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IMPERILLED MUSLIM WOMEN, DANGEROUS MUSLIM
MEN AND CIVILISED EUROPEANS: LEGAL AND SOCIAL
RESPONSES TO FORCED MARRIAGES

ABSTRACT. How is it possible to acknowledge and confront patriarchal violence within Muslim migrant communities without descending into cultural deficit explanations (they are overly patriarchal and inherently uncivilised) and without inviting extraordinary measures of stigmatisation, surveillance and control so increased after the events of September 11, 2001? In this paper, I explore this question by examining Norway's responses to the issue of forced marriages. I argue that social and political responses to violence against women in Muslim communities have been primarily culturalist. That is, the violence is understood as originating entirely in culture, an approach that obscures the multiple factors that give rise to and sustain the violence. The culturalist approach enables the stigmatising and surveillance of Muslim communities. I approach this argument in two parts. In part one I discuss two important and influential books written by women who identify their concerns as feminist and who lay out the case for considering the problem of forced marriage as a problem of controlling fundamentally unassimilable and culturally inferior Muslims. I explore these works as paradigmatic of the culturalising or culturalist move. In part two, I review a variety of legal initiatives in Norway, first contextualising them as part of a larger European venture to control Muslim populations and then examining what they share conceptually with the approaches in part one. I end with how we might begin to develop an anti-racist response to the problem of violence against women.

KEY WORDS: anti-Muslim, culturalisation, forced marriage laws, violence

INTRODUCTION

The policing of Muslim communities in the name of gender equality is now a globally organised phenomenon and one that has become even more pronounced after the events of September 11, 2001 when the United States began its 'War on Terror' in response to the terrorist bombings of the World Trade Centre and Pentagon. The policing is organised under the logic that there is an irreconcilable culture clash between the West and Islam with the latter bent on the



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West's destruction.¹ They are tribal and stuck in pre-modernity, the argument goes, possessing neither a commitment to human rights, women's rights nor to democracy. It is the West's obligation to defend itself from these values and to assist Muslims into modernity, by force if necessary, as the wars in Afghanistan and Iraq both underline. The body of the Muslim woman, a body fixed in the Western imaginary as confined, mutilated, and sometimes murdered in the name of culture, serves to reinforce the threat that the Muslim man is said to pose to the West and is used to justify the extraordinary measures of violence and surveillance required to discipline him and Muslim communities.²

Against the hyper-visibility of the Muslim woman's body, a hyper-visibility I have myself experienced in the post 911 period (customs officers, shop clerks and restaurant workers, to name just a few encounters in the West, now all presume to know how Muslim women are oppressed by their terrible men), it is virtually impossible to name and confront the violence that Muslim women (like all groups of women) experience at the hands of their men and families. This kind of focus on Muslim men's violence against women serves not only to mask the violence Muslim communities experience from the outside but provides fuel for the 'War on Terror'. As happened in the invasion of Afghanistan, the Taliban's treatment of Afghan women far overshadowed the historical context in which they gained power, a context in which the United States played an active role while securing its own economic interests in oil. Since the naming of violence against Muslim women is a principal weapon in the 'War on Terror', Western feminists have begun to share conceptual and political terrain with the far right. Both, for example, have called for stringent border control in the West, feminists in order to root out unassimilable Muslims who have no regard for women, and the far right in order to keep out terrorists and rapacious immigrants and refugees who only want to grab the riches of the West and to plot its destruction. War does indeed make strange bedfellows.

As a feminist, a woman identifiably of Muslim origin, and an immigrant from the South to the North, this current situation leaves

¹ Popularly referred to as the "clash of civilizations", the phrase and the argument can be found in Huntington (1997) For critique and examination of its widespread influence and appeal, see Said (2001). For a discussion of how the culture clash thesis influences feminists see Razack (unpublished).

² For a discussion of how the Muslim woman's body has been represented in the press post 911 see Jiwani (forthcoming).

me in an impossible bind. How is it possible to acknowledge and confront patriarchal violence within Muslim migrant communities without descending into cultural deficit explanations (they are overly patriarchal and inherently uncivilised) and without inviting extraordinary measures of stigmatisation, surveillance and control? In this paper I seek a place to stand, one where I accept the legitimacy of neither the bombs nor a man's fists falling on a woman's face.

Although several European states have sought to regulate the conduct of Muslim migrant communities through laws condemning various practices, including female genital mutilation, the wearing of the veil, and forced marriages, I choose in this essay to explore recent Norwegian initiatives in the area of forced marriages. Unlike other European countries such as France, Norway does not have a long history of hostile encounters with Muslim populations and it is less openly anti-immigrant than are some other countries in the region. As a middle power, and a social democratic state with a strong commitment to social equality, Norway provides an interesting context for exploring how notions such as integration and culture clash in fact conceal the same anti-immigrant and anti-Muslim agendas evident in European states further right and more openly racist. I suggest, then, that although more moderate than countries such as Denmark, Norwegian responses have been nonetheless racist, 'culturalising'³ violence against women as an attribute of Muslim peoples and using the opportunity to justify a number of initiatives that have to do more with teaching 'them' how to behave than it does any meaningful anti-violence objective. Unpacking the racist logic that underpins culturalist responses is a necessary first step towards confronting violence against women. When we examine the figures installed by such responses, both in the law and in popular culture, figures I describe as the civilised European, the imperilled Muslim woman and the dangerous Muslim man, we can pinpoint the erasures and omissions upon which they rely.

Principally, European culturalist responses have depended on the idea that Muslims come to the West drawn to its superior wealth. They bring with them a hopelessly feudal culture and must either be stopped altogether or be forcibly 'deculturalised' before they multiply

³ I use the term culturalisation and the adjective culturalist to describe an exclusive focus on culture, understood as frozen in time and separate from systems of domination. For an exploration of culturalisation of violence in the law see Razack (1998).

and contaminate the superior civilisation into which they have migrated. Recognisably racist, the figure of the unassimilable and diseased migrant masks the material relations that structure this encounter between the West and non-West, obscuring in particular the West's complicity in placing those populations under siege both before they leave their homelands and once within Europe's borders. Acknowledging little or no responsibility for the conditions in which Muslim migrants in the West live, and indulging in the fantasy of a superior nation who must discipline and instruct culturally inferior peoples, Western states pursue policies of surveillance and control that heighten the level of racism those communities experience and that exacerbate the conditions under which Muslim communities become even more patriarchal and violent towards women.

In showing the operation of the fantasy of a superior West and an inferior non-West, as it is evident in the law and in arguments made by those supporting racist legal approaches, I hope to underline that the only possible route out of the dilemma in which I find myself is to begin with the racism itself, tracing the many ways in which it shuts down opportunity for meaningful anti-violence strategies. In sum, you can't fight violence against women with racism because racism is likely to strengthen patriarchal currents in communities under siege. Through its exclusive emphasis on culture as the sole source of patriarchal violence, culturalist approaches obscure the multiple factors that give rise to and sustain the violence. I approach this argument in two parts. In part one I discuss two important and influential books written by women who identify their concerns as feminists and who lay out the case for considering the problem of forced marriage as a problem of controlling fundamentally unassimilable and culturally inferior Muslims. I explore these works as paradigmatic of the culturalising or culturalist move. In part two, I review a variety of legal initiatives in Norway, first contextualising them as part of a larger European venture to control Muslim populations and then examining what they share conceptually with the culturalist approaches in part one. I end with how we might begin to develop an anti-racist response to the problem of violence against women.

PART ONE: UNASSIMILABLE MUSLIMS

In November 2003, Human Rights Service, a Norwegian feminist organisation fighting for immigrant women's rights, announced that

it had awarded the “Bell Cow of the Year” to the Danish Minister of Integration, Bertel Haarder, for his efforts to tighten immigration laws as a means of limiting forced marriages in Denmark. [The logic of such initiatives is that young people, primarily of Muslim origin, are being forced into marriage with spouses from their parents’ countries of origin, spouses who then enter Denmark under the policy of family reunification.] The Danish government, Human Rights Service noted, had done more than any other European government to secure women’s rights. Interestingly, because Human Rights Service wished to acknowledge the connection between Mr. Haarder’s efforts in the area of women’s rights and the creation of “a better functioning multi-ethnic society”, the actual award given was not a cow bell but a camel bell, a change that signalled that Human Rights Service worked in solidarity with Muslim women and wished, perhaps, to be culturally sensitive (Drachmann, 2003).

Human Rights Service represents only one feminist voice on the issue of forced marriages and it is certain that its views are contested both within Norway and elsewhere. In March of 2004, the organisation found itself in a storm of controversy when Muslim girls who had tried to access services accused the organisation of having pressured them to take part in a documentary on forced marriage, as a condition of getting help. The girls further alleged that Human Rights Service had exaggerated their stories and provided them with the scripts of what to say, as well as sent them on “missions” to find girls who had stories of forced marriages to tell. A Norwegian journalist formally complained to the Ministry of Children and Family Services which partially funded H.R.S. that the organisation “lured” Muslim girls by offering them money (Raja, 2004; Zaman, 2004). Their recently tarnished reputation notwithstanding, a sufficient case can be made that the position the organisation took in awarding the prize to Mr. Haarder, namely that women’s rights require a considerable surveillance of immigrant communities and a tightening of Europe’s borders, is one that is winning the attention of European lawmakers.

