

Between justice and pathologisation: Reflections on epistemic and material violence in transnational migration and domestic violence research

Entre Justiça e Patologização: Reflexões sobre a violência epistêmica e material na pesquisa sobre migração transnacional e violência doméstica

Entre justicia y patologización: Reflexiones sobre la violencia epistémica y material en la investigación sobre inmigración transnacional y violencia domestica

Entre Justice et Pathologisation: Réflexions sur la violence épistémique et matérielle dans la recherche sur la migration transnationale et la violence domestique

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Abstract

The article addresses ethical-political dilemmas posed by a transnational action research project about and with Pakistani women asylum seekers in the UK, whose asylum status has arisen by virtue of domestic violence, and in the context not only of colonial relationship between Britain and Pakistan but as intensified by the current climate of Islamophobia. The chapter draws upon feminist critiques of liberal multiculturalism which show how this privileges discourses of 'culture' and 'cultural respect' over gender and so reinstates the public-private split that secures women's oppression. The article explores how the practical-political context of generating documentary support to inform better decision-making around asylum claims pressurises accounts towards a 'victim'-focus that limits conceptions of women's agency, alongside the potential for demonisation of the national, cultural and religious contexts that the women are escaping. The chapter offers a rationale and key examples of strategies for returning the problematising gaze from those 'other' arenas to the normalized but equally potent cultural, national and religious context of Britain/the North.

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Resumo

Este artigo aborda dilemas ético-políticos levantados por um projeto de pesquisa-ação transnacional sobre e com mulheres paquistanesas solicitantes de refúgio no Reino Unido, às quais a condição de refúgio se deu por conta da violência doméstica, e em um contexto marcado não somente pelas relações coloniais entre a Grã-Bretanha e o Paquistão, mas intensificado pelo clima atual de islamofobia. Este artigo baseia-se em críticas feministas ao multiculturalismo liberal que mostram como este privilegia discursos sobre 'cultura' e 'respeito cultural' em detrimento de gênero e assim reinstauram a cisão público-privado que assegura a opressão das mulheres. O artigo explora como o contexto prático-político de produção documental para melhorar o processo de tomada de decisão sobre as reivindicações de refúgio pressiona os relatos a focarem em um caráter vitimista, que limita a concepção de mulheres como agentes, junto com a demonização em potencial dos contextos nacionais, culturais e religiosos dos quais as mulheres estão fugindo. O artigo oferece uma perspectiva e exemplos importantes de estratégias para a retomada de um olhar problematizante a partir dessas "outras" esferas para o normalizado, mas igualmente potente contexto cultural, nacional e religioso da Grã-Bretanha/o Norte.

Palavras-chave: *gênero; cultura; representação; refúgio, imigração, lei*

Resumen

Este artículo trata de dilemas éticos-políticos que emergieran en un proyecto de investigación-acción transnacional sobre y con mujeres paquistanés solicitantes de asilo en el Reino Unido, por la violencia doméstica, y en un contexto marcado no solo por las relaciones coloniales entre Gran-Bretaña y Paquistán, pero intensificado por la atmosfera actual de la islamofobia. Este artículo se tiene su base en críticas feministas al multiculturalismo liberal que apuntan como este privilegia discursos sobre "cultura" y "respeito cultural" en detrimento del género y así reinstauran una cisión público-privado que mantiene la opresión de las mujeres. El artículo explora como el contexto práctico-político de producción material para mejorar el proceso de la tomada de decisión sobre los pedidos de refugio presiona los relatos a un carácter victimista, que limita la concepción de mujeres como agentes, junto con la demonización en potencial de los contextos nacionales, culturales y religiosos de las mujeres que están escapando. El artículo ofrece una perspectiva y ejemplos importantes de estrategias para la retomada de una mirada que problematiza a partir de esas "outras" esferas para el normalizado, pero igualmente potente contexto cultural, nacional y religioso de la Gran-Bretaña/el Norte.

Palabras clave: *genero; cultura; representación; asilo, inmigración, ley*

Résumé

L'article aborde les dilemmes éthiques et politiques posés par un projet de recherche transnationale sur et avec des femmes pakistanaises en quête d'asile au Royaume-Uni, dont le statut de réfugié est dû à la violence domestique et non seulement aux relations coloniales entre la Grande-Bretagne et le Pakistan, et intensifié par le climat actuel d'islamophobie. Le chapitre s'inspire des critiques féministes du multiculturalisme libéral qui montrent comment cela privilégie les discours de «culture» et de «respect culturel» sur le genre et rétablit ainsi la scission public-privé qui sécurise l'oppression des femmes. L'article explore comment le contexte politico-pratique générant un soutien documentaire pour éclairer la prise de décision autour des demandes d'asile pressurise les comptes vers une «axé

sur la victime» -concernant des conceptions de l'agence des femmes, parallèlement au potentiel de diabolisation du national, culturel et religieux. contextes que les femmes fuient. Le chapitre offre une justification et des exemples clés de stratégies pour ramener le regard problématisant de ces «autres» arènes au contexte (culturel, national et religieux) normalisé mais tout aussi puissant de la Grande-Bretagne / du Nord.

Mots-clés: genre: *la culture; représentation; refuge, immigration, loi*

Between justice and pathologisation: reflections on epistemic and material violence in transnational migration and domestic violence research¹

This article addresses ethical-political dilemmas posed by and within a transnational action research project (Siddiqui et al., 2008) conducted (under my supervision) between Pakistan and the UK over a 30 month period ending in February 2008². The project researched service provision for Pakistani women asylum seekers to and in the UK, whose questionable asylum status had arisen by virtue of domestic violence³. The research faced particularly complex challenges owing to the different meanings and foci the project came to assume in the two national contexts (domestic violence provision in Pakistan, asylum process in the UK). However, beyond this, we were exercised by some key representational dilemmas, by which I am indexing the set of debates at the confluence of social and feminist theory circulating in the 1990s concerned with who speaks for whom, the problematic of speaking or giving voice, the distinctions made between speaking and hearing or listening, between speaking and speaking for, and finally around 'representing the other' (e.g. Ahmed, 2000; hooks, 1990; Wilkinson and Kitzinger, 1996; Spivak, 1993). In this project these dilemmas were posed by not only the historical (and certainly actively salient) colonial relationship between Britain and Pakistan⁴, but were intensified by the current geopolitical conditions of, on the one hand, rampant transnational neoliberalism that requires flexible, mobile workers, and on the other war and Islamophobia, feeding or producing national xenophobias and that portray migrants, and especially Muslim and Pakistani migrants, as possible terrorists (see Ahmed, 2004; Bhattacharya, 2008). These representational dilemmas, which are inevitably recapitulated in my telling of them, usefully illustrate the themes of this book: violence, democracy and rights. Indeed I will be illustrating how violence shapes discourses of both rights and democracy in terms not only of practical responses to domestic violence, but also how these are framed by transnational and intersecting discourses of gender and racialisation.

