunities to give confidential information to the BIA;
- issue a BIA code of practice concerned with assessing whether a sponsor may be vulnerable to exploitation or FM.

The reasoning behind the idea of raising the age at which British nationals can sponsor spouses was that it 'would allow the young people involved to have completed their education as well as allowing them to gain in maturity and possess adequate life skills' (Home Office, 2007: 9) in order to be better equipped to resist FM. Similarly, requiring British citizens intending to sponsor a partner from overseas to declare this intention before leaving the UK to marry or bring over their future spouse was intended to ensure that sponsoring partners 'would be protected from having coercive pressure applied whilst they are overseas and [this] would help to prevent forced marriages before they happen' (Home Office, 2007: 9). A further proposal in this consultation (para 2.17) revolved around granting discretionary powers to entry-clearance officers and, thus, opened up the potential for charges of stereotyping, racial discrimination and abuse of authority by immigration officials. This evoked memories of the so-called 'primary purpose rule' of the late 1970s under which South Asian women coming to the UK for the purposes of marriage were 'subjected to virginity tests by immigration officials in the UK and on the Indian subcontinent' (Cohen, 2001: 269). As third sector organisations have argued, raising the marriage age 'operate[s] more as a bar to entry to the UK than as a means of encouraging integration' (Liberty, 2008: 3). According to Liberty (2008: 9) these proposed measures were based on assumptions that 'the "victim" of forced marriage will always be the original sponsor who has been pressurized to marry and essentially used to obtain settlement status for the spondee. This is not correct. The sponsored person could equally be a victim of forced marriage'. Hence, as Engender (2008: 1) argued, 'the use of the already flawed immigration system as a way of addressing this problem … has more to do with the control of immigration from certain countries than with addressing and preventing forced marriage'.

Raising the age for sponsoring a partner presupposes that most FM victims are foreign nationals. As there are no reliable statistics on the number of cases of FM involving foreign spouses, this is a questionable assumption. Nonetheless, in November 2008, the government raised the minimum age at which a British national can obtain a marriage visa for a foreign spouse from 18 to 21, even though the majority of those consulted were against the proposition: many third sector groups

considered the proposals regarding the language requirement, and the raising of the minimum age for sponsoring a spouse, to be discriminatory, especially since EEA nationals would be exempt from the new directive.

The next three sections discuss the ideological underpinnings of the government initiatives on FM outlined above. An examination of the cultural and gender politics of various policy documents, and the Forced Marriage (Civil Protection) Act (2007) itself, reveals that FM has been represented in official discourses in ways that are underpinned by the assumption that FM is a cultural problem. As a result of this assumption, attempts to end FM have focused on immigration controls and women's right to exit.

Cultural causality and the politics of community cohesion

An examination of the various government initiatives on FM indicates that, in England and Wales, FM is predominately viewed as a problem only insofar as the experiences of its victims (ie *othered* women) and its perpetrators (ie *othered* men and *othered* cultures) temporarily threaten the moral (and, by extension, liberal) culture of the nation (Gill and Anitha, 2009): while FM is not conceptualised as patriarchal per se, it is viewed as an expression of the atavistic nature of minority cultures (ie South Asian culture and/or Hindu, Sikh and Muslim cultures). Causality is attributed almost universally to the supposedly immutable and intrinsic traditions, customs and religious beliefs of *othered* cultures, while little or no attention is given to the perpetrators of such crimes as individuals. Attributing FM to cultural practices, and viewing female victims as 'dying under their culture' (Narayan, 1997), that is, as being killed, not by individuals, but by manifestations of cultural traditions as was the understanding of Rukhsana Naz's murder, has led to the creation of legislation to govern visa rules, entry clearances and other facets of immigration law. Thus, measures supposedly aimed at tackling FM have become intertwined with immigration and border-policing concerns, even though government-sponsored research has shown that not all FMs involve a foreign spouse (Eade and Samad, 2003).

Following the terrorist attacks of 9/11, most states in Western Europe became concerned that the movements of migrants (especially those who came from the Middle East and South Asia to Europe during the 1990s) had actually 'concealed a potential for terror attacks, a threat to security' (Jordan et al, 2003: 197); bringing security concerns into debates on immigration provided a publicly palatable gloss for racially motivated policy decisions. In 2001, racially motivated violence among white and Asian youths in areas such as Bradford, Burnley and Oldham led to the creation of a community cohesion review team sending out a clear message that 'diversity can have a negative impact of cohesion' (COIC, 2007: 9). More generally, British multiculturalism was admonished for allowing Britain to 'sleepwalk towards segregation' (Phillips, 2005: 9). South Asian youths, particularly young males, emerged in policy discourse as 'a symbol' of multiculturalism's 'failures' and as 'an increasing threat to wider society' (Alexander, 2004: 536). The spate of racially motivated violence that prompted these concerns was thought to have been initiated by 'immigrants who held "backward" attitudes and perpetrated oppressive practices (like forced marriage) against women' (Fekete, 2006: 7). When FM came to be scrutinised through the lens of community cohesion concerns, it was ideologically

(re)conceptualised as an expression of the 'backward' cultural attitudes of minority communities: these cultural attitudes were, in turn, conceptualised as standing in sharp contrast to those of liberal (white) British society.