In October 2003, the Parliamentary Assembly of the Council of Europe tabled for discussion a motion signed by twenty six member countries to encourage European states to tackle the problem of forced marriages. As its rationale, the motion made reference to Hege Storhaug’s book, *Human Visas: A Report from the Front Lines of Europe’s Integration Crisis*, a book on forced marriages based on a report to the Norwegian Parliament submitted by Human Rights

Service (Council of Europe, 2003). The recommendations of Human Rights Service concerning changes to family reunification through marriage requirements (a marriage contract will now have to spell out that women have the right of divorce before spouses can enter Norway) has the support of the Norwegian parliament (Storhaug, 2003). Even more important, Storhaug's book garnered considerable press attention as did Norwegian anthropologist Wikan's *Generous Betrayal* (2002) although there have also been some critiques. Both books make the argument that strong immigration controls, among other policies, are necessary in order to protect Muslim girls and women from forced marriages. While it is undoubtedly true that anyone making such arguments is quickly adopted by right wing populist political parties, as Human Rights Service was in Norway by the Progressive Party (Fremskrittspartiet), Human Rights Service, Storhaug and Wikan should not be dismissed simply as examples of the right's perennial calls for immigration controls and the increased surveillance of immigrant communities living in Europe. Their views are defended as *feminist* in that their expressed objective is to respond to a problem of violence against women. In dismissing them too quickly, we run the risk of dismissing the violence itself, and more importantly, we miss how their orientalist structures limit an understanding of Muslim women's lives. In an era of heightened interest in Muslim women's bodies, when the marines landing in Afghanistan can be considered in the press as a feminist event (Abu Lughod, 2003) Western feminists on both ends of the political spectrum can find themselves making arguments that complement racist state agendas. *How* anti-immigrant or racist positions such as Storhaug's and Wikan's limit our capacity to understand and confront patriarchal violence in minority communities and how they are racist, therefore, are questions that we must all ask.

Human Visas

Human Visas opens with a story of cinematic dimensions. A Norwegian girl of Pakistani descent is lured to Pakistan and, with the intervention of eight male relatives, is forcibly married at gunpoint. She escapes being raped by her new husband by pleading menstruation. Soon after she flees and is helped by the Norwegian embassy in Islamabad to escape to Norway. She tells her story to Hege Storhaug, then a journalist and now information director of Human Rights Service, and goes to court to have her marriage declared invalid. She

wins and the Norwegian parliament reacts to her case by passing a law making forced marriage illegal and punishable by a prison term of up to three years. Despite the fact that “several thousand young Norwegian immigrant men and women” have encountered a similar fate, so far, no one has ever been convicted of the crime. The girl’s marriage photo, in which she is dressed ornately in Eastern dress and bejewelled, appears on the cover of *Human Visas*. Thus begins a book subtitled *A Report from the Front Lines of Europe’s Integration Crisis* and published by Human Rights Service, a private foundation in Norway that describes itself as “a politically independent think tank” that operates both in Norway and internationally (Storhaug, 2003, p. 7).

From the beginning, the problem of forced marriage is analysed in *Human Visas* as a culture clash between the West and those non-Western societies where feudal values still reign and where “an individual’s worth is entirely dependent on religion, clan, caste, and class” (*ibid.*, p. 10). There has not been open debate about the problems non-Western immigrants bring to the West because older colonial countries are too guilt-ridden, the book declares. Even in Scandinavia where debate is more open, Storhaug laments, the debate is still polarised as either for immigration or against. In contrast, Human Rights Service is primarily interested in *integration*. Immigrants are failing to integrate because they marry within their own cultures, often bringing spouses from their countries of origin, and thus perpetuating the feudal cultures from which they come. The book’s argument is a simple one: marriage patterns indicate that immigrants marry persons from their homelands. Often such marriages are forced and involve rape. These practices occur because immigrants want to bring their relatives to the West through family reunification, and they occur because such cultures are deeply patriarchal.

The statistics offered are as follows: family reunification accounts for 75% of all immigration to Norway and those granted residency are for the most part spouses and children. Seventy five percent of all marriages of first generation immigrant women are with men who share their cultural background and of these, 40% are men from outside Norway (*ibid.*, p. 29). (This leaves, of course 60% of marriages contracted with partners in Norway, although of the same ethnic group.) 90% of marriages by first generation men are with women of their own national background (*ibid.*, pp. 28–29). Turks and Pakistanis are most likely to conform to this pattern. Significantly, the patterns do not change with the second generation. Very

few immigrants, either first or second generation marry “ethnic Norwegians”, that is to say Norwegians of European origin. Since the underlying problem is that feudal cultures are reproducing on European soil, the book does not concern itself with the pattern among ethnic Norwegians to also marry overwhelmingly within their own racial and cultural group. Importantly, no statistics are offered to support the connection that is made between the pattern of marriage practices and forced marriages. It is simply assumed that marriages contracted with partners of the same ethnic background who live outside Norway *necessarily* involve coercion. Here, the practice of arranged marriage is considered to be itself proof of coercion.

Lest we think that the problem of breeding feudal cultures is limited to Norway, *Human Visas* offers statistics on its prevalence elsewhere in Europe, describing for the reader a problem of epidemic proportions. The same marriage patterns are duly noted for Sweden (characterised as refusing to see the problem as one that is endangering the lives of immigrant women and as fearing being considered racist). Denmark is lauded throughout for having recognised that the problem of forced marriages poses an “integration” problem, and the same statistics are shown for Denmark, dramatised in a sample studied by Eyvind Vesselbo of 145 Turkish men over four generations. Vesselbo’s study purportedly demonstrates the reproduction of the original 145 men into an astonishing 2813 persons brought to Denmark through family reunification (Storhaug, 2003, pp. 62–63). Danish Integration minister, Bertel Haarder, confirms that only one in four Turkish immigrants continues education after primary school, a schooling crisis attributed to girls taken away to be married.

In the case of England, *Human Visas* maintains that in vivid contrast to Muslims living in Britain, Sikhs have been a success largely because they don’t marry their cousins and have fewer forced marriages. The integration problems so evident for Pakistanis and Bangladeshis (poor language skills, drop-out, unemployment) are all attributed to the fact that these communities live among themselves, developing, as a British diplomat informed Human Rights Service, “a parallel society” (*ibid.*, p. 88). In Germany, the same trends are observable among Turks and are getting worse: Turks increasingly do not accept an ethnic German daughter or son in law (*ibid.*, p. 98). Each country’s profile is presented with statistics about marriage patterns and descriptions of spectacular cases such as a killing

described as an “honour killing” involving a young Turkish man who killed his wife when she tried to leave him. (The German press is criticised for being too soft on the problem of forced marriages.) A German ethnic minority lawyer is quoted as saying that virtually all brides in forced marriages are raped (*ibid.*, p. 101).

Although forced marriage is the impetus for the book, it quickly becomes clear that the real problem is the culture of Muslim migrants itself. There is a slippage in *Human Visas* between forced and arranged marriages and little effort is expended to distinguish them (*ibid.*, p. 112; 134). Arranged marriages are declared to be a patriarchal custom and part of the culture of honour and are practised only in those places where women’s status is low (*ibid.*, p. 172). Europe’s own history of arranged marriages for its wealthier classes is acknowledged but used to indicate that whereas Europe has freed itself from its own feudal past, Muslim societies have not. That arranged marriages lead to domestic violence is underlined in the prominence given in the text to the story of Mina, a story that spans several pages. Mina is a battered woman who had an arranged marriage. Her husband is depicted as a man who is bent on using the system to bring into Norway more Pakistanis. He has a brother who is also defrauding immigration. Both men are criminals. The collective history of the family’s reproduction, a history of immigration fraud and arranged marriages, is graphically presented as a chart of cells multiplying; the comparison to disease is inescapable (*ibid.*, p. 122).

If arranged marriages lead to immigration fraud and domestic violence, it is also clear that the Muslim family form of extended rather than nuclear families is itself one that is bad for women. Storhaug contends:

All too many large extended families – and smaller families as well – unfortunately have histories much like that of Mina and her family. And it seems that the larger the family is, the more strongly fortified this negative pattern is. “There is probably connection here with the way in which the system of the extended family functions, both socially and legally, in these families’ homelands... The larger the family the more imprisoning it is” (*ibid.*, p. 133).

No greater proof exists that the Muslim family is intrinsically a dangerous place for women than the evidence that cousin marriage is practised in many Muslim communities. Quoting extensively from a Danish researcher, Anders Hede, on cousin marriage, Storhaug reiterates his central conclusions:

1. cousin marriage largely involves force;
2. the rate of cousin marriage is higher among immigrants than in their homelands;
3. cousin marriage is tied to immigration;
4. cousin marriage prevents integration and creates an underclass.

Most important of all, cousin marriages lead to continual rape and even death, assertions backed up by scant evidence. Cousin marriages produce children with birth defects. They also give rise to an integration crisis because they prevent Muslim migrant communities from having an opportunity to acquire “values such as equality, equal rights, religious freedom, and freedom of expression” (Storhaug, 2003, p. 160). Citing a British study of 59 young people, Storhaug points out that when women resist cousin marriage they are punished, a punishment that can go as far as death (*ibid.*, pp. 136–137).

Unassimilable, duplicitous, tribal, and prepared to sell their daughters into marriage and a life of continual rape, Muslim communities require the force of law to bring them into modernity. *Human Visas* has detailed suggestions about how this might proceed. Since forced marriage really entails rape, it should be treated as such in criminal law. A law that recognises this must also consider that an aggravating factor in the sexual assault is the family and the fact that forced marriage takes place in immigrants’ country of origin (*ibid.*, p. 180). Muslim women living in Europe also require the right of divorce stipulated in their religious marriage contracts since “H.R.S. is not aware of a single Muslim woman in Norway who has married in her country of origin and had the right to divorce included in her marriage contract” (*ibid.*, p. 197). A number of proposals are offered in the realm of cousin marriage among them, a proposal to study cousin marriage to ascertain whether children produced in such marriages have birth defects and a proposal considering an outright ban on cousin marriages (*ibid.*, p. 149). Finally, a number of restrictions on family reunification are proposed including a higher age of consent for marriage and a requirement that parties seeking family reunification together have a longer history of connection to Norway than to any other country, both measures already existing in Danish law.

Rescuing Muslim women from their feudal cultures is also considered an educational issue. Human Rights Service, a staunch advocate of free choice and romantic love (the organisation is able to

force a Muslim family to let a love match proceed, educating them in the process on the virtues of romantic love), undertakes to educate young Muslims on the dangers their cultures pose for them. To this end, Storhaug published a self help guide for immigrants and refugees entitled *Forced marriages – a crisis guide*. (Storhaug, undated) in which there is a chapter advising young Muslim girls about “the power of honour and decrepitude” and another bearing the title “Life Improvement – you deserve it” which encourages them to resist their oppressive families. Assisting the girls into modernity, the guide explains that honour is an ancient idea held by tribal societies that believe in close control of women’s sexuality and that arranged marriages is a practice born of the concept of honour.