As an action research project, generated by and from a legal advocacy organisation specialising in immigration cases (with my support as the academic supervisor), the practical-political context of generating documentary support to inform better (i.e. more just and supportive) decision-making around asylum claims reproduced many of the problems faced by anti-deportation and anti-immigration legislation campaigners. In particular, the ways that the demands of the practical-legal context work to pressurise appellants' accounts towards a 'victim'-focus that limits conceptions of women's agency, alongside the potential for demonisation of the national, cultural and religious contexts that the women are escaping. The rest of this article offers a rationale for and key examples of strategies for returning the problematising gaze from those 'other' arenas to the normalized, but equally potent, cultural, national and religious context of Britain/the North.

Given the prevailing surplus of meanings that surround concepts of violence and asylum, not only via their gendered and racialised intertwinings but also as structuring the relationship between Britain and Pakistan, there was no way that the team could avoid consideration of the performative

¹ Acknowledgement: A longer version of this article originally appeared as in John Schostak and Jill Schostak (Eds) (2010) *Researching Violence, Democracy and the Rights of People*. London: Routledge

² The Women Asylum Seekers from Pakistan Project was funded by the Big Lottery Fund, and owned by South Manchester Law Centre.

³ It is beyond the scope of this article to address the debates surrounding: (1) the terminological issues and complexities surrounding domestic violence ('domestic violence' vs. 'abuse'; 'familial' vs. 'wife' battering - remembering that perpetrators are not only spouses, but often include other family members); (2) discourses of interpersonal violence, and intimate violence/abuse; (3) how this also usually includes sexual violence; (3) how non-physical abuse is often overlooked - giving rise to an under-emphasis on mental health issues and trauma; and (4) the ways in which domestic violence is already framed within a 'private' discourse of the family such that it is rarely understood politically as a form of torture (see e.g. Hammer and Itzin, 2000). Such framings also bring to the fore the public/private legal and cultural divide dealt with later in this article.

⁴ This colonial relationship was particularly evident when the UK suspended Pakistan's membership of the British Commonwealth during Musharraf's imposition of 'emergency (i.e. military) rule' in autumn 2007, which was only reinstated once the date for democratic elections was announced in early 2008.

character of the research. How, in our analysis could we not reproduce the very problems our research sought to redress? In particular, in attempting to draw attention to the plight of Pakistani women asylum seekers, whose asylum status arose through their efforts to escape domestic violence, how could the project avoid participation in the prevailing demonisation of Pakistan? In this article, therefore, I reflect upon decisions and strategies that were generated through the course of the research – informing its design and conduct and also its reporting style. While some guiding principles were arrived at through discussion and debate within the team⁵, my aim here is to attempt some further reflection upon these ‘bottom line’ assumptions in terms of the conceptual and ethical-political arguments they engage with and provoke⁶. I return later to attempt some further analysis of the status of ‘Pakistan’ as a signifier at the end.

Making the Context Visible

A key intervention of the project – in its rationale and design as well as its ‘findings’ - was to challenge the invisibility of state violence and, in terms of prevailing regimes of visibility, especially the British state, as a key player giving rise to and indirectly bolstering so-called ‘domestic’ violence (for Pakistan’s collusion and contributions in this regard is certainly not invisible). Borrowing from feminist whiteness studies, this could be called ‘*colouring in*’ the dominant culture (c.f. (charles), 1992). Culture here includes matters not usually identified as being ‘cultural’, such as organisational, professional and political norms and practices. Yet cultural they are – in their form and effects. Hence it becomes relevant to highlight the wider political agendas fulfilled by the prevailing terms of the debate (including: poor Pakistani women victims/lawless Pakistan or bogus asylum seekers/modernizing-democratizing Pakistan) in order to bring into the picture British imperial legacies and current interests. Even beyond those, it is relevant to attend to the representation of Pakistan as a ‘history of the present’ with its narrative features consistent with Euro-US (and especially Anglo-US) middle east agendas.

Pakistan’s strategic position, first with Russia and then more recently Afghanistan, has long been a source of political (and literal) capital. Brown (2006) recently noted that Pakistan was the world’s third largest recipient of official development aid from 1960 -1998, after India and Egypt (p.119). In general, accounts have also emphasised the heavy toll that militarization and multiple political stakeholders take on the natural wealth of the country (a footnote addresses the discrepancy between the Human Development Index and the Gross Domestic Product). In the context of the so-called War Against Terror, it is significant to note that Pakistan’s proximity to major world theatres of war (especially Afghanistan and Iraq) has also meant that it has received the largest number of refugees, more than any other country (Chantler, 2010). Pakistan’s slowing economy (with four fifths of state spending going on army and state bureaucracy and debt repayments (Chantler, 2010; Siddiqui, 2007) has warranted the introduction of neoliberal economic reforms that disproportionately target the poor in ways that intensify the pressure upon women’s (and children’s) labour. Khan (2003) takes this analysis further to highlight how such reforms enter in ideological, as well as material ways, to further women’s vulnerability, in making women carry the impossible burden of morality within a corrupt state.

Clearly what is important to keep on the representational agenda is how (what we inadequately call) the West carries a major historical and contemporary responsibility for current events in Pakistan. The West’s interests are clearly at issue in the vicissitudes of political interest generated by violence against Pakistani women in Pakistan, just as much as national political interests and

⁵ At this point I want to acknowledge the Project Advisory Group whose insights and discussions form the basis of my arguments here. Hence my thanks to: Meg Allen, Khatidja Chantler, Andrea Grogan, Sajida Ismail, Vera Martins, Philomena Harrison, Yvonne Prendergast, and Nadia Siddiqui.