As a result, the government proposed solutions centring on stricter immigration controls. In doing so, the UK followed the lead of other European nations, such as Denmark and Norway, which are generally regarded as particularly liberal and forward-thinking (Gangoli and Chantler, 2009). Linking immigration policy with the issue of FM directed ameliorative measures away from victims: the resulting 'solutions' were created 'not so much to protect young people from the over mighty power of their families, but rather to find a means of legitimating the use of state power to exclude unwanted interlopers from its [Britain's] shores' (Ballard, 2006: 21). Many of these measures were focused more on the cohesiveness (and not multiculturalism) of British society and, thus, on controlling Asian men than on protecting Asian women and safeguarding their rights. This view is evident in a statement made by former Home Secretary Jacqui Smith): '[Forced marriage] has no place in our society.… That is why we are raising the age limit for visas, checking anyone entering into a marriage does so of their own free will, and demanding that those coming to the UK learn English' (Lewis, 2010). The construction of FM as a cultural problem (it 'has no place in *our* society') points to the Labour government's essentialist understanding of FM and does not account for why FM occurs and, thus, it does not afford a strong basis for constructing effective remedies to the problem. If the new coalition government also views FM as a cultural problem, 'solutions' to FM will continue to focus on immigration policies and the right to exit, rather than on the links between FM and other forms of VAW.

Cultural causality in action: the right to exit and FM

In relation to FM, in its simplest formulation the 'right to exit' refers to the capacity of an individual from a minority community to choose to exit or leave her community should she feel that it cannot provide 'the basic conditions of [a] good life' (Parekh, 2000: 177) or that it is 'no longer worthy of allegiance' as a result of its adherence to restrictive or oppressive practices (Kymlicka, 1995: 152). The right to exit has been invoked in the context of discussions concerning various types of VAW; in relation to FM it is frequently used to advocate that minority women leave not only their spouses and/or families, but also their communities, in order to seek fairer treatment outside from liberal, mainstream society. Remedies predicated on the right to exit view the exercise of this right as a display of agency, whereas a women's decision to remain within the community is assumed to reflect her 'consent' to be subject to non-egalitarian norms and values. The right to exit based remedies promoted by the Labour government include:

- measures that place victims who are also minors under the wardship of courts;
- the provision of temporary housing;
- the provision of legal assistance;
- measures to secure new identities and employment for victims;
- witness protection programmes.

All of these measures are predicated on the belief that minority women should be 'fleeing from [the] primitive culture' of their communities (Razack, 1998: 92). .

Consider the first victim-centred policy document that was published by the Forced Marriage Unit: tellingly entitled *A journey of a thousand miles begins with a single step* (FMU, 2007), the report focused on measures concerned with exit from the marital relationship and/or community, such as informing women of their right to leave their community by obtaining a new identity, changing their name and/or getting a new visa and/or a new National Insurance number. These measures were designed to help victims take a 'single step' (FMU, 2007: 20–3) away from their communities into a supposedly egalitarian, non-patriarchal Western world. Other measures included a government-initiated, police-backed scheme, similar to a witness protection programme set up in Bradford, which was set up to help women change identities and find housing after exit from the marital or family home. The scheme also encouraged employers to 'erase the women in the programme from their personnel records and to find them new jobs' (WLUML, 2000: 98). Yet, as Lynn Townley, senior advisor for the Crown Prosecution Service, has argued (*Asian Times*, 2009), 'It has become apparent that a lot of existing witness protection schemes do not work.... A witness or victim may not essentially want to be taken away from his or her entire family under a witness protection programme'.

While witness protection lies at one end of the continuum of governmental responses to FM, in the current policy environment, assistance for victims of FM is often only afforded if they leave not only their families but also their communities. In this way, women are encouraged, even coerced into leaving their communities and seeking solutions outside them, but never within them. Escape, not proactive engagement within the community, is valorised as part of a profound pessimism about minority cultures, their immutability, and their capacity to change facets of their traditions and value systems that are deemed inequitable. While it is true that if minority women exercise their right to exit they are displaying agency, if the right to exit is presented as the only viable choice, rejecting their own culture evidences a very narrow expression of agency indeed. This, in the end, is not a real choice for many women.

