

Forskernes svar til DR (Danmarks Radio Orientering) 27.10.03

Svar fra:

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1. Are marriages between cousins (and between more distant relatives) often forced marriages (or marriages not wished by at least one of the parts involved)?

No. Marriages between cousins are not often forced marriages. They are usually marriages arranged with the full consent of the individuals concerned. The individuals may not know each other as lovers in the same way that is now expected in the west, because 'love' is expected to develop after the marriage takes place. Even so, many prospective spouses will already know each other because they are relatives, and will have had some form of pre-marital courtship through visits or email contact and telephone conversations, and sometimes will have developed quite 'romantic' pre-marital attachments (though not, of course, equivalent to that of a 'western'-style courtship).

2. Is a family pattern of marriages involving family unification (i.e. marriages with persons from the home country) a sign of marriages being forced marriages?

No, not at all. Rather, it is a sign of the fact that arranged marriages within the family are tried and tested way of avoiding the risks of marriages with 'strangers', especially in a society where (as I have said above) religious and cultural considerations restrict courtship before marriage. It is also a sign of the strength of continuing social emotional ties connecting people living continents apart.

3. Can preventing family unification in the case of marriages between cousins (and other relatives) be a way of protecting young people from ethnic minorities in the West from being forced into marriage?

It might prevent the minority of cases of forced marriages (I understand that the highest estimate, in the UK, seems to be that less than 1 in 10 Pakistani transnational marriages are forced). However, my concern would be that preventing family unification in cases of cousin marriages will introduce new forms of risk and harm to the majority of cousin marriages that are not forced by forcing the couples to live apart; it will also not prevent forced marriages outside the family, where the built-in checks of people being known to each other in advance are absent.

4. Can it be a way of improving the integration of ethnic minorities in the West?

Integration depends on a whole range of factors, and not just on who you marry. A secure and happy marriage, whoever it is with, is a good foundation for integration. And arranged marriages within the family are, in the majority of cases, a means of providing secure and happy marriages, so I don't think that preventing 'family unification' will necessarily improve the integration of ethnic minorities. On the contrary, as I have said in answer to question 3, it is likely to introduce a whole range of new forms of risk and harm, including marital instability and social and economic dependency (where people will have to sustain transnational relationships, or maintain single-parent families, or get divorced, etc.)

5. If you think that marriages between cousins - and forced marriages - are at all problems to be dealt with, how should it be dealt with?

Cousin marriages: There is evidence that marriages between first cousins increases the risk of recessively inherited genetic disorders in offspring (Bunday and Stoltenberg - both cited in the Hede report). According to birth incidence data, the risk of having a child with a congenital or genetic (including recessive) disorder is about 4% for cousins; this is double the approximately 2% risk for unrelated parents. This risk also means that a cousin couple has a 96% chance of having an unaffected child, while an unrelated couple has a 98% chance - ie, the overwhelming majority of births to cousins, as to unrelated couples, will be of unaffected children. There is a further (approximately

2%) risk of recessive disorders for cousin couples where there is a history of consanguineous marriage in the family. Even so, a cousin couple is far more likely to have a child unaffected by recessive disease than an affected child. (The increased risk to cousins cannot therefore justify making cousin marriages illegal - see eg. Ottenheimer, M 1996 Forbidden Relatives: the American Myth of Cousin Marriage. Chicago - which is not cited in the Hede report). How to deal with this: If there is a particular disorder within a family, the couple can be offered prenatal screening and testing, and carrier testing may be available for other family members, so that genetic risk can be taken into account if other marriages are being arranged in the family (see eg. Bennett, R. et al Genetic Counseling and Screening of Consanguineous Couples and their offspring: recommendations of the National Society of Genetic Counselors, Journal of Genetic Counseling Vol 11, No 2. 2002- also not cited in the Hede report) Forced marriages: a minority of cases. Pre-immigration checks on each immigration case should deal with most of these. Where there is a concern that a marriage may be forced, it would be better to deal with this directly (rather than indirectly via cousin marriages - for the reasons given above).