⁶ An early attempt to reflect upon these assumptions as guiding principles can be found in Burman et al (2006).

‘pandering to the tabloids’ structure immigration agendas that return such women to Pakistan. The UK Conservative electoral slogan of 2003 of ‘Are you thinking what we’re thinking’ may have marked a particular political nadir in explicitly soliciting, or at least warranting, the expression of racism at the same time as performing the very exclusion it justifies (so ‘you’ and ‘we’ are all interpellated as being in agreement by virtue of not being one of ‘them’), but it is of a piece with many current (New Labour) measures. As recent Home Office funded consultations around forced marriage amply illustrate (Hester et al, 2008), the double think surrounding the call to protect women (both women ‘abroad’ and minority women at ‘home’) always threatens to covertly enforce more stringent immigration policies.

Objective and Subjective Violence

Many authors, recently but certainly not only Žižek (2008), have critiqued the increasingly prevalent left-liberal humanitarian discourse that urges the need to help and rescue (see also Gronemeyer, 1993; Rahnama, 1997). What Žižek adds to these arguments is an analysis of this ‘fake urgency’ (p.6) by distinguishing between objective and subjective violence, with language as a primary example of the former. In particular, a key feature of this distinction is that attending to one form of violence can preclude recognition of the other:

The catch is that subjective violence is experienced as such against the background of a non-violent zero level. It is seen as a perturbation of the ‘normal’, peaceful state of things. However, objective violence is precisely the violence inherent to this ‘normal’ state of things. Objective violence is invisible since it sustains the very zero-level standard against which we perceive something as subjectively violent. (Žižek, 2014, p.17)

Indeed in terms of its relevance to *domestic* violence, it is worth recalling how the discourse of ‘home’, that connects family to the state, already presumes precisely the elision that is thrown into question by immigration cases generated through the break-up of households due to domestic violence. Hence it is this objective violence, the normalised, everyday, ‘rational’ and bureaucratised violence of state and transnational apparatuses that forms the background to the very visible, supposedly subjective, violences meted out to Pakistani women (see also Burman, forthcoming, for an analysis of the tactics of banal racism enacted by the British Home Office bureaucracy). It is also this objective violence that gives rise to the particular ways women tell, and have to tell, their stories in attempting to access justice and protection (Bögner et al, 2007). These are the material and epistemic violences that I refer to in my title.

I am therefore invoking an analytic concerned with state violence at a number of levels: the violence of military (and economic) conquest which forms the geopolitical context for this study, the violence of immigration control, legislating against free movement and often returning to people to national contexts where they face major discrimination and even threat to life. Further, as I discuss below, there is also the systemic violence of the structures of the state, the agencies, even so-called welfare agencies, that fail to provide and - worse still - sometimes do not even acknowledge that they are implicated in these exclusions. All these frame the very material (or what Žižek would call ‘subjective’) forms of domestic violence prompting the journeys of Pakistani women to or within the UK. But principally, in terms of research practice, I will be concerned with questions of epistemic or symbolic violence: the violence of representation, or rather the challenges of mediating the competing pressures to claim justice but avoid inflicting further representational, or epistemic, violence.

While Žižek argues for the need to resist the rush to action, to help, and instead to reflect - rather than become implicated in various regimes of symbolic violence, in this article I reflect on the interpretive processes undertaken within our action research with the aim of motivating for more critical and reflective action. As an action research project, the Women Asylum Seekers from Pakistan (or WASP) project was (as reflected also in its name – as the sting in the tail of the usual acronym for White Anglo-Saxon Protestant) already formulated to interrogate and critique dominant practice. Within the constraints and pressures of funded research, the nature of its topic and rationale meant that the research team had to navigate dangerous symbolic territory in terms of how it framed and presented the research.⁷

Gender, Rights and Democracy

Indeed while discussions of women's rights are high on the global political agenda (although insufficiently addressed in the Millennium Development Goals), the allocation of such rights is increasingly predicated on nationality and citizenship. The position of minoritised⁸ women in the UK seeking justice (in the reduced form of freedom from violence and persecution) interacts with other agendas around immigration control and claims to national security and resource allocation. The widespread claims made by the 'allied' forces for the invasion of Afghanistan on the basis of freeing women from Taliban oppression revealed how opportunistic subscription to discourses of women's empowerment could cover more insidious political agendas.

Many feminists have attacked the trope of 'white men saving brown women from brown men' (Mohanty, 1991, 2006; Spivak, 1993; Thobani, 2007; Bhattacharyya, 2008) as a contemporary (as well as longstanding) warrant for neo-colonial and imperial intervention. Other commentators have addressed how changes in the structures of national and international governance as exemplified by, but not exclusive to, the 'war against terror' waged in Iraq and Afghanistan (and with Pakistan positioned as a key player), has given rise to a proliferation of private armies and security forces that render clear-cut distinctions between peace and war impossible (Duffield, 2001). These so-called 'new wars' increasingly involve civilian populations (both as protagonists and as 'collateral damage'), and rely on varieties of informal economies for funding. The undermining of traditional state structures and the blurring of boundaries between the governmental and non-governmental (and even international non-governmental) sectors also has particular gendered effects. Spike Peterson's (2008) discussion of such effects in relation to the new 'coping, combat and criminal' economies is relevant here in terms of how these wars dynamically shape the relationship between the UK and Pakistan (with Pakistan both a key partner for the UK/US and a key suspect in the search for 'terrorists'). While she also indicates how this condition inflects gender relations both between and within both countries, Shepard (2008) highlights how discourses of national and international security are also implicitly gendered, with implications for the understanding of, and corresponding responses to, gender-based violence: 'Violence, in this view, performs an ordering function – not only in the theory/practice of security and the reproduction of the international, but also in the reproduction of gendered subjects.' (p.172)

⁷ Indeed it should also be acknowledged that these dangers were not only symbolic, as indicated by the fact that the final dissemination visit to Pakistan was delayed by several months owing to political instability in the region, and was only authorised by the project advisory team by a narrow majority. The commitment and engagement of Nadia Siddiqui, as the principle investigator on the project, deserves particular acknowledgement here, in researching at a moment and in a context of very considerable political violence and instability.