A further charge against policies predicated on the right to exit concerns their racist underpinnings. If FM is a form of VAW, then Scottish, Welsh, English and African-Caribbean women should also be encouraged to leave their communities when subject to forms of VAW. The right to exit is not invoked as a solution for women who are, in feminist scholar Chandra Mohanty's words, 'educated ... modern ... [who are seen as] hav[ing] control over their own bodies and sexualities, and the freedom to make their own decisions' (Mohanty, 1988: 65). Elsewhere, feminist scholars have made similar accusations (see, for example, Dustin and Phillips, 2008), arguing that culture 'is invoked in explanations of forms of violence against Third-World women, while it is not similarly invoked in explanations of forms of violence that affect mainstream Western women' (Narayan, 1997: 84).

Data from frontline organisations suggest that many victims of FM have little or no desire to leave their communities. Therefore, they argue that key forms of exit, like 'separation and divorce[,] are not a victory, as in most cases women [who choose to exit in such ways] are ostracised from the community' and, thus, deprived of 'support from family members' when it is most needed (Anchor Counselling Practice,

2005: 2). Furthermore, 'familial bonds and loyalties will deter many from using the law, and the law may create division and distress in the family unit if used' (Muslim Council of Britain, quoted in Gill and Mitra-Kahn, 2009: 145); this 'would make any future reconciliation, if desired, impossible' (Kent Police, 2005: 1). Further, the absence of refuges and accommodation for women fleeing FM, and those tailored to black and minority ethnic women's specific needs, makes exit neither a desirable nor a practical option for many women.

Moreover, research by Derby City Council (2005) on forced marriage supports the view that women would rather change abusive practices from within their families and communities. Responding to discourses that presume that minority women must pit themselves against their communities in order to demonstrate or recover their agency, research on the marriage practices of minority women has uncovered instances in which young women have articulated their desire to uphold certain traditional norms: for instance, by actively pursuing arranged marriages in order to assert their sense of belonging in a culture under siege post 9/11 (Anitha and Gill, 2009). Attributing cultural causality to FM begs the question, 'Where are the voices of the women who have been changing their societies from within since before FM became a policy concern for the UK government?'. This leads to a further question: 'Why have the methods and tactics of the women who have been fighting against FM from within their communities not been taken into account in governmental measures?'. A similar point has been raised by Burlet and Reid (1998) who drew attention to the role that women played in the aftermath of the 1996 Bradford uprising and the ways in which their agency was wilfully and consistently overlooked by the British media. Not only are women active agents within minority communities, although their agency often assumes forms that mainstream discourses overlook, but gender relations within these communities are not static as so often assumed: ossified notions of culture, reinforced by simplistic policy analyses, elide changes and developments. These moves towards change from within minority communities should be supported, financially and politically, by the government, rather than being undermined by the imposition of policies intended to create change from without.

Framing redress for FM purely in terms of the right to exit ignores the extra-legal options available to women and denies the importance of women's own attempts to resolve their problems. Moreover, it denies frontline organisations the opportunity to provide victims with options as opposed to an 'either/or' choice between remaining in an abusive situation or exiting, with all that entails in the way of loss of family relationships, social status and aspects of identity. As the Migration and Law Network (2007: 1; emphasis added) argues:

> Victims must be offered the means to avoid or escape a forced marriage but the 'exit' route must be seen for what it is: an *unsatisfactory interim measure, not a solution*. Proposals that aim to reduce forced marriages must be considered not only in terms of whether they enable escape but whether they will assist in long-term prevention. Our position is that the proposals … will assist few victims, may make matters worse and will hinder long-term resolution.

Policy solutions for dealing with FM based on tighter immigration control and the right to exit ignore broader gender struggles and women's daily realities within their communities and, thus, represent non-victim-friendly and culturally essentialist approaches to addressing FM. If the right to exit and immigration control are heralded as the only solutions to FM, as they are within current UK policy discourses, then the state can only offer an imperfect and partial solution to the problem: one that will not assist victims effectively or ensure that people and institutions are held accountable for such acts of gender discrimination.

Concluding remarks: moving away from cultural *othering*

This article highlights and analyses the ideological underpinnings of the Labour government's policy initiatives on FM, demonstrating that these are based on a continued *othering* of minority cultures and minority women. The Labour government's initiatives on FM were based on the binary opposition of civilised, white, mainstream British society versus illiberal, uncivilised and deviant minority communities. The logic of this discourse is pithily captured in Spivak's (1988: 296) statement: 'White men are saving brown women from brown men'.

