

**A SOCIOLOGICAL STUDY INTO APPARENTLY CONSENSUAL BUT ACTUALLY FORCED MARRIAGES IN PAKISTAN**

**MS. HIBA BATOOL**

Postgraduate Student, Food sciences and Human Nutrition, Kinnaird College and Women University, Lahore

**ABSTRACT**

*This study intends to analyse the prevalent social norm of Pakistani society in which young girls and boys are forced into marriages by their parents through religious, cultural or social pressures. Such marriages are often considered to be consensual but research suggests that they are a result of constant mental pressure and so-called persuasion. This study aims to examine the ratio of young adults still going through such forceful persuasion, and identifies the proportion that approves or disapproves of this societal practice. This is a conceptual study using mixed methods of research. The lack of existing data is the main limitation of the study due to the fact that this is a less-researched area, making researchers collect data through questionnaires and focus group discussions. The findings show that majority of the youngsters are against forced marriages while considering them as oppression but most of them think the issue of apparently consensual marriages is here to stay.*

**Keywords:** Forced Marriages; Societal Norm; Religious pressures; Oppression; Patriarchal Mindsets; Social Context.

**INTRODUCTION**

Forced marriages include all such marriages which are result of any form of pressure and forceful persuasion. A wedlock that is formed without the actual consent and acceptance of both the subjects i.e. male and female is categorized as forced marriage. Forced marriage lacks the full and free consent of the both the engaged parties. It is different from an arranged marriage in the aspect, that the later requires complete unpressurised consent of both the subjects. Some marriages may apparently seem to be completely consensual but actually are a result of constant mental and social pressure and even physical abuse. The revised laws regarding forced marriages have led the people, still following the practice to do so undercover.

Marriage is defined as the legal and formal union of two subjects, in this article the subjects are a male and female. Marriage is the most critical stage of family formation in countries like Pakistan where premarital relationships and cohabitation are both, looked down upon and against the rules of the countries religion and law. Even in extremely modern countries families formed through wedlock are considered more dignified than those formed outside of marriage. Although, over the course of time the institution of marriage may have lost its essence but legally it still holds the same importance across the globe. Family has always been

considered the foundation of many societies. The stronger the foundation the stronger will be the society.

Forced marriages have been a norm of the third world countries since the advent of their population. The act of forcefully persuading young girls and boys into marriages is very common in the sub-continent. These decisions are implied on the girls and boys either in the name of religion, obedience or dignity. Although the right for complete consent to marriage, has been granted to every person by the international human rights law and the law of most religions. Still the cultural mindsets and practices exacerbate the ill implications of such laws. Due to the increasing awareness among the subjects and the increasingly strict implications of laws regarding human rights, such forceful implications are done under the name of persuasion. Most of the times the subjects do not even realize that how skillfully they are embedded into the already made decision by their elders.(Hossain& Turner, 2001)

Even in countries like Pakistan many NGO's and government organizations work to save people from forced marriages. The focus of such organizations is mainly young girls who are either sold or are literally pushed into marriages with people twice or thrice their age. But the issue of doing this undercover still remains out of consideration, moreover boys who are forced or guilted into marriages fail to receive the due attention and help.

## **THE GENDER BIAS**

It is a known fact that around the globe women are subjected to more liberation issues than men. Men are considered wiser, so are granted the freedom of decision making, whereas women are considered to be physically and mentally weaker, and are expected to grant the right of their decision making to the wiser relative i.e. the father, brother or uncle. It may not be right to call such matrimones, straight out forced but still they are a violation of the right of the subject. Girls at the age of marriage are usually given just one quality of their significant other to hold on to and praise for the rest of their lives e.g. "larkashareefhai (the boy is noble/ has a good character)". This is no doubt a noble quality but in societies like Pakistan this noble quality in girls is considered something they are born with and are bound to retain for the rest of their lives, on the contrary boys having this quality are praised for their remarkable deliberately made choice. Girls getting married are not allowed to reject the boys being considered on the basis of their looks, personalities and mindsets etc. the only considerable factor should be his wealth,

which too is decided by the parents of the girls to be enough or less. Girls rejecting boys or even asking for details are labelled as “shameless” “gold-diggers” or “too choosy” by the elders and decision makers of the family.