Amidst the tribal figures and irrational Muslims, it is difficult to establish the truth value of the arguments in *Human Visas*. While the marriage patterns are indisputable, – Muslim migrants do marry others from within their culture and approximately half of such marriages are contracted with people outside Europe, – the meaning of these practices remains contentious and almost certainly various. It is of course not at all surprising if family reunification were to be a compelling reason for migrant communities to contract marriages outside of Europe. Many parts of the non-West currently exist in economic and political peril and rich countries have by and large closed their doors. Cousin marriage where one party lives outside Europe solves two problems at once: the ‘problem’ of controlling girls’ and women’s sexuality and the problem of migration.

Human Visas does not offer proof that cousin marriage is the violent practice described by Anders Hede. Instead, the argument hinges entirely on the assertion that women in the West have more freedom, autonomy and equality because they are not generally a part of extended kinship networks and are not subjected to arranged marriages as are Muslim women. The divide is between those who live as autonomous individuals and who make decisions without the influence of kin and community and those who live their lives within communities, the two sides serving to illustrate not only the unbridgeable cultural divide between the West and non-West but the non-West as a place of danger for women. Any factors that might serve to complicate this picture of autonomously acting individuals, for example, immigration as a condition that Muslim communities are compelled to negotiate, or the racism that drives communities into themselves, remain outside the cultural frame. The problem of violence, and what are viewed here as its repercussions, the creation

of an immigrant underclass, originate only in culture. Westerners, imagined as living autonomously and outside culture remain privileged in this formulation.

In *Culture and Imperialism*, Edward Said reminds us what such culture clash explanations accomplish (1993). Considering orientalist scholar Bernard Lewis's argument that expanding the Western literature curriculum to include non-Western works would soon take us down the path of slavery, polygamy and child marriage, Said notes that its comic dimensions notwithstanding Lewis's arguments, predicated as they are on "a highly inflated sense of Western exclusivity in cultural accomplishment, but also of a tremendously limited, almost hysterically antagonistic view of the rest of the world", foreclose "the possibility that any advance over tyranny and barbarism could or did occur outside the West". We end up with "a murderous imperial contest" which has the effect of driving the non-West "into a violent rage or, with equally unedifying consequences, into boasting about the achievements of non-Western cultures" (Said, 1993, pp. 37–38). The actual conditions of arranged and cousin marriages, or any other patriarchal practices, as well as internal opposition to them, remain completely unexamined when we engage in imperial contests. Since "all roads lead to the bazaar", (Said's description of the logic underpinning the Gulf War) such details are unnecessary (*ibid.*, p. 295).

We should keep in mind the productive power of the idea of the foreigner and the unassimilable minority. As George Mosse has shown, the myth about the "Wandering Jew", the eternal foreigner in our midst who clings to his backwardness and who "would never learn to speak the national language properly or strike roots in the soil", was a central plank in the ideology of national socialism in Germany (Mosse, 1985, p. 115). Ordinary Germans held a cultural model of Jewish difference and believed in the fundamental unassimilability of Jews, Daniel Goldhagen argues, a model that made them receptive to the messages of national socialism (Goldhagen, 1996, pp. 49–79). The unassimilability of Jews and their cultural inferiority became the proof of the superiority of German culture (see Koonz, 2003). These responses to 'foreigners' are becoming apparent with respect to Muslims in the contemporary European context, although important gendered differences exist in how foreignness is operationalised. Jewish women in Nazi Germany, for example, were not regarded as women to be saved from their violent men as were Muslim and Hindu women under colonialism and today (Mani, 1987; Yegenoglu, 1998).

Unni Wikan: The Need for Kindness

The unassimilability of Muslims grounds much of the discussion of forced marriages in another popular Norwegian book, producing not only the barbaric foreigner but also his or her counterpart: the civilised European. The story of the unassimilable, fatally pre-modern Muslim community encountering an advanced civilisation is told in anthropologist Wikan's *Generous Betrayal*, a book (along with *Human Visas*) the Danish Minister of Integration announced constituted his summer 2003 reading (Haarder, quoted in Hegge, 2003). An anthropologist of Muslim societies, Wikan has considerable political influence in Norway, working closely with the government on issues affecting Muslims (Gullestad, in press). In Wikan's work, we can see clearly the contours of culture clash in the plot line. The civilised European feels compelled to be kind to new, culturally different citizens but his or her civilised impulses fall headlong into the perils of cultural relativism.

The Norwegian government has been too respectful of the cultural practices of Norway's immigrants, and of its Muslim minorities in particular, and is far too soft overall on its immigrants. Women have paid the price for what Wikan terms the government's "generous betrayal", a price that has often included violence against their person (Wikan, 2002). Wikan gained both fame and notoriety for her provocative contentions that culture has been misused in the service of men's domination over women and that "the government was compromising the welfare of immigrants by practicing (sic) a policy of welfare colonialism that undermined people's capacity for self-help" (*ibid.*, p. 7). The Norway that so generously betrayed its immigrants, Wikan suggests, did so because it was "terrified of doing anything that might elicit accusations of racism". In making such arguments, Wikan viewed herself as "breaking the silence" around the destructive repercussions both of respecting Muslim cultures and of state welfare policies.

An overly patriarchal Muslim culture, a generous, misguidedly tolerant and humanitarian Norwegian culture, whites victimised by minorities, and imperilled Muslim women all come together in the case of forced marriages. In Wikan's publications, spectacular instances of forced marriages are marshalled in support of the book's main contentions that Norway has been too generous and that Muslim culture oppresses women. *Generous Betrayal* begins with "Aisha's story". [Aisha is a pseudonym but the name has significance

to Muslims for whom Aisha was the prophet's youngest wife, the daughter of Abu Bakr who was to become the first caliph after the prophet's death. Aisha is said to have been only nine when the prophet, then a man of more than 50, married her, a custom of all three religions at that time.] Aisha is a 14-year old whose father was drawn to Norway because he knew he could make "a career as a social welfare client". Embodying the stereotype of the duplicitous immigrant bent on betrayal of a generous country, he amasses wealth by investing his welfare benefits in his home country all the while living in a great apartment in Oslo paid for by the Norwegian government. Aisha disappears one day and is presumed to be the victim of a forced marriage. Earlier, she had attempted to convince Norwegian welfare authorities of what was in store for her. Believing that they would be called racist if they took Aisha away from her family, the authorities decline to intervene. For Wikan the authorities appear not to have known that "forced marriage is a common sanction against youth, especially girls, of Asian or African descent who rebel against their parents' culture" (Wikan, 2002, p. 27).

The failure of the authorities to act, apparently out of fear of being labelled racist, explains Wikan, is a particularly Scandinavian vulnerability that is connected to the region's commitment to humanitarianism and gender equality. Norwegians, according to Wikan, experience the national commitment to fairness so intimately that they are shattered when accused of unfairness, experiencing it as a loss of identity:

"Racist" has become a "deadly word" – to borrow a metaphor from Favret-Saada (1980). It pierces the heart of the well-meaning Scandinavian whose cherished identity is that of world champion of all that is kind and good. Norway, the richest of the Scandinavian nations, is the most generous dispenser of aid to the developing world (measured per capita), and its humanitarian organizations have a long and venerable history. These are just some of the indices of an ethos that places a very high value on kindness, goodness, and charity. Add that belief in the equality of all human beings, irrespective of gender, age, and other factors, undergirds Scandinavian societies, and it is more understandable why "racist" would strike so hard (*ibid.*, p. 24).

Norway, as a country deeply committed to "kindness", belongs to a family of civilised nations, Europeans, with good intentions towards immigrants who were often their former colonised subjects. Their intentions were "to honour the humanity and dignity of previously colonised people by respecting their traditions, customs, and

ways of being". Thus "culture – which formerly had been used in its adjectival form, "cultured", meaning civilised, enlightened, and had been regarded as the hallmark of the colonisers in contradistinction to the colonised – was divested of its elitist notions and given a plural form" (*ibid.*, p. 140). Here respect for the culture of the Other is presented as borne out of a European impulse to treat former colonised subjects well, a reading the recipients of such generosity would surely question. Acknowledging that cultural identity became a means of resistance to colonialism, Wikan, relying on Finkielkraut (1995), cites his articulation of the problem of culture for the colonised Other:

At the very moment the Other got his culture back, he lost his freedom: his personal name disappeared into the name of community; he became an example, nothing more than an interchangeable representative of a particular class of beings. While receiving an unconditional welcome, the Other found that he no longer has any freedom of movement, any means of escape. All originality was taken away from him; he was trapped insidiously in his difference (Wikan, 2002, p. 140).

Europeans, on the other hand, ranked the individual above everything, giving up their culture to gain rights (*ibid.*, p. 147). And it is this that Wikan wants the law to uphold: respect for the rights of the individual, limits on family reunification, citizenship as a social contract between individuals, and no dual citizenship for places that do not share the same values and practices as Norway. While feminists such as the U.K.-based Southall Black Sisters share Wikan's position that multiculturalism policies have inhibited many from condemning Muslim patriarchal practices, as I show below, Wikan's views come enmeshed in the story of European superiority in a way that the Southhall Black Sisters' clearly do not. To be Norwegian is to be, by definition, anti-racist and Wikan cannot bring herself to acknowledge that racism exists in Norway. Instead, what exists is a surfeit of kindness, as evidenced by the state's welfare policies.

It is noteworthy that Wikan is often praised for her invocation of Europeans' innate civility, that is, a misguided generosity towards racial Others and a propensity to respect other cultures. One reviewer even speculated that Europeans had a strange fascination for "primitivism" and "over there" that probably stemmed from a "mythic desire to escape from modernity". Wikan is lauded for warning us just in the nick of time that the Other often "refuses to melt into the great mass that culture is to become" and that in fact we can take our respect for culture and our romance with the Other too

far (Carter, 2002, pp. 410–411). What is written out of the story of overly generous Europeans too intent on respecting culture, and their mirror image, recalcitrant and ungrateful Muslims?