Another, related problem is the fact that, while the Labour government regularly adopted new measures to protect women under the Domestic Violence Crime and Victim's Act 2004, FM remained conspicuously absent from this legislation. Given that the government commissioned reports on domestic violence, financially supported Independent Domestic Violence Advisors and worked to a National Domestic Violence Delivery Plan, it was notable that the issue of FM was 'constantly and ironically ignored within this agenda' (Gill and Mitra-Kahn, 2009: 131). The elision of FM from policy on domestic violence implies that FM is a distinct category of abuse. Moreover, as a unique form of VAW, it is assumed to arise out of the cultural and religious practices of atavistic minority communities. It will be interesting to see whether the new coalition government adopts a similar position on these issues or whether it attempts to address some of the former government's failures.

The Labour government's numerous initiatives on FM revolved around the idea that minority women find themselves, in the words of Ann Cryer MP (quoted in Alexander and Goldsmith, 2007), 'trapped by familial expectations'. In 2007, Peter Abbot, head of the Forced Marriage Unit, remarked, quoting former Home Office minister Mike O'Brien, that states should not use 'cultural sensitivity as an excuse for moral blindness' and that they should be 'bold' in their response to FM (Abbott, 2007: 1). As causality for FM is attributed to socialisation into particular religious and cultural systems of belief associated with minority communities, it follows that it is right and proper for the state to exert control over cultural issues in order to prevent human rights abuses. Employing rhetoric concerned with protecting human rights means that charges of prejudice can be neatly sidestepped.

This is not to suggest that there is not a cultural dimension to FM. As Purna Sen (2005: 50) argues, just as it is flawed to posit a cultural specificity that fails to see the linkages between particular manifestations of VAW, 'to deny specificity if it exists is also problematic'. However, a response to FM focused on culture exoticises the act instead of enabling the issue to be viewed as part of the larger struggle against VAW. Moreover, as Anitha and Gill (2009: 182) have argued, 'recognising that subordination

and gendered power imbalances create conditions within which women's consent is constrained ... in minority *and* majority communities involves moving away from a dichotomous understanding of culture as a marker of absolute difference'. Although non-aggregate ethnic data on FM are not routinely collected by the government, it is clear that South Asian women are disproportionately represented in FM cases. Yet, the oversimplified ascription of FM to an *othered* culture creates hierarchical citizenship within British society.

The Labour government's approach to tackling FM has concealed a conservative agenda with regard to minority communities, as evidenced by the development of measures focused on tightening immigration laws and policies that operate at a superficial level and pay scant attention to the calls of academics, frontline women's organisations and victims of FM for redress to be sought within the communities most affected. Interpreting acts of violence as culturally constructed prevents any interrogation of the universal patriarchal structures that permit VAW in all countries, all societies and all religions, regardless of their level of economic development.

Minority women have the ability to shape and control their own lives, even in highly rigid and constraining environments, such as fundamentalist communities. Therefore, there is good reason to be sceptical about the former government's emphasis on the right to exit, particularly in relation to cases in which victims actively critique the gender norms in their communities. For many, the option to exit is meaningless. Sunder (2001: 516), talking about culture, has criticised the assumption that 'an individual unhappy with his association will exit it', focusing instead on exploring 'the individual who hopes to stay in the association and reform it':

> The cultural dissenter's desire to stay within his cultural association and reform it illustrates that traditional liberal exit theory insufficiently addresses the experiences and cost of cultural repression. In truth, what the cultural dissenter experiences is a lot more like exile than exit. (2001: 551)

A policy more grounded in the reality of victims' experiences must interrogate the specific gendered relations and, by extension, the specific patriarchal social relations in communities where FM takes place; it must also recognise that these specific relations occur *within* a general framework of patriarchy that leads to women's oppression in all sections of society. FM is not only a manifestation of gender inequality: it actively works to reinforce it. As all VAW concerns power, dominance and control, FM policy should be ideologically based on an interrogation of how women are dominated, economically controlled and socially disciplined by practices such as FM. It is from this ideological platform that effective redress could be fashioned to replace the former government's flawed remedies.

If the new coalition government is genuinely concerned with understanding FM and helping its victims, then policies to address the issue must be conceptualised as part of a broader campaign to end gender-based violence; this is what frontline South Asian women's groups have been campaigning for over the past several decades. This type of reassessment would redirect attention from remedies focused on the right to exit and immigration policies to the needs of the women that such measures are designed to protect.

Notes

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[2] There are no reliable figures regarding the number of cases dealt by the Forced Marriage Unit concerning foreign brides. Therefore, this article concerns British victims of FM. Immigration policy is used to respond to cases where the male spouse of a British bride is a foreign national. Right to exit based responses are used in cases were both partners are British nationals or the male spouse is a foreign national.

[3] Nullity petitions seek to have a marriage annulled: in terms of FM, this is usually on the grounds that the marriage was forced, or consent was only given under duress, and, hence, the marriage was not valid. For a more detailed discussion on nullity petitions, *see* Gill and Anitha (2011).

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