Also the data collected from the questionnaires and the focus group discussion suggests that girls are the main victims of such forceful persuasions. 60% of the respondents said that girls are more likely to be subjected to this violation of right and the remaining 40% suggested that both the genders are equally victimized.

The Factor making this situation even worse is that young girls do not even realize that how skilfully they are being trapped, they are manipulated in such ways that they do not even recognize this as a violation of their right, In fact they end up considering themselves as the luckiest to have such a magnificent spouse that their parents chose and imposed on them. Moreover marriage has always been a “Do or Die” situation for girls, if they succeed in maintaining a happy marriage (more precisely keep their husbands happy), they’re successful in life otherwise they are losers and are looked down upon in the society. Girls are never given the option of divorce.

It is haram (prohibited) for the guardian (wali) of the woman to force her to marry someone she does not want and does not like, because the Prophet (blessings and peace of Allah be upon him) said: “The virgin should not be given in marriage until her permission has been sought.” (al-Bukhaari, 6968; Muslim, 1419). It was narrated that Buraydahibn al-Haseeb said: A girl came to the Prophet (blessings and peace of Allah be upon him) and said: My father married me to his brother’s son so that he might raise his own status thereby. The Prophet (blessings and peace of Allah be upon him) gave her the choice, and she said: I approve of what my father did, but I wanted women to know that their fathers have no right to do that. If a girl is forced into marriage by her guardian then the contract is not valid until the girl accepts it. If she is reluctant to accept the nikkah (contract) is void. (Pertek; A. Aziz, 2017).

The right to divorce is given to a girl by the Islamic sharia Law and the family law of Pakistan. A woman can seek the option for separation through various ways such as Khula’a, Haq-e-Tafweez-e-Talaq and through court. The principle of Khula’a is based on the fact that if a woman has decided not to live with her husband for any reason and there is absolutely no chance of reconciliation then she can seek the court authority to dissolve her marriage and after that

even if the case end in non-dissolution the partners cannot live within the bounds ordained by Allah. How is it that the sharia and judiciary grant women the freedom to nullify a marriage but not to reject a proposal?(Munir, 2009).

### **BOYS AS VICTIMS**

Often time's boys fail to get the due attention regarding any social or human rights issue. Considering the strong image of males in Pakistani society it is thought that they do not undergo any form of violation of their rights. It is a common perception that males will always be the violator rather than being the victim, which is true to great extent considering the complete situation of patriarchal societies like Pakistan. But the bigger picture should not let us ignore the minor issues which will eventually lead to greater problems. The patriarchal mindset of the Pakistani society has led boys to believe that they should be manly enough not to interfere in the homely matters like marriages with no exception to their own. Moreover they should be strong enough not to show any signs of liking towards any considered subject, otherwise it will pose a threat towards their manliness. Boys are always taught that their ambitions in life should be greater and marriage should be just a bump in the road because they will always have the choice for second marriage and even divorce.

The general trend of the Pakistani society is to expect, that men will chose their partners based merely on looks. Moreover they should select someone lower in intellect, education and wealth, this way their wives will stay obedient to them. A boy is encouraged not to marry someone equal in all aspects because this will dent his masculinity and honor. Boys are usually forced to marry in the family by their elders in order to protect the families honor and to help an otherwise, miserable and helpless girl of the family.

Once a man has been forced or pressurized into a marriage, it is seen that he is reluctant to come out as a victim. Coming out as a victim will pose a threat to his masculinity and will dent his made respect and honor. The peers will question his authority by saying, "What kind of man are you to get forced into a marriage?" So in general men have adopted a low-key response and they usually go into denial leading to mental repercussions. (Samad, 2010).

## STATISTICAL ANALYSIS

These statistics have been based on the reported cases of Forced marriages in the United Kingdom. The statistics for undercover forced marriages still remain unknown; as this issue has not been identified as a serious problem yet. Moreover no such studies have been conducted in Pakistan to conclude a valid statistical analysis of Forced marriages for the country.