A People Without a Colonial and Racist Past

The first omission in Wikan's narrative of Norwegians specifically and Europeans generally (and Wikan clearly claims that the one is simply a sub-set of the other) is of course colonisation itself. In one fell swoop, Europeans move from being colonisers to becoming people intent on being honourable towards their former subjects. Importantly, the material relationship between colony and metropole is nowhere in this picture and we could not guess that European generosity might in fact have been underwritten by decolonisation itself and the demands of 'restless' natives themselves for recognition. Instead, European tolerance arises out of the European character itself, a misplaced tolerance given the natives' failure to be reborn.

The notion that Norway (and the rest of Scandinavia) has a history of generosity towards the Third World is an old one. Norwegians, like Canadians, are often pleased to consider themselves as without a colonialist past (Gullestad, 2002). [Canadian involvement in British colonial projects are obscured in this national remembering as is internal colonisation of Aboriginal peoples (Razack, 2000a, b).] Norway's participation in imperial projects through its union with Denmark, and subsequently following independence through its affiliation to Great Britain are also elided when Norwegians make the claim of being uninvolved in imperial projects. As Elizabeth Eide traces, following in the path of these older colonial relations, Norway went to India first in missionary projects and later with development aid, beginning in 1952. For Norwegians, development projects provided a base from which the country could imagine itself as a member of the family of European nations, sharing in Europe's taking care of the Other. Eide documents the importance of development to Norwegian national mythology and the prominent place such activities have in the press. As she concludes of Norway's relationship to India as evidenced in the media, Indians' "lack or deprivation is constructed as something *we* (i.e. good Norwegians) can help them improve" (Eide, 2002, p. 135). Norway's emerging national self, following its independence from Denmark, drew heavily on this notion of goodness to provide the nation with its imagined community. As the relationship between a Third World in need and a generous

Norway evolved, three figures featured prominently in Norwegian media: victim heroes consisting of small children unjustifiably deported from Norway owing to the actions of their parents; Third World women victimised by their cultures; and Third World women willing to speak out against their cultures. These figures easily dominate news discourse and they offer Norwegians opportunities to imagine themselves as culturally superior as well as generous in saving the Other (*ibid.*).

Neo-Colonialism: Hosts and Guests

The racial hierarchy evident in *Generous Betrayal* is naturalised through an appeal to a second underlying omission, one that explains immigration as an encounter between hosts and guests and that constitutes immigrants as foreigners against whom emerges what I have elsewhere called “original citizens” in the white settler context (Razack, 2000b). Original citizens are those who bear an organic relationship to citizenship and whose claims rest on the basis of their having a natural entitlement (through descent from the “original citizens”) to full citizenship. Immigrants are scripted in this story as guests whose first obligation is gratitude to the hosts. The position is a catch 22. To belong, immigrants must indicate their gratitude and praise of the host culture but since belonging is premised on membership in the bloodline that shares the nation’s history, to be *innvandrere* or immigrant, as Marianne Gullestad has pointed out, is always to be non-Norwegian, compliance and good behaviour notwithstanding (Gullestad, 2000).

The host/guest metaphor is a pernicious one:

A host has the right to control the resources of the home, to decide on the rules of the visit, and, accordingly, to ‘put the foot down’ when the guests do not conform. A guest, on his side has to be grateful for the hospitality received by not provoking the host by calling attention to his own difference from the host (*ibid.*, p. 24).

Gullestad reminds us that in constituting white Norwegians as hosts and Muslims as guests, the latter permanently extrinsic to the nation and foreign, a moral community is created (*ibid.*, p. 30). Hosts have the moral right to call the shots, an assumption pervading government policies and laws on forced marriages. They have, in other words, a moral basis to instruct and to determine the conditions of daily life while guests are always in the position of respecting the morality of the household.

It is worth taking the time here to draw out how hosts and guests are racialised categories that depend on specific silences. National mythologies are about an imagined sameness that is said to have come about because a people have made a history together, typically a history of enterprise and innocence. In Norwegian national mythology, Norwegians courageously resisted the Nazis, something Gullestad suggests enables majority Norwegians to “see themselves as *victims*” rather than as “being influenced by an unacknowledged racist culture” (Gullestad, in press). As a people, Norwegians have built a rich and peaceful land into which newcomers have come only recently. Here, for example, is how Wikan tells the story of immigration to Norway. Immigrants, mainly of Pakistani origin, arrived in Norway in the 1960s, an event explained simply as men seeking a better life, people who were “invited to Norway as guest workers”, as another Norwegian scholar Thomas Eriksen put it (Eriksen, 2003). Guest workers, who are never expected to stay long, soon brought their families and the non-European population grew. In this scenario, Norway does not need the labour of the “guest workers” and if it has benefited at all from their presence, this is only coincidence. Norway imposed a ban on immigration in 1975, leaving the doors open only for family reunification and asylum. Here Wikan is only able to see benevolence in Norway’s policing of its borders. For example, Norway has a reputation for generosity, which is why asylum seekers, mostly Somalis, Kurds and Eastern Europeans, come to its doors anxious to partake of the welfare state’s largesse. The story of generosity makes it possible for Wikan to situate her cast of characters within a fantasy, one I have detailed in the white settler context (Razack, 2000b) of greedy migrants who simply want what Norwegians have and kindly original citizens who try at first to meet the needs of the non-Europeans who are out to deceive them.

The story of immigration, told as a story of guests and hosts (the former duplicitous, the latter generous), depends upon a profound disavowal of the interconnectedness of the past with the present, of the spaces of wealth with poverty, and of the prosperity of original citizens and the poverty of newcomers. In Wikan’s texts, immigrant poverty is borne of culture. We might historicise the relationship between hosts and guests beginning with Saskia Sassen’s reminder that immigration and ethnicity really describe “a series of processes having to do with the globalisation of economic activity, of cultural activity, of identity formation” (Sassen, 1998, p. xxx). We can make sense of migrations only by understanding “the ongoing weight of

colonialism and postcolonial forms of empire on major processes of globalisation today, and specifically those processes binding countries of emigration and immigration” (*ibid.*). To name just a few of the processes that go unnamed in the formula of hosts and guests, we can draw on Sassen who notes that in global cities where there is a concentration of international capital and a concomitant class of high wage earners working in finance and technology, there is a corresponding need for low wage, manual and service workers, positions filled by immigrants. Those immigrants, in turn, flee the very conditions that have resulted in the concentration of capital in these cities. The growth of export oriented agriculture, for instance, to service the debt the South owes to the North, effectively destroys the small farmer and the villages around him (*ibid.*, p. xxxvi). While Oslo may not completely fall into Sassen’s definition of a global city, Norwegians’ standard of living (the highest in the world) is surely dependent on racialised migrant labour.

Individualism as Evidence of Civilisation

Considering the modern idea of the subject, Meyda Yegenoglu observes that “an individual ‘I’ as an abstract and universal consciousness free of all embodiment and locality” finds its full meaning in the assumption of autonomy. Autonomy, Yegenoglu shows, gives the subject its universal status. The autonomous individual, unmarked by culture or community, has to disavow its dependence on others. The subject’s emplacement and embodiment are both emptied out by marking *others* as placed and embodied. Man becomes the universal norm against which woman is other and white becomes the norm against racial others. The denial of dependence on the other, Yegenoglu writes, “guarantees an illusion of autonomy and freedom” (Yegenoglu, 1998, pp. 5–6). Keeping in mind these larger connections between the disavowals described above and the notion of the autonomous individual, we can see that underpinning the culture clash described in *Generous Betrayal* (where Europeans have values and Muslims have culture) is individualism as a specific component of Norwegian national mythology and one shared even by those who would question Wikan’s conservatism and her evident belief in the civilised European. Everyday notions of ‘Norwegianess’ produce and rely upon the same dichotomy of the civilised citizen and the barbarian Other through the idea that Europe in general, and Norway in particular, are societies that have an intrinsic and deep commitment

to individualism and to gender equality. When they clash with Muslims, the clash is, then, truly a cultural one in the sense that one cultural characteristic, understood however as a universal, (a commitment to equality and individualism) meets up with another (a commitment to patriarchal, hierarchy and communalism), understood as the particular. As with hosts and guests, it is important to denaturalise these national characteristics and to ask what they produce.

Norwegian cultural superiority lies in understanding that culture and community do not come before the autonomy of the individual. In Wikan's work, the landscape is peopled with tolerant, equality-minded Norwegians and tribal, misogynist Muslims. Reviewing "honour crimes" we meet the young girl who only wants "to be a girl in a civilized nation", an 'I' rather than a 'we' because 'we' means "fear, resignation, submissiveness, a warm crowd and somebody else deciding your destiny" (Wikan, 2002, p. 119). Individualism is celebrated even in more critical scholars such as Eriksen who acknowledges the presence of racism.

The practice of arranged marriages in particular has aroused the ire of many Norwegians as it so clearly conflicts with ideals of individuality and equality that the Norwegians hold so dear. Arranged marriages are not forbidden in Norway although forced marriages are. But obviously the Norwegians are unlikely to understand an ideology which puts the interests of the family before those of the individual in a society where many parents, if not most, breathe a sigh of relief when sons and daughters finally leave the nest at the age of 19–20 (Eriksen, 2003).

Identifying an increasing national commitment to the idea of individual rights, Marianne Gullestad (recalling Norway's commitment to social democracy) suggests that individualism has only recently become hegemonic both in Norway and more globally (Gullestad, 2003b, p. 51). However, as a marker of European superiority, individualism works to designate the West as a place without culture but with values, thereby locating Westerners firmly within modernity and on the terrain of the universal, a logic that has been hegemonic since the enlightenment. It is not difficult to trace in these formulations of individualism the figure of the citizen of the modern state, the individual who is identified only with the state and who is defined by his capacity to make rational decisions and to pursue his own interests. As David Goldberg has shown, the emergence of the autonomous, rational individual without defining links to community also licenses the extension of the rule of self-promoted rationality

over the projection of the irrational, rationalising thus the colonial project as one of modern destiny. So modern states expand their scope of authority, legitimacy, power, wealth, and control not only over citizens – in the name of freedom, autonomy, self-determination, and self-direction – but also over those racially considered incapable or not yet capable of self-rule. The colonial project, necessarily racially configured, is accordingly an expansion of modern state definition (Goldberg, 2002, pp. 50–51).