Svar fra:

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I find the approach being used by the Danish agencies completely out of step with Pakistani societal norms. Cousin marriages are in many cases - across a large cross-section of the Pakistani community highly preferential. In fact over half the marriages among Pakistanis (both within the country itself and also among Pakistani migrants) are among cousins. Does this mean they are all forced. The answer is an emphatic NO. There is no evidence that such marriages are forced, and in many cases young people give their tacit or open approval to such unions. It is important to state that I do not in any way support enforced marriages. There is generally much ignorance and misunderstanding of cultural norms and expectations of the Pakistani culture especially among Western society. People who make claims that cousin marriages are forced and therefore breach human rights may have used an isolated case here or there to 'promote their own particular agenda'. But governments need to do their own assessment for policy making using evidence that is based on empirical findings and can hold up to scrutiny. It would be useful to translate some of the available literature on cousin marriages into local language and circulate it to people in government ministries.

Svar fra:

Roger Ballard, Director,

Centre For Applied South Asian Studies,

University of Manchester

Thanks very much for your query, to which I'm delighted to offer a reply – not least because legal changes in immigration law in one part of the EU have a very dangerous habit of being unquestioningly replicated elsewhere. This one could clearly run and run.

In my view much of the discussion on 'Forced Marriage', including the initiatives taken by our own Home Office on this subject, are deeply ethno-centric in character. This is partly as a result of the debate about the alleged disadvantages associated with certain forms of marriage proceeding with little or no reference to the relationship of such unions to the families within which they are set, and partly because no consideration whatsoever is usually given to the prospect that concept of 'family', and hence the quality and character kind of the kind of reciprocities which members of such units might expect to sustain vis-à-vis one another may vary immensely as between different cultural systems.

Much of the problem here arises, I believe, because many non-European cultural traditions take this institution far more seriously than do the great majority of contemporary Europeans, for whom the family is a unit which comes into existence when two individuals freely choose to set up a domestic partnership on a nominally life-long basis (although the partnership may now actually be dissolved at any time should either of the parties wish), thereby establishing a household within which they have an obligation to bring up any children of the union. However children are not permanent members of the family in this sense: they take off on their own account in their late teens and early twenties, and will

probably, at some stage or other, set up similar unions with partners of their own. Since children have no *necessary* obligations to their parents having left home (just as parents have no longer have any *necessary* duties to or responsibilities for their offspring once this has happened), parents have at best a weak advisory role in their offspring's choice of marital partner.

In much of the non-European world, and in South Asian in particular, expectations are quite different. In the first place each South Asian family is a corporate group which normally has a permanent existence over time. To be sure its membership changes: new members are born into it, daughters marry out and brides marry in, and at the end of their lives the elders pass away, but the family as such is permanent – unless in anyone generation its members fail to produce male heirs. Only then does it become extinct. Its only other fate is partition: whilst sons may not split away from their fathers (the bonds of mutual obligation are too great), brothers may split from each other, always provided that their father has passed away. Mothers, too, may often prevent such splits occurring, at least in their lifetimes. However when such splits occur, they do not occur on an *individual* basis; rather the corporate family splits into two or more identically structured corporations, each headed by one of the brothers, who becomes a new patriarch fulfilling the role of the deceased father.

Secondly, interpersonal relationships within this group are distinctive in character, not least because it stand to reason that such a group can only operate effectively if its members prioritise their obligations to each other over their own personal self-interests. Then relationships can work according to the epigram 'from each according to his or her abilities, to each according to his or her needs'. However these reciprocities are not egalitarian. Superordinates (by generation, gender and age) have an obligation to support, guide and care for their subordinates, whilst subordinates have a reciprocal obligation to respect and obey their superordinates.

It is worth noting that this puts *necessary* restrictions on personal freedom. It is not that all notions of personal freedom are eliminated. Far from it. However since untrammelled personal freedom inevitably undermines the integrity of the group, it is recognised that family members regularly have to sacrifice (a concept which is very positively evaluated in this context) their personal interests in favour of those of the wider group.