⁸ We use the term 'minoritised', rather than 'minority' or 'minority ethnic' to draw attention to the processes by which cultural, religious and racialised minority groups are rendered into a minority, rather than presuming this as some kind of prior or essential identity (see Batsleer et al, 2002; Burman and Chantler, 2004, 2005; Burman et al, 2004). Of course this use of the binary 'minoritised'/'majoritised' should be distinguished from the way it functions in some development studies contexts, where 'minority' here typically means the rich, often white peoples and countries whose power dominates the world's majority notwithstanding their numerical paucity

Feminist critiques of liberal multiculturalist policies show how these privilege discourses of 'culture' and 'cultural respect' over gender. Typically, in the UK cultural rights appear to trump women's rights, except in certain contexts where transnational, imperial wars demand justification. As both precondition and effect of this, the public-private split that has traditionally secured women's oppression is maintained (Gupta, 2003; Burman and Chantler, 2005; Patel, 2008). Such critiques have also built on feminist analyses (e.g. Yuval-Davis, 1997) which illuminate how women's traditional roles within social reproduction have come to warrant the elision between moral responsibility for the care of children and nation building. From this perspective two things become clear. Firstly, that pretty well all cultures and religions have focused on the regulation of women's behaviour and sexuality so that, in contrast to prevailing islamophobic discourses of the North, there is nothing specific to Muslim communities or nation states in this preoccupation. Secondly, that the apparently private domain of familial roles and responsibilities is in fact deeply implicated within discourses of citizenship and national identity. Indeed McClintock's (1995) historical analysis illustrates how this practice was central to the colonial project from its inception: the supposedly natural order of the family. Thus the double meaning of domestic as household and as nation/national is no coincidence and worked to justify the colonial project through the Social Darwinian motif of 'unity through hierarchy'. More recently this has extended from the nation state to the new regional power bloc of Fortress Europe.

The claim to European specificity is an idea that translated into a claim of socio-political advancement and superiority that rests upon an image of women's freedom and a particular kind of gender order between women and men. It is a symbolism that positions Europe and the European as the standard of humanity and closes down questions as to whose identity, autonomy, family and privacy are to be respected, at whose cost and with what consequences for Europe's potential for an economy of gender equality. In so doing, it throws back the issue of visibility, not only to ask who and what is visible but who sees what' (Lewis, 2006: 92-3)

A/Symmetries of the Transnationally Gendered Gaze

Ironically enough, as we documented amply in our research, Pakistani women are subject to two distinct pathologising gazes within the two national contexts. In Pakistan the trope of 'woman-nation-state' (Yuval Davis and Anthias, 1989) renders any transgression of traditional gendered positions (of wife and mother) particularly problematic. This is in the context of a rather (territorially and politically) fragile nation state, with deep regional tensions and divisions, such that the US moneys given over to quell Taliban activity in the North West Frontier Province over the past decades have funded state military crackdown on insurgents to the Pakistani state's national authority. Such instability and insecurity has also bolstered the power of the traditional community authorities, including the jirgas (tribal courts) who (by virtue of power-sharing agreements that enabled Musharraf to stay in power so long) operate according to customary law and maintain (among many other misogynist practices) the exchange of women to settle disputes (news of the latest of which reached the UK in early June 2008). But even at the level of the state there remains legislation, including the infamous Hudood Ordinances (much campaigned against but still not repealed), introduced by General Zia ul Huq in 1979 as a concession to the Islamists, that makes adultery punishable by imprisonment (and even death, although the death penalty has so far not been applied) but also renders any woman who seeks to leave a violent relationship (and potentially any individuals or agencies that help to support her) vulnerable to the counter claim of kidnapping or adultery under this legislation (see Siddiqui et al, 2008).

Yet, in the UK, Pakistani women are subject to a different, but arguably just as exclusionary and punitive, gaze - albeit differently framed. For if their residency relied upon the spouse (and his

household – since perpetrators regularly also include other family members⁹) that they are seeking refuge from, and the woman leaves the marriage within the minimum period designated by the British Government (currently two years, but under discussion to be raised to five – in the name of harmonisation of European law, since Denmark and the Netherlands specify even longer), then her legal entitlement to stay in the country is in question. She faces possible deportation and she is unable to call upon support services that rely on public resources. This status of ‘no recourse to public funds’ affects many asylum seekers, and especially ‘failed’ asylum seekers in the UK, and limits statutory provision of support to those who are surely the most marginalised and vulnerable. Thus once outside the regulatory remit of citizenship which prescribes certain normative positions for women, minoritised women in the UK have even fewer rights or entitlements. In fact, currently Pakistani women are possibly in a slightly better position than women from other countries, owing to a key test case (*Shah vs. Islam*, 2000) by which a House of Lords judgement determined Pakistani women to be a ‘PSG’ or ‘particular social group’ persecuted on the basis of their gender. This was on the rather politically ambiguous basis of considering women in Pakistan to be treated as second class citizens¹⁰. As a result of this judgment, returning (i.e. deporting) women to Pakistan can be challenged, so resisting the so-called ‘internal flight alternative’ (IFA). This is the argument put forward by the British Home Office that the woman would be safe to live in another part of the country from which she is seeking asylum, rather than staying in the UK (see Bennett, 2008; Ismail, 2008).

Hence a key rationale for the project was to formulate arguments and strategies that would help the legal position not only of Pakistani women asylum seekers, but of women of other nationalities. The current picture for asylum cases (amply demonstrated by our UK-based work) is that (even for Pakistani women) nearly all asylum applications are turned down initially, and it is only the basis of appeal or the presentation of ‘fresh evidence’ that they are won. (The project also traced through several such cases which document the arbitrary character of decision-making and the role of minor bureaucratic technicalities in arriving at such crucial decisions.) As Steve Cohen (2001, 2006) and the ‘No One Is Illegal’ campaign have pointed out, the asylum system requires applicants to be presented as desperate, abject and powerless victims – producing a kind of orgy of what in other contexts has been called ‘disaster pornography’, and a hierarchy of victimhood (see also Palmary, 2006). Certainly, in our project, the contrast between research interviewing of applicants and interviews for the purposes of an asylum application was revealing. As Cohen (2006) has argued, fighting asylum/deportation claims using ‘compassionate grounds’ not only works to accord a spurious legitimacy to immigration controls (by portraying the possibility of ‘fair’ decisions) but it also works both to dehumanise and pathologise the appellant, and produces a competition between cases that is divisive.