The deployment of the rational man consolidates the exclusion from the state of Muslims on the basis of their fatal incompatibility with modernity. Evicted from modernity, it now becomes possible to justify a considerable degree of state intervention against Muslims without the inconvenience of showing any direct connection between the laws and policies and the harm they are intended to address. If individualism and the language of individual rights are stronger today, it is likely because of their compatibility with racial as well as capitalist projects.

PART TWO: THE LAW

Europe has long held a legal fascination with the Muslim woman's body *as a culturally different body*, a fascination Yegenoglu has theorised arises because orientalist discourses of cultural and sexual difference produce Europe as rational and civilised. (Yegenoglu, 1998). Significantly, in the 1990s, when legal interest in Muslims intensified with a general tightening of Europe's and North America's borders, such initiatives, both general and gender-specific, were often defended with a culturalist logic. The 1990s inaugurated a variety of legislative initiatives designed to control the flow of immigrants and refugees to the West (although not to stem the flow altogether since immigrant labour is so vital) as well as to police those communities already living in the West, initiatives discursively managed through the figure of the illegitimate asylum seeker/immigrant. Most Western states passed laws designed to separate the legitimate from the illegitimate, the latter marked as possessing a cultural capacity for deceit. For example, in Canada, asylum seekers who did not possess identity documents but who were granted asylum were nevertheless denied the full benefits of resident status for five years until we could tell if they were honest and had had time to learn 'our' values (Razack, 1999; 2000a, b). Against the figure of the illegitimate asylum

seeker and the bad immigrant/refugee, there was also the good immigrant/refugee, one for whom we could feel pity and who was deemed assimilable. In the latter category were women fleeing gender-based persecution, women the West was prepared to save providing a case could be made that their own cultures were too patriarchal and their own positions too pitiable to endure the violence (Razack, 1998). If the majority of immigrants were deemed unassimilable and requiring close surveillance, the West could still preserve its appearance of generosity through saving non-Western women from the perils they faced in their own cultures.

European legal and policy measures that have particular relevance to the lives of Muslim migrant women include prohibitions against wearing the veil in schools (see Freedman, 2001), against female genital mutilation (Winter, 1994), and against forced marriages. For the most part, laws and policies around forced marriages began at the end of the 1990s but more attention has been devoted to them in the post 911 period when European states began to co-operate with each other on developing legal approaches primarily around family reunification provisions in immigration law but also around laws protecting women from discrimination and violence. (It must also be taken into account that the Schengen accords in March 1995 created Europe as a supra-national space and that the Convention on the Elimination of Discrimination Against Women (CEDAW) imposed a reporting requirement on the status of women by states who ratified it.) In the summer of 2003, Great Britain hosted an International Forum on Forced Marriages attended by government representatives and others from several European and Commonwealth countries (Suh, 2003).

In the area of forced marriages, the remarkably long reach of the law into the lives of Muslim communities in Europe began with press reports of Muslim women killed for refusing marriage arrangements made on their behalf, murders often described as 'honour killings'. In Sweden, in a case that reverberated throughout Scandinavia, Fadime Sahindal, of Kurdish origin, was killed by her father on the day she planned to move in with her Swedish boyfriend and after she had publicised on Swedish television her plight as a victim of a forced marriage to a cousin in her country of origin (Kurkiala, 2003). In Norway, Shazia Seleh was reported dead in Pakistan some time after she had sought the help of a Norwegian crisis centre to escape marriage arrangements made by her family. Her death was explored in a series of documentaries made by the Norwegian government and

it sparked an initiative to seek an agreement with Pakistan against forced marriages. ('Forced weddings', 1999). Rukhsana Naz, a British citizen and pregnant mother of two, was killed by her mother and brother for having a sexual relationship outside marriage, a crime for which they were both convicted and sentenced to life imprisonment (Tripathi, 2000).

The killing of women who refuse marriage arrangements or who are perceived to have brought shame on their families requires strong social condemnation and there is no doubt that the full force of the law must be brought to bear on the perpetrators of such crimes. While it is difficult to get estimates of the extent of the practice, the very estimates being infused with the moral panic over uncivilised Muslims, the problem clearly exists and is cause for concern. In Britain, conservative estimates are that 1000 women are annually subjected to forced marriages (Na'im, 2000). In France, the Minister responsible for the status of women suggested an estimate of 70,000 girls between the ages of 10 and 18 are forced into marriage, an extraordinary figure which she bases on discussions with groups working in immigrant communities (Ministere des affaires sociales, 2003). Compounding the difficulty of collecting data is the fact that the line between an arranged marriage and a forced one is difficult to draw. It may be useful, as one anthropologist has suggested, to view them both as arranged marriages that fall on a continuum between consent and coercion (Na'im, 2000). Whether inflated or not, it is difficult to keep in mind the magnitude of these figures and to ask at the same time about the social meaning they have been given in Western societies.

A contextualised approach to the problem of forced marriages and honour killings has been singularly lacking in law where the idea of culture clash has held sway. In their construction as 'honour killings' these murders are not understood as illustrations of a generic violence against women, a violence that majority and minority cultures often fail to condemn. Culture, but minority culture only, assumes a pre-eminence that is discernible in the efforts made in legal documents and reports to distinguish honour killings from other instances of violence against women. For example, in her report to the Committee on Equal Opportunities for Women and Men of the Council of Europe, Mrs. Cryer of the United Kingdom began with what the concept "crimes of honour" is meant to capture. A crime of honour, she explained, is a crime committed "as a consequence of the need to defend or protect the honour of the family" (Committee on Equal

Opportunities for Women and Men, 2002). The origins of the crime in community/culture is what distinguishes it from other similar crimes in the West: 'Crimes of honour' should not be confused with the concept of 'crimes of passion'. Whereas the latter is normally limited to a crime that is committed by one partner (or husband and wife) in a relationship on the other as a spontaneous (emotional or passionate) response (often citing a defence of 'sexual provocation'), the former may involve the abuse or murder of (usually) women by one or more close family members (including partners) in the name of individual or family honour (*ibid.*, para. 3). Presumably, then, when a man kills his wife because he suspects her of infidelity and of bringing shame upon him, this crime cannot be called an honour killing because the man acts as an individual and his actions are unconnected to family, community or culture. It is clear from this torturous distinction, that gender is placed in opposition to race. A crime of honour is a crime originating in culture/race whereas a crime of passion originates in gender (abstracted from all other considerations). Simultaneously, a crime of honour involves body and not mind, emerging as it does as a cultural tradition, whereas a crime of gender is mind, a distinctly individualised practice born of deviancy or criminality. The honour/passion distinction thus not only obscures the cultural and community approval so many crimes of violence have in *majority* culture, but it reifies that 'they' are stuck in pre-modernity while we have progressed as fully rational subjects with the capacity to choose moral actions, even if the choice is a bad one.

The killing of Muslim women is, in the view of the Council of Europe, a culturally inspired crime "rooted in a complex code that allows a man to kill or abuse a female relative or partner for suspected or actual "immoral behaviour" (*ibid.*, para 6). The kinds of behaviour for which a woman may be killed include "marital infidelity, refusing to submit to an arranged marriage, demanding a divorce, flirting with or receiving telephone calls from men, failing to serve a meal on time or 'allowing herself' to be raped" (*ibid.*, para. 7). Other than arranged marriages, this list would be familiar to any one studying the patterns of domestic violence in the West. Although Mrs. Cryer acknowledges the deaths of these Muslim women as due to domestic violence, lodging them in the cultural realm provides an opportunity to warn that they will not be forgiven in the name of cultural respect (*ibid.*, para. 39). She notes that Islamic nations consider themselves targeted as a culture when the West wishes to address the issue of honour crimes, and they accuse the West of being

selective in its advocacy of eliminating one type of violence against women and not others (*ibid.*, para. 45). If culture is the overriding problem, however, as Mrs. Cryer indicates, then legal solutions have to be crafted with Muslim communities in mind. That is, they have to address the *cultural* context of the crime. The peril of the cultural turn in law is fully evident in the Scandinavian context where culture clash is presumed to take place between the “Nordic Mind” and Muslims (Haarder quoted in Osborn, 2002).

Denmark led the way with legal change in July 2002 when a government elected on a strong anti-immigrant platform passed tough new immigration and asylum laws.⁴ Included in the package was the provision that no one under the age of 24 will be allowed to bring a spouse into the country, an amendment based on the logic that anyone under the age of 24 is less able to resist family coercion to enter into marriage. After the age of 24, in order to bring a spouse into Denmark, an immigrant or a Danish born applicant must demonstrate that he or she holds stronger ties to Denmark than to any other country (Danish Ministry of Refugees, Immigration and Integration, 2002; Rytönen, 2002). As the Danish government explained in proposing the amendments: “[T]he rules applicable so far for family reunification build on modern West-European standards for family establishment and have regrettably been exploited for immigration purposes through marriages of convenience and arranged marriages with resulting frequent tragedies for young families” (Danish Ministry of Integration, 2001). The Danish emphasis on linking forced marriages to immigration is joined to an argument that forced marriages exacerbate problems of integration. The integration argument is bolstered not with statistics on the number of forced marriages or the number of women killed but rather, as in *Human Visas*, with surveys of the marriage patterns of immigrant groups living in Europe. For example, citing the figure of 47% of immigrant married persons residing abroad, a pattern which did not change from 1994 to 1999, the Danish government justified the need for reform of family reunification policy, adding that integration is

⁴ In August 2003, the Danish Government released a revised plan to combat the practice of forced marriage. The “Action Plan for 2003–2005 on Forced, Quasi-Forced and Arranged Marriages”, further articulates that a “multi-faceted initiative” is required to stop such “cultural and ethnic practices” that includes: facilitating dialogue between youths and parents, counselling, intensified efforts by local authorities to criminalise “unlawful coercion”, clubs for girls, residential activities and further research (Danish Government, 2003).

particularly difficult for families where one spouse comes from outside Denmark (*ibid.*).