Moving finally onto the issue of marriage, it should now be obvious as to why this cannot be a matter of 'free choice' as envisioned in Europe – unless those involved decide to abandon all their obligations to (and rights in) their corporate families. Some individuals do of course make that choice: they always have, no less in South Asia than the diaspora, although all who do so recognise that the costs associated with doing so are very large indeed. Moreover if everyone did so a large chunk of the South Asian cultural tradition would pass into history. Needless to say there is little sign of that happening, either in South Asia or the diaspora.

So what does marriage entail in South Asian contexts? Most obviously it is not a union between two freestanding individuals: two individuals may stand at the core of it, but their union establishes a much wider relationship of affinity between two corporate families. The establishment of such a relationship requires the collective agreement of both sides. Secondly the marriage entails a transfer of personnel between the two: the bride ceases to be a member of her natal family, and takes up all the rights and obligations of a daughter-in-law in her husband's family: in other words she joins a group, not just her husband. Thirdly and consequently, she has at least as much to do in building a *modus vivendi* with her mother- and sisters-in-law as she does in filling out her marital relationship with her husband.

With all this in place, it should now be obvious firstly as to why South Asian parents routinely play a major part in selecting spouses for their offspring, and why their offspring most usually take the view that it is wholly right and proper that they should do so.

Next we need to look at the issue of marriage rules, which vary widely between communities. I shall contrast two systems here: firstly those which bar marriage with all identifiable kin, including members of one's own lineage (*got*), as well as those of one mother, one's father's mother and one's mother's mother. In this system (largely followed by Sikhs and Hindus) whilst one must marry within one's own caste, one may not marry into any family with which one's own family has any known kinship relationship. Hence all marriages must be negotiated afresh.

By contrast most Muslim communities have abandoned these restrictions, and instead follow the rules laid down in Leviticus, which permit marriage between cousins. Many of the Muslim communities who have established themselves in Europe – and indeed in Denmark – go one step further and actively prefer cousin marriages, so much so that as many as 60% of such marriages take place between cousins. It is easy to see why this option – when available – is widely regarded as attractive. Brides in such contexts do not join the households of absolute strangers, as they do amongst Hindus and Muslims. On the contrary their father-in-law or their mother in law will be either an uncle or an aunt. Moreover since women frequently play a major role in marriage negotiations – even though their husbands invariably ratify the results when they are publicly announced – many go to considerable lengths to recruit either their sisters' or their brothers' daughters as their daughters in law. 'Keeping it all in the family' has all sorts of potential advantages, not least because every newly married bride will then always have an 'ally within' when she comes to join her husband.

Now, at long last, what is a 'forced' marriage? Pushing the arguments to an illuminating extreme, if the alter of 'forced' is 'free', then virtually all South Asian marriages are 'forced'. In a South Asian context neither brides nor grooms are free in the Western context: it is their parents who set up the marriage, and although they may take cognisance of their offspring's wishes, they are under no obligation to obey them – any more that western spouses are under any obligation to respect their parents' wishes when it comes to marriage. But that is clearly not how the term is used in practice.

In my view the marriages which attract the label 'forced' in the west are simply arranged marriages which have failed to work as far as the spouses are concerned, and which – despite the best efforts of all concerned (i.e. the families on both sides) – have consequently collapsed. In these circumstances it is not the arrangement *per se* which is the cause of the collapse, any more than that the high rate of divorce in Western society is the result of what many South Asians regard as the harmful practice of 'love marriage.' Whilst no-one *plans* marital collapse, relationships can fail to jell in societies of all kinds. If ill-chosen unions occur in all societies, including our own, then those that occur in South Asian contexts are much better described as *badly-arranged*, rather than 'forced' marriages.

One category of ill-judged marriages are those in which parents set up unions between partners who are not only complete strangers to one another, but to personal experiences, educational achievements and general lifestyles are so different that any outside observers would be sceptical as to whether there is any prospect of the huge gap between the partners being bridged. Not that collapse in these circumstances is inevitable: all sorts of unlikely marriages can and do succeed. But if this is a far from ideal way to set up a marriage, it is also worth considering just why such union. Very rarely do parents condemn their children to purgatory: it makes no sense. The reason why badly arranged marriages of this kind occur with alarming frequency in the diaspora is quite straightforward: many parents are genuinely unaware of how much their children have changed, and even if they are, of how to make sense of the changes, especially when – as in Hindu and Sikh contexts – they have to find spouses for their children from amongst complete strangers.