Domestic and Structural Violence: Privatising the Social

In terms of the broader problematic of domestic violence discourse, previous work around domestic violence and minoritisation has highlighted specific ways in which liberal individualism inflects the representation of (and intervention on behalf of) minoritised women experiencing violent relationships in the UK (Batsleer et al, 2002; Burman and Chantler 2004, Burman and Chantler, 2005; Burman et al, 2005; Burman, 2005). Not only does the ‘domestic’ frame warrant non-intervention but prevailing discourses of ‘cultural respect’ extend notions of individual privacy to

⁹ In a joint, patrilocal family context, i.e. where the daughter/wife would join the husband’s household, she is particularly under the critical scrutiny of her mother-in-law.

¹⁰ This is politically ambiguous because it is unclear how almost half a national population (sex ratios in Pakistan being slightly under 50%) could be understood to be a persecuted ‘minority’ group, but at the very least this designation illustrates the conceptually anomalous character of the evaluation of gendered oppression.

warrant non-intervention within supposedly autonomous and homogeneous communities who are perceived to ‘look after their own’. Recent UK government pronouncements on promoting ‘strong and stable communities’ illustrate this, by calling for communities to be ‘cohesive’ and self-regulating (alongside the implicit threat that this status is provisional, or conditional).

Still more hidden in this set of representations is the way the state creates the conditions for women’s abuse and distress because their abusers can coerce them to stay by mobilising the threat of deportation. Here state and structural violence collude with familial abuse but, within prevailing discourses of ‘culture’, this remains invisible. Thus a key analytical-political intervention has been to highlight the constitutive role of the dominant culture. This attention to the dominant culture works not only to explore what counts as ‘cultural’ (as where only the cultural *minority* is perceived to possess ethnicity or ‘culture’, with everything else normalised into a ‘naturalised’ invisibility and hence legitimacy). Further, this strategy also can be used to ‘colour in’ the cultural, and culturally normative, character of state practices. This includes organisational cultures (e.g. of health and social service interventions, where the delineation of regional ‘patches’ for service responsibility or professional ‘roles’ both structures and limits the scope of intervention), and of course of the British state itself. Similarly, a key intervention can be made in relation to the ‘why does she stay?/why doesn’t she leave?’ debate that surrounds women of all backgrounds experiencing domestic violence, but differentially structures the representation of minoritised women experiencing domestic violence. This can be seen as a particular version of the ‘ordinary/mundane plus extraordinary’ dynamic that can lead to one feature being emphasised at the expense of the other (Burman and Chantler, 2005). One key issue arising from our previous work in the area was that how (apart from workers from Black or Asian refugees) service providers’ explanations for why minoritised women might attempt suicide or self harm, or might not leave violent relationships almost never made reference to vulnerability on the basis of state and structural issues such as immigration status or ‘no recourse to public funds’. This was in stark contrast to the ways ‘no recourse’ emerged from our survivor accounts as a material disincentive, and also as a psychological tactic of harassment that was often mobilised by perpetrators to prevent a woman from leaving (Chantler et al, 2003; Chantler, 2006).

Dilemmatic Navigations

Three analytical principles informed the political-rhetorical trajectory of the WASP project. These were arrived at through lengthy discussion among the project advisory group. Significantly, these were as much concerned with warding off spurious interpretations of the project’s claims and remit, as with clarifying what its claims and concerns actually were.

A first key intervention was to reiterate that the project was *not a comparative study*. That is, we were not comparing legal protection of women or domestic violence service provision in Pakistan with that of Britain. It would in any case have been hard to sustain this, given that - as a UK team - our expectations were framed by what we knew of our own context, and even team members with longstanding knowledge of Pakistan had some of their assumptions challenged through the fieldwork process (as, for example, where certain features of provision or practice in Pakistan are actually better than in the UK¹¹). It was also a particularly difficult position to maintain when the broader agenda of the project in relation to immigration issues was largely to counter Home Office claims that it is safe to send women back to Pakistan, or that Pakistani women can remain safe in Pakistan and so have no need to seek asylum in the UK by ‘internal flight’ to another area within Pakistan.

Yet it was important to keep this principle in mind, at least at a formal level, in the same way as it was necessary to continuously thwart media and policymakers’ expectations of our previous

¹¹ These include such practices as providing legal and counselling services on site and at admission to women’s shelters.

projects, who had always posed their questions in terms of comparative rates of violence across the various minority cultural communities.¹² Obviously major representational and material factors enter into how domestic violence is recognised, disclosed and services sought out (not least class or economic position) (see also Bögner, et al, 2007). Just as in previous work we had argued that we were not addressing questions of cultural comparison or cross-community prevalence, so in this project there were efforts to limit the presumption of western cultural superiority that historically and largely currently continues to structure claims of cross cultural comparison (Burman, 2007). Indeed this claim also functioned alongside and bolstered another erroneous presumption that we made efforts to counter. This assumption was that such comparisons are only made one way. For, contrary to being passive objects of the gaze of researchers and service providers, Pakistani survivors and workers were clearly evaluating and navigating strategic ways that the British context just as much as we were theirs.

Avoiding the Homogenisation of ‘Pakistan’ (and ‘Pakistani Women’)

A second analytical principle that emerged from our discussions is that of *intra-country comparison*. That is, rather than privileging contrasts between the UK and Pakistan, the study was designed to attend to variations of practice within each country. In so doing, we aimed to ward off essentialist, culture-blaming explanations (although the reception of such work often hammers home how authorial intention matters little in how such work is taken up and interpreted). This principle entered into the selection of the research sample, including who was interviewed, and where.

A first key contrast to attend to was between cities and rural areas, since most services and support around domestic violence are in cities (in both national contexts). The status accorded women, and corresponding patterns of violence vary considerably between urban and rural contexts (with many of the most severe cases happening in Sindh or on the North West Frontier, both regions where customary law flourishes.) Geographical and cultural diversity in so large a country meant that it was important to research across different regions, and to attend to the differences between rural and urban contexts.