The language of integration has been a marked feature of forced marriage legal debates. Here it is useful to consider that integration can provide a middle position between the extreme right's position that racialised immigrants must be evicted from Europe because they are unassimilable, and the left's position of multiculturalism where the rights of minorities must be respected (Ticktin, 2002, p. 205). That it is to say, integration appears to hold out the promise of inclusion even while it is premised on the notion that there is a national culture and universal values (possessed automatically by all 'original citizens') in which newcomers must be instructed. Integration thus preserves a racial hierarchy even as it appears to dissolve it. The problem of violence encountered by girls and women of immigrant origin is generally attributed to the different value systems of Muslim immigrants to Europeans. Once constructed in this manner, it is easy to ask, as French media have in connection with the wearing of the veil, whether being Muslim is compatible with being French (Henley, 2003).

In Great Britain, in November, 2001, the Labour government launched a project to eliminate forced marriages in Britain, risking the ire of Asian groups when the Home Secretary characterised the issue as one of teaching immigrants how to be British (Ahmed, Hinsliff and Morgan, 2001). Although NGOs and women's groups as well as the Community Liaison Unit of the Foreign and Commonwealth Office in Britain seem to have succeeded in keeping educational initiatives focused on women's rights and on getting access to help, and have sought to broaden knowledge of the practice of arranged marriages, the civilising tone the Home Secretary, David Blunkett, adopted may well prevail as Britain turns to family reunification laws for solutions.⁵ In Norway, as I describe below, the rhetoric of integration and the idea that Muslim and European values clash have dominated the forced marriages debate. Once the

⁵ On April 1st, 2003 the British government raised the age at which a spouse can be brought into Britain from 16 to 18 (Browne, 2003). In the Immigration Rules section 277 now reads: "Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse of another if the applicant will be aged under 16 or the sponsor will be aged under 18 on the date of arrival in the United Kingdom or (as the case may be) on the date on which the leave to remain or variation of leave would be granted". (<http://www.ind.homeoffice.gov.uk/>) (8 April 2004).

violence becomes a property of immigrant culture, it cannot easily be uncoupled from debates about how to manage foreigners. Most of all, when a practice is condemned so unequivocally as originating in culture, there is little space left to explore how arranged and forced marriages may be understood both as an internal community practice and as a practice profoundly affected by a community's sense of peril.

Norwegian Initiatives against Forced Marriages

Norway has not rushed headlong in the legal direction evident in Denmark, and there appears, at least on the scholarly level to be a much more critical discussion of the place of Muslims (Gullestad, 2003a). Yet, legal and policy initiatives are nevertheless organised for the most part around a culturalist frame, where the problem of forced marriage is entirely reduced to culture. We can just catch a glimpse of the Muslim Other mired in tradition and tribalism and his or her European opposite in some of the legal and policy texts addressing the issue of forced marriages in Norway. These texts are remarkably unselfconscious in their assumption that immigrant communities are to be instructed in matters of citizenship, an instruction in how to live in European culture.

They are structured by a familiar hierarchy of citizenship: on the one hand, original citizens whose values must be respected (and whose values, it goes without saying, are superior) and on the other, foreigners whose alien values have the potential to contaminate the body politic and who must be purged. This hierarchical structure of citizenship, underpinned by the notion of culture clash, first emerges in public policy in Norway's 1995 *Action Plan against Forced Marriages* and becomes more evident in later texts presenting the government's position. Drafted by the Ministry of Children and Family Affairs, the *Action Plan* was initially a broader plan dealing with the integration of children and young people from minority backgrounds. The plan took an educational approach to the problem of forced marriages, declaring that its aims were "to prevent young people from being exposed to forced marriage" and "to provide better help and support to young people who are, or have been exposed to forced marriage". (The disease imagery is not, I think, entirely coincidental.) (Ministry of Children and Family Affairs, 1999).

The *Action Plan* begins tentatively by presenting forced marriage both as a specific custom and as a problem among individual families:

The principle of voluntary consent is recognised among religious groups in most countries. However, in cases where this principle is not adhered to then specific customs and the practice of the individual family can be the root cause. The possibility of choosing one's own partner acceptable to the parents appears to be increasingly common, especially in towns and cities. However, for those sectors of the population who live as a minority group in other countries, it can be a problem to find candidates who fulfil the traditional requirements for a suitable marriage partner (*ibid.*).

Skating delicately around indicting an entire culture and a community, the text makes clear that the government does not oppose arranged marriages *per se* but rather those marriages where there has been coercion and where youth may be unable to resist family and community coercion. The *Action Plan* is forgiving of parents who coerce, believing that such problems arise because minority communities lack information about the laws and values of Norwegian society and assume that their own cultural practices can be followed. Further, the lack of suitable marriage partners makes it difficult for those parents of minority youth who need "help and/or support in order to resist the wider family's demand that they should follow the tradition of forced or arranged marriage" (*ibid.*, p. 4). Resources should therefore be deployed to make pamphlets and videotapes outlining Norwegian values. Communities would receive state funding to carry out educational initiatives on the issue of forced marriages. As well, parents must be given opportunities for instruction in parenting, while children should receive education in Norwegian schools. Should education not suffice, however, the *Plan* recommends that legal measures be put in place to ensure communities' compliance with Norway's newly re-instituted law prohibiting forced marriages.

The *Action Plan* is unabashedly structured around the notion that immigrant youth must be protected from their families and assisted to progress to complete personhood, a personhood defined as autonomy and freedom from tradition, family and community. An us/them saturates the text. They are incompletely modern and shackled by tradition; we are free and able to exercise choice. There is no shared humanity here and no possibility of dialogue. Instead, they must be instructed. As Ling has written, comparing the liberal internationalism of Martha Nussbaum to the overtly racist conservative nationalism of Jorg Haider, both Nussbaum's and Haider's approaches turn on

a single-minded, unidirectional programme of reform where the Self appropriates the right to instruct Others. Where the Nussbaum-self seeks to empower third-world-

women-Others by instructing them in capitalist self-help, the Haider-self aims the same for immigrant-refugee-Others in Austria by returning them to their homelands. Neither wants to engage in a dialogue with Others. Either they have nothing worthwhile to say (Haider's position), or they don't know yet who they are and what they want (Nussbaum's)... Both stake a claim to modernity through their authority to pass it on to others (Ling, 2000).

Ling makes the valuable observation that in Nussbaum's vision, tradition is the primary obstacle to complete personhood. The problem lies within Third World communities and cultures. There is no question of economic distributive justice, for instance, because there is no link between them and us. What the location of us in modernity and them in pre-modernity accomplishes is to preclude the possibility that their troubles, as it were, might actually require more understanding on our part. Nussbaum, Ling writes, does not "consider how we might understand or communicate cross-culturally so that we may have the authority to judge others. She only emphasises the right to judgement" (*ibid.*). In the same vein, I suggest that the *Action Plan* also emphasises the right to judgement, that is the right to know what is best for the Other without troubling to establish many of the details. Little need be said about the diversity of views in Muslim communities, the extent of the violence, or its relationship to other factors. A 'right to judgement' framework depends instead upon a fundamental Self/Other dichotomy, one that can lead, as Ling suggests it does with Jorg Haider, to an articulation of a cultural chauvinism. Further, when the Self is constituted in Norway as a white, European nation defending itself against foreign undeveloped Others who have come uninvited to its territory, the path is cleared for the kind of surveillance and stigmatising activities required to maintain the subordinate citizenship status of Muslims in Europe. For if *they* don't know, then we must not only teach them but watch them for signs of degeneracy. That Norway has gone in this direction since the *Action Plan* was first prepared seems to be the case.

Its instructional tone notwithstanding, the 1995 *Plan* retains an ambivalence about where to locate blame: all immigrant communities and parents? Most? Or simply the few individuals who don't know the law and Norwegian values? Seven years later, this ambivalence disappears and with it comes a corresponding hardening of the lines in law, a direction that may well have come about with the right's

increased popularity.⁶ By 2002, the culprit is more confidently identified as culture – the culture of immigrants, and indirectly because they are the majority group, the culture of Muslim immigrants. For example, in her statement to the U.N. Commission on the Status of Women on March 4, 2002, the Minister of Children and Family Affairs framed the problem of forced marriage more boldly as one of honour killings, a construct associated with Muslim societies: “the rights of women *that we take for granted* are considered a threat to family honour in some minority groups in our countries” (emphasis added). The government had been “reluctant to address these issues for fear of criticising the culture and values of minority groups”, a reluctance that the minister felt had probably given rise to the vagueness of the action plan developed in 1995 (Davoy, 2002).

At a Metropolis conference in September 2002, Lise Grette, a senior advisor in the Ministry of Children and Family Affairs, explained the history of Norwegian initiatives since 1995 and the reasons behind the government’s earlier tentativeness. Ten years ago, Grette noted, when newspapers revealed that immigrant mothers were arranging marriages to people in the homeland owing to the lack of marriage partners in Norway, and that some marriages were forced or arranged between minors, the government was uncertain whether the media had blown the problem out of proportion and stigmatised minorities or whether many young girls were indeed being forced into marriage. Anja Bredal was hired to explore young minority girls’ experiences of marriage arrangements (a study I discuss later). The government “presupposed that minority communities themselves and their religious leaders would take the responsibility to see that forced marriage did not occur” and expected “that all who live in Norway follow Norwegian laws and regulations”. Norwegians were betrayed. By 1999, the government knew from the media and the foreign service that the problem was more widespread than originally thought and was not in fact confined to a few conservative parents. Norway stepped up its educational efforts as first detailed in the 1995 *Action Plan*. The biggest difficulty, Grette concluded was “the long-term work to change the attitudes of the parental generation”. Although still committed to an educational path, (“We must

⁶ Marianne Gullestad contends that by the end of 2002 when the right-wing populist party Fremskrittspartiet was the largest party in the country, its politics had even begun to influence the Socialist left. Gullestad also makes the case that Norwegians have increasingly understood themselves nationally as white (Gullestad, 2003b).

reach out to the mothers”), Grette reported that Norway is now contemplating laws that would penalise religious communities who help with or accept forced marriages. Such communities could have their state subsidies and the right to perform marriages removed. Further, it may be legislated that religious community leaders complete a course in Norwegian language and social studies, as a condition for residence permits (Grette, 2002).