However when it comes to cousin-marriages, as amongst Muslims, the partners are not strangers. They may well have grown up together, and even if living in different continents, each will have long been aware of each others' existence, as well as of their parents plans. To suggest that all marriages in these circumstances are 'forced', and thereby to indicate that marriages arranged with non-kin are much better because they are 'not forced' makes no sense whatsoever.

Let's get back to badly arranged marriages. These do occur. However they most do so both at random and by mistake. However there are some clear warning signs. Parents who overlook their obligations to their offspring, and over-prioritise their own interests and/or those of the wider group when it comes to setting up marriages are particularly likely to make a mistaken choice. Moreover when parents seek to use marriage as a sanction – e.g. when they realise their western-raised offspring have become sexually active outside the community – the results are particularly likely to be counter-productive, although by no means necessarily so. Their own calculation – namely that if you render sexual relations between a nubile young couple legitimate, and give them every opportunity to enjoy each other's company, there is every prospect of them becoming thoroughly entangled with one another – has a considerable degree of substance, even though the experiment most certainly does not always work.

Given all this, I cannot see how the proposed legislative changes, which appear to rest on an unthinking assumption that there is such a close correlation between conventional Pakistani marriage preference and 'forced marriages' that one can use the first as a convenient indicator of the necessary presence of the second makes any sense whatsoever – unless the underlying sub-text of the whole exercise is simply to bring Pakistani family reunion in Denmark to a convenient halt. In that respect it looks to me as if this whole exercise runs closely parallel with the British Government's introduction of the 'Primary Purpose' rule, which they eventually discovered that they had no alternative but to abandon, although not before its application had caused a great deal of suffering.

Having said all that, let me give some brief answers to your questions:

1. Are marriages between cousins (and between more distant relatives) often forced marriages (or marriages not wished by at least one of the parts involved)?

In my view the answer is no, unless all arranged marriages are classed as forced marriages. Then the answer is yes.

2. Is a family pattern of marriages involving family unification (i.e. marriages with persons from the home country) a sign of marriages being forced marriages?

No

3. Can preventing family unification in the case of marriages between cousins (and other relatives) be a way of protecting young people from ethnic minorities in the West from being forced into marriage?

No: they could always be married to locally resident cousins, unless the Danish parliament aims to repeal Leviticus as well!

4. Can it be a way of improving the integration of ethnic minorities in the West?

If by integration you mean ethnocide, I think the answer is yes. But then an even better requirement would be to require all non-Danes to marry Danes.

5. If you think that marriages between cousins - and forced marriages - are at all problems to be dealt with, how should it be dealt with?

There are real issues here. But changing the immigration rules seems an odd way of dealing with problems that one might otherwise expect to be handled either by social workers or by marriage guidance bureaux!

Svar fra:

Forskningssjef Jon Pedersen

Fafo,

Institutt for Anvendte Internasjonale Studier,

Oslo , Norge

Helt kort:

1. Are marriages between cousins (and between more distant relatives) often forced marriages (or marriages not wished by at least one of the parts involved)?

Det er sannsynligvis helt avhengig av sammenhengen. Tenkt deg et tradisjonelt samfunn som praktiser ekteskap hvor foreldrene velger ektefeller for barna, men hvor dette er allment akseptert. Da er det neppe tvang, fordi "frihet er innsikt i det nødvendige" som Spinoza ville ha formulert det. En kommer tildels inn i samme diskusjon som man gjorde i forbindelse med kvinnefrigjøring. Hvis kvinnen aksepterer en underlegen stilling, skal hun da frigjøres mot sin vilje? Problemet oppstår som et moralsk problem for den enkelte involverte, når innsikten om andre måter å inngå ekteskap på blir

kjent. For en utenforstående observatør, med et bestemt normsett, er det selvsagt et problem uansett, og som grunnleggende sett må avgjøres i forhold til om man mener at en moralsk standard skal legges på all handling.