Typically, as we were to document, women escaping violence make their way to cities to find shelter and support, although their journeys can be long and arduous. Our focus on women’s accounts of their trajectories to safety traced itineraries of often many thousands of miles in circumstances of great danger, which of course was also thematized in the title of our initial project report: *Safe to Return?* (Siddiqui et al, 2008). This attention to the women’s journeys not only enabled a focus for the interviews that did not require them necessarily to describe the details of their abuse (which frequently elicited much distress) but also documented their resilience, resistance and resourcefulness in accessing networks of support (for example, when arriving to a city in finding the shrine where poor and hungry people congregate, which also guides women to shelters). Many women had stories to tell of living in hiding, evading pursuit with elaborate subterfuge to enable their survival.

A second analytic focus was to attend to and evaluate the significance of class position. Totalizing accounts of practices in Pakistan too easily neglect the role of class and how domestic violence is structured by class considerations that themselves are intensified by current global economic relations. As already indicated, Pakistan’s economic recession has attracted international aid that is increasingly tied to neoliberal agendas. These differentially target the poor. Khan (2003) has highlighted from her analysis of charges on grounds of Zina (adultery) within the Hudood

¹² This was often unsuccessful because of the ways media interviews about the research would be edited in order to confirm the dominant narrative – thus making us even more cautious about discussing this work in public arenas.

ordinances how poor women carry the burden of moral respectability within what was understood to be an increasingly immoral state.

In terms of UK asylum decision-making, class status appeared to interact in apparently arbitrary and unpredictable ways with other features of a woman's situation. If she was educated and English-speaking then the judge might consider her sufficiently advantaged to be able to make a new life in Pakistan and so order for her to be returned, while an uneducated, non-English-speaking woman from a rural area with small children might elicit pity or sympathy. Alternatively the latter's abject status (in being unable to communicate directly, for example) might limit identification and so her claim might be more likely to be dismissed.¹³

What emerged from our study was that while class and economic status might enter into how a woman might seek to escape abuse, it was less clear in what ways class position might advantage her (especially as her access to resources is likely to rely upon the husband or family she was seeking to escape – a reminder of how class and patriarchy intersect). Further, while more middle class women might have access to more resources to be able to leave, such women would still be unable to rent accommodation without a male guarantor, and their single status not only attracted attention (that might compromise their safety from being found by the domestic abuser(s)), but would also position her as a woman of 'bad character' and so generated harassment. Thus, counter-intuitively, it was not clear that higher class status was a protective factor in terms of maintaining safety within the country. Indeed a further key issue that UK asylum judges seemed to fail to appreciate was how perpetrators from middle class and elite families therefore had more resources at their disposal to track a woman down (both within and across countries) and to procure false documents (including marriage certificates). Khan's (2003) study of women detained under charges of Zina similarly suggested that middle class and elite women may be in a more vulnerable position than poorer women precisely because of the greater economic resources at their husband's disposal, although she also notes that poorer women may languish in prisons longer because they cannot pay for legal representation to bring their cases to court.

A third key issue is the question of religious minorities. A dominant discourse about Pakistan emphasises urban-rural regional differences; but religious minorities are differentially impacted on by domestic violence too, illustrating the impossibility of seeing violence as only 'domestic'. Obvious examples emerging from our study included the position of Christian women in Pakistan who as women from a religious minority were targets for violence, and were subject to forced conversion as well as violence within forced marriages. There are also several forms of Islam that are not recognised in Pakistan and whose adherents suffer similar oppression.

All these factors make any generalisation about the situation of women in Pakistan very difficult. In terms of resisting other representations about Pakistan, it is worth noting as a final example the widespread discourse about corruption. This is widespread both in the sense of being documented in our material, of being associated with Pakistan in general, and in particular concerned with the corruption of the police and lower levels of the legal system. Within our own material, as elsewhere, we documented many examples where women who had sought to register charges of domestic violence against their husbands found themselves accused of adultery and imprisoned under the Hudood Ordinances because the police had been bribed by the husband. In some cases service providers from shelters and other support organisations were also imprisoned too.

It may be indisputable that corruption has been a key political strategy in the buying of, and vying for, power within Pakistan's turbulent 60 year post-independence history (but, significantly

¹³ The study also documented bizarre evaluations on the part of judges that revealed the cultural and gendered limits of what they could comprehend. We documented accounts from service providers and legal representatives of judges disbelieving a woman's account not on the basis of problems of corroboration but because they simply could not believe a woman could endure so much and still survive.

and equally indisputably, continuing a set of strategies initiated by British colonial occupation). Yet finding a within-country counter-example proved to be very illuminating. So, to take an example provided by one of our Pakistani participants (interviewed in June 2006), it was reported that once traffic wardens had been given an adequate salary they were no longer so corrupt; whereas the police in effect continued to rely on bribery and extortion in order to gain a regular and adequate income. Such counterexamples and explanations of the contingent and provisional character of these practices not only challenge homogenizing and essentialist explanations for Pakistani practices but they also indicate clear strategies for changing them.

From Differences to Commonalities

Alongside the strategy of playing up differences, there is one of highlighting covert similarities. This resists polarisation by playing up sometimes surprising commonalities. This is the other response to the cultural relativism of cross-cultural comparison. Clearly there are risks here of ignoring local, contextual conditions for longstanding problems, yet it is useful to consider claims that violence against women in India has increased as a result of women's enhanced social status. This appears to challenge one kind of argument, regularly expressed by our (UK and Pakistani) research participants, that violence against women arises because of women's subordinate social position, but by seemingly asserting its contrast. Yet there is no reason why both should not be true i.e. that destabilisations to women's traditional social status generate resistance. Obviously feminists have always had a cautious and often disputed claim on universality – in asserting some kind of common cause, notwithstanding the elusive character of (and perhaps dubious desirability of) sisterhood. Talk of patriarchy has an old-fashioned ring about it, and its sweeping invocation has often substituted for, rather than informed, explanation – crucially in ways that reinforce racisms.

Rather than asserting global equivalence, then, we found it useful to remind ourselves of local, UK correlates for some of issues emerging from our Pakistan material. So in relation to charges of corruption and lawlessness in Pakistan, which can seem so devastating, totalizing and difficult to address, it is worth recalling recent revelations about UK parliamentary and political processes regarding not only 'cash for questions' but also 'loans for honours', and inquiries into the use of parliamentary expenses used to employ family members, while the (New Labour) British government has continuously quashed investigations of its collusion and support for the (ex-government but now private) arms trader BAE (British Aerospace Engineering) systems so that (as of autumn 2008) this case is now only being taken up in the US.