Country	Number	Percentage (%)
Pakistan	439	36.7%
Bangladesh	129	10.8%
Somalia	91	7.6%
India	82	6.9%
Afghanistan	19	1.6%
Egypt	18	1.5%
Iraq	14	1.2%
Nigeria	12	1.0%
Romania	11	0.9%
Saudi Arabia	11	0.9%
United Kingdom	120	10%
Unknown	84	7%
Other (53 Countries)	166	13.9%
<b>TOTAL</b>	<b>1196</b>	

## Number of cases the Forced Marriage Unit gave advice or support to, by focus country, 2017

The Forced Marriage Unit Statistic 2018 (FMU) presented the following results as the final statistical analysis

- In 2018 out of all the reported cases 75% victims were women, 17% victims were men and the remaining did not specify any gender.

- Out of all the reported cases, 43.6% of the reporters were of Pakistani background; hence Pakistan remained on top being related to forced marriages.
- The proportion of cases related to Pakistan has increased about 7% compared to previous year.
- The reported cases also include victims not married yet, but still are at the verge of victimization.
- The marriages are expected to have taken place in United Kingdom or the country of origin.

\*These statistics do not include the undercover acts

(FMU Statistics 2018, 2019)

These statistics show that Pakistan is one of the leading countries of the world, regarding the prevalence of forced marriages. It shows that girls make up a major portion of the victims. The increase in reported cases related to Pakistan shows that due to the increasing awareness more people are coming out and taking a stand against it. The article clarifies that all the marriages that result in forceful persuasion and are done under the name of arranged marriage but actually are forced, are not included in the statistics. These statistics are done in a very well-developed country so it is obvious that the actual condition in Pakistan is even worse, where there is no implication of the law and no platform to seek help from.

### **THE ROLE OF MEDIA**

The TV dramas and advertisements effect the daily doings of it viewers. Children who engage in violent video games are more likely to be violent and aggressive. Similarly girls who watch Barbie movies are more likely to fantasize about being princesses and having a prince charming. The role of all kinds of media has been observed on its audience for several decades. Due to the same reasons schools and media platforms work to portray such topics which will help the audience shape their personality and play a positive role in the society. (Paajanana&Vienero, 1992)

Media is identified as the strongest tool that can be used to shape a society. It shows its effects in both positive and negative directions. As the literacy rate of Pakistan is very low so the main access of people towards knowledge is through some form of media. 70% of

Pakistani population has direct access to television and media. Pakistani drama and film industry came into being with the country's independence. Ever since, these platforms have been used to convey all kinds of different messages to the public. The drama industry is so vast that it covers all classes' and almost all issues of the country. But there is a prominent trend in Pakistani dramas and films, most of the Pakistani dramas portray marriage to be the only goal and success for a girl. They also show the arrogant, rude and angry men to be attractive, that all girls want or should want. The richer the husband of a girl the luckier she will be. Moreover dramas show two extreme forms of attitudes, one in which the subject has no voice or opinion and says yes to her parents no matter what and the other which is rebellious and extremely disobedient. The latter one is always shown to have the worst end. This leads young girls to opt for the former option, as it seems better than the later.

### **FINDINGS:**

The questionnaire was sent to people of all classes and backgrounds through online platforms. The questionnaire was sent irrespective of gender and was filled by both males and females. 86% of the respondents were between the ages of 18 and 25 that is the age mostly people get married in. Some respondents were aged between 25 and 30 and a few were below the age of 17.

**Table 1: Respondents Opinion**

Questions	Options	Responses (%)
Do you think that young girls and boys are guilting into marriage/	Yes	90%
	No	10%
How prevalent is the norm of forced marriages in Pakistan?	10-20%	11.5%
	40-50%	37.7%
	Even more	50.8%
	Even less	0%