Når det er sagt: Mange ekteskap som foreldre bestemmer, uansett om det gjelder samme kaste, økonomiske lag, slektsgruppe eller slektskategori er tvungne, men ikke alle. Det er mange søskenbarneekteskap som inngås av frivillige parter, og mange unge mener også at ekteskapene skal inngås slik.

2. Is a family pattern of marriages involving family unification (i.e. marriages with persons from the home country) a sign of marriages being forced marriages?

Noen ganger, andre ganger ikke. De er svært ofte arrangert, men hvorvidt det er tatt i bruk tvang varierer. (men det skjer opplagt oftere enn andre ganger, ikke minst fordi de to som skal giftes ikke kjenner hverandre, noe de svært ofte gjør ved tradisjonelle arrangerte ekteskap).

3. Can preventing family unification in the case of marriages between cousins (and other relatives) be a way of protecting young people from ethnic minorities in the West from being forced into marriage?

Neppe, hvis poenget med arrangering av ekteskapet er å oppnå et eller annet som ikke er direkte knyttet til ekteparets lykke, vil man bare finne andre måter å ordne det på. Varianter som jeg kan komme på i farten:

a) Bytteekteskap: Far i Danmark gir en datter til en urelatert mann fra sin landsby i Pakistan . Mannen blir familiegjennforent til Danmark. Denne mannens onkel i Danmark gir på sin side en datter til den første mannens brors sønn i Pakistan. Denne brorsønnen kommer så til Danmark.

b) Samme opplegge som søskenbarn, men kriterium bare egen landsby (men ikke nødvendigvis slekt)

c) Man bedyrer høyt og hellig at man ikke er i slekt.

4. Can it be a way of improving the integration of ethnic minorities in the West?

Neppe, søskenbarneekteskap dreier seg om å gifte seg med nære - ikke nødvendigvis søskenbarn. Om man forbød all form for ekteskap med part fra et annet land, ville det sannsynligvis føre til redusert integrasjon mellom landet og innvandremiljøet. Men innvandremiljøet ville neppe bli mer integrert av den grunn.

5. If you think that marriages between cousins - and forced marriages - are at all problems to be dealt with, how should it be dealt with?

Søskenbarneekteskap: nei, ikke noe stort problem, og det er også på litt sikt på vei ut pga lave barnetall i vest (og etter hvert også i landene der det er vanlig). De medisinske problemene er lett håndterbare. Det er nesten ugjørlig å lage et forbud mot ulike former for prefererte ekteskap (f.eks: Mpimu i den sentralafrikanske republikk har et forbud mot å gifte seg mot alle i farslinjen, eller som er i slekt med ens mor eller som ens mor ikke kunne gifte seg med (unge gutter må reise langt for å finne en kone, veldig slitsomt sier de).

Tvangsekteskap, ja: men gjennom holdningsskapende arbeid i innvandremiljøene og i og for seg gjerne backet opp med et forbud mot at folk skal tvinges til å gifte seg. Tvangsekteskap er mye mer skadelig for disse miljøene pga konfliktene som skapes, enn for noen andre.

Håper dette var til noe hjelp.

Svar fra:
Professor Alan Bittles,
Centre for Human Genetics,

**Edith Cowan University, Perth,
Australia**

To briefly answer your questions:

In none of our studies was there even a hint that cousin (and uncle-niece) marriages were forced. In fact, all evidence indicates that they are preferential for both partners.

I would certainly not be in favour of banning cousin marriages and would regard it as an unreasonable and unwarranted intrusion into the personal lives of the potential partners, either in general terms or in connection with immigration policy/family reunion. Where there is a poor family record of either pregnancy losses or early mortality/morbidity of a clearly genetic origin then non-directive genetic counselling could be useful. However, this is a very sensitive issue and for success really requires personnel trained in cross-cultural counselling.

It is perhaps appropriate to note that the only countries in which first cousin marriages are banned are 30 of the 50 U.S. states, plus PR China and the Peoples Democratic Republic of Korea.