A second example relates to the refrain from the whole spectrum of service providers we interviewed in Pakistan (and confirmed by the accounts of survivors) that it was not safe for women to go to police stations, because they may be harassed or even raped. Yet it could be argued that the situation is little better in Britain. So, along with the appalling and (*until very recently*) declining conviction rates for rape in Britain, our previous research documented examples of women, especially Black and Asian women, being subject to appalling treatment at the hands of the British police and other state authorities. Indeed we noted that, during the period of our study, a journalist (Julie Bindel) opened her article on the 'women's page' of the Guardian with the 'confession' that if she were raped she would not go to the police (27 October 2006).

To take a third example, where our Pakistan participants talked of the longstanding, and early, structuring of women's lives according to gender discrimination – citing examples not only of being provided with less access to education but also, from an early age, less food – within the personal experience of the (culturally diverse) research team we could generate equivalent examples from a UK context. Obviously there are matters of scale here (i.e. neither claiming the situation for women in the UK is the same as in Pakistan, nor that it is absolutely different), and hence the first principle I

outlined – that of avoiding cross-cultural comparison - remains central. Rather, these principles worked in relation to each other, cross-cutting and to some extent mitigating the inevitable representational problems posed by each.

Interpretive Strategies

Having identified some significant dilemmas, I now move to consider five key interpretive strategies we formulated to support the conduct and analysis of this research.

1- Contextual shifts in the potent intersection of asylum and domestic violence

A key gestalt switch the WASP team had to negotiate was that the project took on different meanings within the two national contexts it researched. In the UK the project was principally about asylum and immigration issues (including access to legal representation and other forms of support, decision-making etc), while in Pakistan it was about domestic violence and associated service provision. It is worth noting that a key reason for this was that, contrary to the British popular imagination, the very possibility of escaping domestic violence by migrating to the UK was not even remotely conceivable, either to Pakistani victims of domestic violence nor even their service providers. Hence in the UK the project was principally about racialisation and racism, and in Pakistan it was about gendered relations. Both features therefore concerned violence, but the focus (in terms of the questions we posed to interviewees) was different. The major interpretive challenge was arriving at appropriate ways of narrating these asymmetries without disproportionately emphasising (political and domestic) violence in Pakistan. It was here that we had to bear in mind the focus on transnational trajectories and their historically overdetermined character, rather than cross-cultural comparison. In this sense we were challenging the delineation of national boundaries as well as intra- and bi-national dynamics.

2- UK vs. Pakistan: normalised absence/pathologised presence

In terms of the selective dynamic of problematisation, it was significant to note how during the period covered by the project (2005-2008), Pakistan was portrayed by the British government as safe to invest in, but not safe to visit (according to the British Foreign and Commonwealth Office advice – a key source for political commentators as well as travel insurers!). There is a similar paradox in the ways Pakistan was accused of harbouring Taliban and Al Qaida militants but ‘internal flight’ for women escaping domestic violence was nevertheless deemed possible. As I have indicated, we attempted to address this dynamic of problematisation by ‘balancing’ Pakistani with UK examples, and so bringing both national contexts and corresponding legal and cultural systems under critical scrutiny.

3- Legal reform vs. cultural change

There is a widespread discourse nationally and transnationally regarding the need for cultural change in perceptions of women alongside legal reform. But this kind of ‘chicken and egg problem’, to identify which comes first, often works rhetorically to warrant political apathy. An intervening factor in this was the further dynamic produced by international pressure (with gender mainstreaming and capacity building around the empowerment of women now a major feature within aid moneys, see Cornwall et al, 2007). Further, resistance to what might be perceived as western meddling can be played out through failing to implement to such reforms (see also Ali, 2001; Jamal, 2005). While there certainly are grounds for considering gender a modern notion (Hayami et al, 2003), which can understandably acquire northern connotations, this is a spurious argument against legal and cultural changes. Both clearly are important and inform each other. In terms of our project, which was explicitly addressing provision and efficacy of legal measures of protection, we found ourselves

recapitulating these oscillations. Nevertheless, we came to adopt the position that legislation is necessary to shape and focus cultural shifts, including a more supportive cultural climate towards asylum seekers in the UK.

4- Avoiding reductionist explanations

Similar challenges were involved in the question of how to understand the relationships between explanations put forward for violence against women. Our Pakistan participants overwhelmingly discussed poverty, education, questions of custom, culture and religion, the subordinate status of women, and the '3 'ps' of poverty, powerlessness and pregnancy'. All of these are of course relevant factors in generating the picture of violence against women, but it is not clear which, if any, are determining (nor indeed whether any such could be identified). Rather, what is needed is analysis of how these work together to give rise to the complex context under investigation. Here the reports produced by UNIFEM and CEDAW (especially UNDAW, 2005) were helpful in pointing out the inevitable connections between health, education and employment in raising women's status and supporting women's development. Such interconnections make substantive 'common sense', yet so far development initiatives such as the Millennium Development Goals seem to offer only a piecemeal and unintegrated approach (Saith, 2006; Palmary, forthcoming). Even so, along with Cornwall et al (2007) women's entitlements should not be instrumentalised to serve the interests of the State.

5- Political Islam vs. 'western feminism' (and what's left out?)

There is a continuous refrain that positions feminism's relation to Islam as antonymous; just as the law is positioned as religion's other (Sunder, 2005; Mojab, 1998). Both these dominant motifs colour the work of nongovernmental organisations (NGOs) working around feminisms (and as feminists) and against violence against women in Pakistan. If feminism is seen as 'not Islamic', then the danger is that NGOs are seen as 'western'. Here it is important to note how Pakistani women's movements manage to negotiate these oppositions (Jamal, 2005). Indeed this dynamic deeply inflects the ways Pakistani NGOs working around violence against women position themselves – and may indeed structure the ways they identify with, or distance themselves from explicit affiliation with 'feminism'. There are of course wider debates at stake here regarding the ways in which the category of gender might be thought of as 'western', and there are now nuanced discussions addressing this question which render any clear refusal of the category unmerited; rather the issue is the extent to which gender is a modern concept (Yoko et al, 2003).