Norway’s “Renewed initiative against forced marriage” includes several of the measures mentioned by Grette (Ministry of Children and Family Affairs, 2002). Retaining educational measures (primarily aimed at service providers who are to be taught how to identify the problem), the new direction is greater immigration control. The government has announced its intention to impose tougher immigration requirements. As the Minister of Immigration Erna Solberg suggested, Norway now had to consider adopting a similar provision to the Danish law that makes it extremely difficult to obtain family reunification under the age of 23, a proposal Norwegian community groups warn is a violation of basic rights and will not prevent a single forced marriage (Ellefesen, 2003). Under the new family reunification provisions, a Norwegian citizen sponsoring a spouse must have a sufficient income to guarantee the spouse’s maintenance, a provision that is intended to restrict the marrying off of young girls who are taken to their parents’ country of origin during the school vacations (Bjøranger, personal communication). Finally, in the summer of 2003, a proposition was circulated regarding a further amendment to Norway’s family reunification laws inserting the clause that both partners must now swear that each is entering into marriage voluntarily and that each party has the equal right to divorce (*ibid.*). Here the idea is to signal Norway’s non-acceptance of discriminatory Muslim marriage pacts and to encourage women’s acquiring of a religious right of divorce, thereby reconciling a cultural practice with public law.

In the summer of 2003, the Norwegian parliament also resolved that a ban on forced marriages should be a part of the Norwegian Criminal Code. It proposed to impose a prison sentence of up to 4 years on anyone who arranges a marriage with a minor under the age of 16. Significantly, as anticipated in the “Renewed Initiative”, the police and the public prosecutor would have the right to charge a person who forces someone into marriage even when the claimant has not asked for or consented to the prosecution. This latter provision was strongly criticised by the Red Cross, the Norwegian Association of Asylum Seekers and others, as likely to result in fewer youth seeking

help for fear that their families will be criminalised. Groups opposed to these measures endorsed preventative strategies and shelters. The proposed law also spells out how force would be understood in the law and included in the definition psychological as well as physical force (Sunde, 2003). Finally, in its 2003–2005 Action Plan for Combatting Trafficking in Women and Children, the government raised the possibility that the purpose of some arranged marriages was to bring women into the country whose children, as well as they themselves, were to be forced into prostitution. Contradicting the dominant notion of Muslim communities protecting the ‘honour’ of their girls and women, this latter suggestion now links Muslim communities to trafficking (Ministry of Justice and the Police, 2002).

The features of the culturalist narrative discussed in part one include an emphasis on linking violence against women entirely to culture and displacing in the process any possibility that when women are forced into marriages, the practice is sustained and thrives in a wider context in which immigrants must negotiate tremendous economic and social constraints. If the problem is entirely cultural in origin, that is borne out of an inflexible cultural practice to control girls’ and women’s sexuality *and* a cultural capacity for duplicity and deceit (revealed in the abuse of immigration), then the appropriate legal response can only be to engage in border control and criminalising. The legal directions above take these two routes. First, they focus on the border, making it harder for family reunification through marriage, and second, they criminalise the practice of forced marriage to the extent that it is unlikely that Muslim youth, fearing the consequences for their families, will seek help. While earlier narratives in the *Action Plan* make it clear that what the laws and policies imagine is culturalist terrain where the natives must be instructed, the newer family reunification and criminal law provisions consolidate the forced marriage issue as one of an imperial contest between a superior civilisation and an inferior one *that must be watched*.

Laws underpinned by notions of European cultural superiority and Muslim cultural inferiority may inadvertently have some positive effect, their paternalism and surveillance features notwithstanding. For example, insisting that women have a right to divorce spelled out in the Muslim marriage contract may well strengthen the position of those who argue from *within* Muslim communities (as does the group Women Living Under Muslim Laws), that Islam grants the right of divorce. The support requirements in family reunification may also restrict the marrying off of young girls but it will also stem the flow of

many Muslim migrants into Norway altogether. In the end, bearing in mind the enormously productive function of culturalist narratives and their installation of civilised Europeans who are obliged to instruct and discipline non-European Others, we can best assess the potential of the laws through considering both what they produce and what they foreclose.

Producing a civilised Europe and a stigmatised and closely watched non-West, the laws and policies foreclose a consideration of other factors that operate in the lives of Muslim youth. For example, they do not foster a positive climate in which Muslim youth and more progressive Muslims can internally contest patriarchal narratives. Instead, they polarise. Like Storhaug's handbook for Muslim girls on the perils of their culture, they do not imagine what an educational approach that promoted more positive ideas of Islam might actually accomplish. Instead of considering school drop-out among young Muslims as a clear indicator of Muslim cultural deficit, we might consider, as so much schooling literature has shown, that schools in fact fail racial minorities through an inattention to their specific educational needs, and through a school climate of racial hostility (see, for example, Haw, 1998; Eslea and Mukhtar, 2000). Teaching young Muslims about the superiority of European culture increases this racial divide and does not respond to educational needs more directly connected to their mastery of the curriculum and to the hostility of the school environment. It may well be that laws and policies such as those currently being considered stigmatise and exacerbate tensions within communities more than they actually give rise to the conditions under which less violence might occur. It is at least clear that they are so firmly located in the realm of an imperial contest, that their potential to respond to the violence is limited at best.

CONCLUSION

How can we avoid feeding culture clash, and reinstalling European superiority when we name and confront violent practices? Culture clash works so handily to secure racial myths precisely because there are cultural differences to which everyone can point. As Mosse noted, racial myths of Blacks and Jews in the European context that depend on the notion of cultural differences proved so blinding because they were based partly on legitimate anthropology and partly upon the

obvious differences between the majority Europeans and the Jewish and black communities. Blacks did have a different skin colour and a different culture; and while Jews had the same skin colour, they at first did have a different language, dress, and appearance (Mosse, 1985, p. xxvii).

Forced marriages and 'honour killings' are specific to certain communities and we would need to pay attention to their cultural, material, political and historical contexts even as we bear in mind comparable violence in European communities, for example, women killed by their husbands and boyfriends when they attempt to leave abusive relationships. Researchers on women in Muslim communities have suggested that Muslim women do find ways to create "third spaces" between the patriarchy they encounter within and the racism outside (Na'im, 2000).

Until we can actually see Muslim communities in all their complexities, we have little chance of making spaces less violent. What do we know about arranged and forced marriages in Muslim communities in Europe? I rely here on two studies in order to suggest a more complex approach to strategies for change: A Norwegian study by researcher, Anja Bredal (which builds on her doctoral work) who was asked by the Norwegian government to explore the responses of youth to forced marriages, and a British study conducted by two professors from the University of Birmingham, Yunas Samad and John Eade, for the Community Liaison Unit of the Foreign and Commonwealth Office. Starting with the Norwegian context, I turn to work completed by Anja Bredal.

In her Ph.D. Research, Bredal begins by declaring the concerns she brought to her study of young racial minority youth and their attitudes to marriage. Chief among them is her observation that in Norway forced marriage has been a polemic between those who claim that we ignore the violence of honour killings in the interests of respecting cultural diversity and out of fear of being called racist (the Unni Wikan position), and those who say that the incidence of honour killings is greatly exaggerated and that the issue is used to stigmatise minorities, primarily Muslims. Underpinning the polarity is the idea that the individual stands opposed to the collective. Individuals give up the right to be individuals (the right to exercise free will) in the interests of the collective's need to reproduce kin and caste networks through marriage. As Bredal saw, this approach pits the autonomous individual against the collective and leaves no room for complicating who is an individual.

In interviews with young Norwegians from immigrant families (the majority of her interviewees were Muslim), nuances and a complex picture emerges. Bredal's interviewees describe the racism in their lives, a context in which perfect strangers stop immigrant girls on the street and ask them anxiously if they are being forced into marriage. Racism of this kind isolates young people leaving them caught between a hostile society and parents and communities with whom there is inter-generational conflict. They are left with little room "to air their insecurities, their indecisiveness and fears, without setting off a whole rescue team in a process beyond their control" (Bredal, 1999, p. 11). Bredal concludes that in such a context, there is very little communication between parents and children and when conflict erupts, it does so dramatically.

If we pay attention to young people's narratives of cultural survival, we find them understanding forced marriages as the response of parents seeking to provide them with cultural community and continuity but going about it in unrealistic ways. When parents turn to their communities of origin for marriage partners for their Norwegian raised children, Bredal suggests that the risks are high that marriages really will involve men who are simply seeking a residence permit. As young people fear, their own happiness is imperilled under these conditions. While young people fear the outcome of marriages arranged by their parents with partners in their countries of origins, they do not automatically endorse 'free will'. Their position on arranged marriages, if a collective one is even possible, is summed up by Bredal as two messages.

[To majority culture]: What our parents are doing is not right, or even the real, version of our culture – our difference. To the parents: what you are doing is neither true to our culture nor is it sensible if you want our culture to survive (*ibid.*, p. 16).

Young people find a number of covert ways to convey their positions. For example, they circulate stories of divorce, and of young people driven to desperate measures in order to escape unhappy marriages. These convey their sense of peril and their critique. Above all, minority youth *negotiate* their lives within culture and community, and do not inhabit, as majority Norwegians often imagine, an unproblematic position as victims of their families and communities, although it is certain that there are also victims.

A very similar portrait of responses to the role of marriage in Muslim immigrant communities emerges in a British study of community perceptions of forced marriage (Samad and Eade, 2002). In

their study of Pakistani and Bangladeshi communities in Bradford and Tower Hamlets, Samad and Eade adopt an approach that begins by contextualising the two communities within a history of colonialism and migration, something I showed was entirely missing in accounts such as Wikan's. Both communities are rural in origin, working class, possessing low human capital, and a substantial young population. They came to Britain through a process of chain migration, following the first immigrants who supplied cheap labour for the wool and garment industries. Their presence can be traced directly to old colonial arrangements. For example, most of the Pakistanis studied were Azad Kashmiris from what is now the Indian state of Jammu and Kashmir. They worked in the engine rooms of the British merchant navy and were encouraged to migrate to Britain to fill the labour shortages of the post war period. Chain migration accelerated when the construction of the Mangla Dam produced people who were displaced but who had received a small compensation from the World Bank. These migrants (one third of a million) settled in Britain and sent remittances back home (*ibid.*, p. 15). The British labour market contracted during the eighties and nineties and unemployment for this group rose to 35%, three times higher than the national average. Unemployment was even higher for women. The end result was a very young, unemployed population with exceedingly poor educational levels owing among other things to the state of schools in their communities. A similar portrait of the Bangladeshi community emerges, except that they came to work in the garment industry, which declined rapidly and was replaced by projects that required skilled workers.