Which gender is most affected?	Girls	72.1%
	Boys	0%
	Both	27.9%
Which class of the society is affected the most, by it?	Low socioeconomic	26.2%
	Middle class	18%
	Upper class	0%
	Prevails in all classes	55.7%
Do the subjects (boys and girls) stand against these forceful persuasions?	Yes	4.9%
	No	4.9%
	They want to, but cannot.	90.2%
What is most used to pressurize the subjects?	Religion	1.6%
	Social pressure	19.7%
	Family issues/pressure.	78.7%
Is this forceful persuasion justified, if the subjects end up happy/satisfied?	Yes	13.1%
	No	23%
	It still is violation of their right.	63.9%
Do the subjects even realize that their rights are being violated?	Yes	32.8%
	No, they consider it obedience.	67.2%
Do these forced decisions effect the marriages, later in life?	Yes	45.9%
	No	0%
	It all depends on what you	54.1%



	put into the marriage after that.	
In your opinion, is this issue resolvable?	Definitely	23%
	Not at all	6.5%
	Not until people don't stand against it.	70.5%

With most of the respondents—accounting for 90 percentage points—stating that young girls and boys are forced into marriage, more than two thirds of the respondents as shown in Table 1 acknowledged the fact that mostly girls become victims of forced marriages. On the other hand half of the respondents stated that 40 to 50 percentage of marriages in Pakistan are not free-choice marriages while more than two-thirds (78.7%) of the respondents attributed forced marriages to familial pressures. When asked if the marriages imposed on youngsters have got any negative impact, more than half of respondents answered in the affirmative. Interestingly, almost two-thirds (67.2%) of respondents replied in negative when asked if youngsters' rights are violated through forced marriages, stating that victims of forced marriages are obedient.

The open ended question asked at the end “Your general opinion regarding the subject.” was answered in different fashions. Some suggested that this norm should be uprooted completely. Most of the respondents showed their opinions against forced marriages. The general opinion was that forceful persuasion not only violates the subjects' right but also causes the marriage to lose its essence. Marriages should be completely consensual and any form of pressure or persuasion should not be used.

## **SOLUTIONS OF THE PROBLEM**

### **i. Recognizing the problem**

The first and foremost remedy to resolve this issue is to recognize this problem as a serious issue. Young girls and boys should realize that it should be completely their

choice to choose their future spouse. They have the complete freedom to marry when and who they want. They have a right to reject anybody based on whatever reasons they want.

This right is granted to a person irrespective of gender, by Pakistan's law and the Sharia law.

**ii. Revising the Rules and Law**

The rules and laws within a family and in the country need to be revised. The revised laws should be based on the Islamic teachings and the latest reforms of Human rights.

Such laws should be consistent with the rules and laws applied all over the world.

**iii. Judicial Protection**

If the subjects fail to find a common ground with the decision makers they should be free to seek justice. Justice should be accessible to all classes and all genders. The courts should work according to the law in providing justice to the victims.

**iv. Petition for the Protection of Rights**

The victims and youth in general can raise their voice by writing petition to the courts and organization in authority. The petitions should include all the major and minor aspects of the issue and possible solutions.

**v. Habeus Corpus Petition**

This petition is quite established in the courts of Pakistan. The petition can be made in written form and presented in the court and filed under the relevant provision of Constitution.

**vi. Modifying the media**

A great change can be brought in the masses through any form of media. If the television starts showing such forceful persuasions wrong and portray people standing

against them as strong, this will help the youth to stand against this violation of their right.

**vii. Reducing the generation gap and lack of communication**

Generation gap and miscommunication between parents and children often leads either of them to take extreme steps. Therefore, it is necessary to promote communication between the two, so both the parties may understand each other's point of view and may find a common ground.

**CONCLUSION:**

This study intends to analyse the prevalent social norm of Pakistani society in which young girls and boys are forced into marriages by their parents through religious, cultural or social pressures. Such marriages are often considered to be consensual but research suggests that they are a result of constant mental pressure and so-called persuasion. This study aims to examine the ratio of young adults still going through such forceful persuasion, and identifies the proportion that approves or disapproves of this societal practice. This is a conceptual study using mixed methods of research. The lack of existing data is the main limitation of the study due to the fact that this is a less-researched area, making researchers collect data through questionnaires and focus group discussions. The findings show that majority of the youngsters are against forced marriages while considering them as oppression but most of them think the issue of apparently consensual marriages is here to stay.

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