Yet, significantly, these tropes around 'western feminism' are also both mobilised by and maintained by the British state. In the course of the fieldwork in Pakistan in 2006 it emerged that DfID (the British Department for International Development) was giving funds directly to Pakistani government, claiming instead that it was cheaper/easier to administer their moneys this way rather than to NGOs (who historically have been regarded as more effective partners). With the rapid political changes that are now bringing the historically non-governmental personnel into the new coalition government in Pakistan, it can only be imagined that this trend of bilateral partnerships (which has always been a feature of DfID policy) will be scaled up. The key point here is that in paradoxical ways the state (both UK and Pakistani) remains a key actor in the elaboration, and maintenance, of this opposition.

Between Justice and Pathologisation

This article has discussed the central dilemma for the WASP project: how to acknowledge, and indeed offer resources to support campaigns against, the injustices and 'barbarities' occurring within the Pakistani state, whilst attempting to mitigate its further pathologisation. It did so by also exposing

injustices within the British legal system. This strategy of disrupting homogenisation could be seen as opening up for interrogation the wider problem of racialisation. For, as discussed earlier in relation to her class position, naming a woman as ‘Pakistani’ was shown to be both excessively meaningful and yet also meaningless, since this process usually fails to ‘represent’ anything of the specificity or particularity of her position or experience.

While arrived intuitively and out of political commitment, one way of characterising this strategy might relate to Seshadri Crooks’ (2000) Lacanian analysis of race, where she discusses the process of naming, and in particular racialised naming, through the notion of ‘rigid designation’. As she puts it: ‘Rigid designators... are signifiers that have no signifieds. They establish a reference but deliver no connotations or meanings whatsoever’ (p.141). Or in more detail:

This relation between racial meaning as meaning, or the description of properties, and racial naming as references, or pure designation, is not one of misreading the logical functioning of names; rather, I suggest that racial naming as referring to properties (or the stereotype) acts as an envelope, a cover for the anxiety of racial reference which literally means nothing.. There is something anxiety producing about the fullness of the signifier/referent relation that bypasses the signified, or the concept, that would properly produce meaning and thus desire. (Seshadri Crooks, 2000, p.143)

Indeed this article has explored how the signifier ‘Pakistan’ seems to work at many levels within a specific geopolitical and temporal context, and is both potent and mobile – especially in relation to gender (qualifying men and women rather differently within the ‘western’ imaginary: Pakistani women as victims, Pakistani men as militants...). In its excess of meaning, it seems to betray, as well as convey, particular desires (see also Bhattacharya, 2008). The orientalist imagination is given full rein to fantasises of underdevelopment, barbarity and so on, and in so doing it can conveniently fail to recognise the relational character of anxiety about (and corresponding responsibility for) such designations.

Finally, in relation to the theme of justice and pathologisation as mobilised by this book’s concern with democracy and rights, it is important to recall the context for this study that has formed the focus for this article. The WASP study was prompted by the draconian measures increasingly deployed within UK immigration practices in relation to immigration, here specifically Pakistani women, seeking asylum on the basis of domestic violence. At stake in their cases is very much the question of credibility – the challenge of seeking justice for Pakistani women poses in acute form the key questions of North-South relations, the role of gender-based violence and in general gendered status within both state and transnational policy, alongside of how questions of rights, the law and culture converge, clash and even combine often to exonerate key agents

Both anecdotal and systematic evidence is emerging that the climate of disbelief and distrust of women asylum claimants inhibits and so impairs their access to justice, even punishing and retraumatising them further (Bögner et al, 2007). As Žižek (2008) puts this:

there is a sense in which a cold analysis of violence somehow reproduces and participates in its horror. A distinction needs to be made, as well, between (factual) truth and truthfulness: what renders a report of a raped woman (or any other narrative of a trauma) truthful is its very factual unreliability, its confusion, its inconsistency. If the victim were able to report on her painful and humiliating experience in a clear manner, with all the data arranged in a consistent order, this very quality would make us suspicious of its truth. The problem here is part of the solution: the very factual deficiencies of the traumatised subject’s report on her experience bear

witness to the truthfulness of her report, since they signal that the reported content 'contaminated the manner of reporting it. (Žižek, 2008. p3-4).

The 'truth' of a claimant's account is assumed on the basis of its coherence, and corroboration of its accuracy. As Žižek' points out, traumatised women may not be able to provide either of these. Yet the situation may be even more complex than Žižek allows. For we are in danger of producing new orthodoxies about how women who have experienced terrible interpersonal (including sexual) violence should react, in ways that presume culture and context-free normalised responses. Thus, as we documented in the WASP study, if a Pakistani woman could in fact provide a coherent and factual account of her journey and the abuse that precipitated it, then she may not be deemed credible since she then fails to exhibit the behaviour deemed appropriate for the level of trauma associated with the violence she is claiming. She is thus caught in a double-bind wrought from the fateful intersection of dominant cultural representations of her homeland and the status she is accorded there as a woman, alongside - equally cultural but naturalised through their professional status - representations of knowledge about responses to abuse. This is the work of symbolic and systemic violence, together with structural violence. These intersections - that are simultaneously political, cultural and gendered - have clear implications for a range of decision-makers and providers across the spectrum of advocacy and support services in both the UK and Pakistan.

Even as I completed the first version of this article (in early October 2008), the latest bombs in Islamabad and Lahore provided yet another powerful reminder of the ambiguity and instability of 'Pakistan' as a signifier and as signified. During the period of the WASP study (September 2005-April 2008), the country experienced massive instability, regional dispute, and assassination of the major opposition candidate (Benazir Bhutto). Violence, justice and democratic rights remain at the forefront of daily practical-political struggles. While it was General (then President) Musharraf's suspension of the Chief Justice that catalysed the protests giving rise to the imposition of military rule in late 2007, so even several months after the election of a new coalition government, lawyers were still demonstrating for the reinstatement of an independent judiciary. Yet once again, at such moments of profound possibility for change, the agenda for women's advocacy and empowerment - of which domestic violence is surely a symptom - appeared even further off the national-political agenda than before. It thus remains as urgent as ever to challenge the hegemony of 'Pakistan' as a monolithic non-signifying signifier, and clarify the responsibilities and possibilities of transnational partnerships.

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