Marriage is used in these two communities to reinforce kinship and job networks, although people marry from a wider pool than they normally would in their communities of origin. Marrying into the right family brings respect and status in the community as well as economic connections. Various forms of arranged marriages exist but in general, the less educated the family, the more the traditional the practice. Families arranged transcontinental marriages because of the limited pool of marriage partners. In Bradford, for example, 50% of the marriages were transcontinental ones, a figure that rose to 71% in Oxford (*ibid.*, p. 48). The researchers estimate, drawing on data provided by the police and Southall Black Sisters, that there are 200 cases a year of forced marriage. Significantly, "liaisons with the opposite sex are an important trigger for instigating the process of forced marriage" (*ibid.*, p. vi). That is, families sought to push

through arranged marriages without the consent of their children whenever they feared they would lose control of girls' and women's sexuality. Immigration was not an important factor in these arrangements.

In focus group interviews with both young people and elders, researchers documented a general consensus in these communities that forcing young people into marriage was unacceptable, although the use of emotional and psychological pressure was. Women were very active enforcers of patriarchal norms. As well, the older generation saw transcontinental marriage as cultural rejuvenation but increasingly recognised that arranged marriages without the full consent of their children were risky and unlikely to last. Although young people preferred linguistic and cultural compatibility, and wanted to marry someone from Britain rather than from their parents' countries of origin, they identified increasingly as Muslim as a social identity and did not express a position of wanting to stand outside the community, and outside arranged marriages altogether. For both generations, the increasing racism directed at Muslims was an important factor in how they understood membership in the community. Indeed, the researchers were openly confronted by their research subjects about the issue of arranged marriages being used to denigrate Muslim communities.

I draw a few conclusions from these studies of community perceptions that have a bearing on how we might approach and understand the legal regulation of forced marriages. There is little doubt that both arranged and forced marriages spring from an impulse to control women's sexuality, and that such controls are exercised more vigorously when communities feel themselves to be losing control. In other words, the patriarchal features of the practice cannot be denied. To consider this particular patriarchal practice, we need to see migrant Muslim communities in context. First, instead of foreign newcomers and uninvited guests, we might view them as populations displaced by colonialism and now under siege in late capitalism. As communities, they struggle for survival in an increasingly racist context. Members of these communities understand themselves within the community, rather than victimised by it, although community practices are vigorously contested internally. Communities' capacity to become more reflective and self-critical, their ability to thrive without limiting the lives of their most vulnerable members, young women, is limited by racism although it is equally clear that patriarchy shapes how communities are organised in the first place.

How do these nuances help us to consider the regulation of forced marriages? To flesh out this answer, I turn to the positions articulated by Southall Black Sisters, a British feminist organisation with a long term involvement in fighting violence against racial minority women.

Consistent with what we know to be the factors contributing to forced marriage, Southall Black Sisters clearly state the role that racism has played in solutions. For example, turning to control of immigration as a solution to the problem of forced marriage is denounced in no uncertain terms:

In the final analysis, the aim of the Government is to keep black and migrant people out of Britain – through strict racist immigration and asylum laws and policies – not to protect women and others from human rights violations. If this were not the case, then *liberalising* the immigration laws would in fact indicate a greater willingness on the part of the government to prevent forced marriage. If there are no immigration rules to by-pass, then what need is there to force a woman into marriage in order to enter the country? (Southall Black Sisters, 2001, p. 18).

If immigration is clearly not the problem, and control of immigration not part of the solution, what then are solutions to the problem identified as arising due to the power of men and communities over women? For S.B.S., the answer lies in strengthening women's position through providing them with more options to leave their abusers: Better services, for example shelters, and more available housing (achievable through a reform of the Housing Act), as well as better trained police and service providers who can more quickly recognise the problem of forced marriages.

It is on the issue of service provision that it becomes crucial to identify what factors limit the help Muslim women get when they attempt to leave their families. Although they are deeply aware of the material factors that stop women from leaving, S.B.S. also suggest that

agencies and policy makers refuse to intervene in minority communities on the grounds of respecting cultural difference and on the assumption that minority communities are self-governing. This is based on notions of multiculturalism, or cultural relativism, where different cultures and religions are tolerated and respected. However, whilst multiculturalism aims to promote racial harmony *between* communities, it fails to deal with problems *within* communities (*ibid.*, p. 11).

In sum, powerful patriarchs control communities and this is a problem multiculturalists refuse to recognise. Repeating the sentiment expressed by Unni Wikan, an inset box in the document presenting their position quotes a survivor of a forced marriage: “They

are afraid of interfering in the culture and being called racist” (*ibid.*, p. 12). For S.B.S., multiculturalists treat racial minority women in a way that they would not treat white women, that is, ignoring the violence directed against them in the interest of respecting culture. Multiculturalism is also blamed for the support given by the Home Office to the idea of mediation for women in forced marriages, an option S.B.S. categorically rejects and which prompted the resignation of its representative Hannah Siddiqui from the Home Office Working Group.

As I argued earlier, when multiculturalism (in the form of respect for cultural differences) is identified as a major reason why so little is done about forced marriage, we can become less attentive to how racism shapes service provision and how racism often masquerades as respect for culture.⁷ Racism complicates a long-standing sexism where violence against women is condoned because women are regarded as the property of their men and families. If minority women fail to get the services they need, it is in the first instance, I suggest, because there are so few of them, and in the second instance because service providers *naturalise* violence against minority women, viewing it as simply a condition of belonging to their oppressive families and communities. It is simply the way *they* are. A similar response, and one that I shall insist is racist rather than multicultural or born out of instinct to respect culture, is evident in the context of Aboriginal women in Canada accessing services when they encounter violence. Police often respond to Aboriginal women’s calls (when they respond at all) by blaming the victim herself and considering that the violence is deserved because it is simply a part of what they assume to be Aboriginal life (drinking and prostitution and everyday sexual violence) (McGillivray and Comaskey, 1999, p. 100). My suspicion is that South Asian women are often met with a similar culturalisation of violence. If racism and not cultural respect is the larger problem, then a critical issue is how to train police and service providers who are racist, something feminists have paid little attention to. Instead, we have sometimes contributed to reinstalling the myth of civilised European through our identification of multiculturalism as a major factor inhibiting the responses of the state and individuals. While it is more than likely that both factors operate, an emphasis on multiculturalism as the culprit tends to annul racism precisely because a

⁷ Didier Fassin observes this dynamic in the French health care service provision context (2001, p. 307).

blind adherence to multiculturalism suggests *civility* more than it does racial hostility.

In the realm of prevention, S.B.S. does not devote as much attention to education as we see in the approaches taken by Scandinavian countries, perhaps having less zeal for the colonial instruction and surveillance of minority communities upon which such strategies often depend. But in emphasising women fleeing their communities, and in paying less attention to lives lived in community, there is an implicit endorsement of the notion that a woman is someone who lives outside race and community. The idea of the individual living free of the ties of community and family, and with ties only to the state is one that has not resulted in less violence against women. Indeed, Norway itself reported to the U.N. Commission on Equality that five per cent of Norwegian women were raped by someone other than a partner while 10% reported being raped by a partner (Committee on the Elimination of Violence Against Women, 2003). If we consider spousal homicide, for instance in a country such as Canada, we see that for the year 2001, 67 women were killed by their partners or ex-partners and 17 of these women were killed after they tried to leave their abusive partners (Status of Women Canada, 2003). We do not, in these instances refer to culture as the root cause of the problem although the violence is directed at women who refuse to stay in their marriages and relationships on account of violence.

If we did not think of hosts and guests, and of culturally advanced versus primitive cultures, of free will versus oppressive communities, how would this change our strategies in the context of legally addressing the problem of forced marriages? I think we would as feminists abandon or at least limit our focus on multiculturalism and pay renewed attention to racism, and specifically to how cultural racism works. This would enable us to identify strategies that are merely punitive (immigration), to gauge more accurately what we are up against when we think of what service providers need to know, and to think about strategies outside community (the provision of safe spaces for women) as well as strategies within communities (how to foster a feminist critical reflection and how to ensure that young people in Muslim communities do have access to education and to work). Our chances to do any of these things, I am convinced, are severely restricted if we shift our gaze away from the crucial ways in which the Muslim woman's body is used to articulate European superiority. We cannot forget for an instant the usefulness of her

body in the contemporary making of white nations and citizens. Her imperilled body has provided a rationale for engaging in the surveillance and disciplining of the Muslim man and Muslim communities. Indeed such force has been unleashed in her name that it is difficult for Muslim women to have open discussions about the patriarchal violence directed at them. It is instructive that it is only the violence emerging from forced marriages, veiling practices and female genital mutilation that Europe has been concerned about, and not the violence of poor educational and job access or the dislocation and forced migration of large numbers of Muslims through war. If culture clash ensures the success of the racial myth of European superiority, as feminists we need to identify how it operates to restrict our understanding of forced marriage and of anti-violence solutions. It is clear, as Abdullahi An-Naim has suggested, writing on forced marriages, that communities under siege are “most likely to turn inward and reinforce the very practices that those on the outside are seeking to change” (Na’im, 2000). If we ignore the contemporary context, then feminists and law-makers run the risk of contributing to the siege.

In his perceptive article “Culturalism as Ideology”, in which he explores the way in which French medical practitioners culturalise the realities of HIV positive African women living in France, Fassin advises that since culturalism provides such a sense of superiority to French medical practitioners and since it works handily to obscure the social conditions that so obviously influence why African women living in France make the choices they do, we should perhaps turn to culture as the *last* reason for behaviour (Fassin, 2001). This advice is useful for anyone working to end violence against Muslim women.

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