

TABLE OF CONTENTS

Introduction	1
1 Background to this research	1
2 Societal relevance of this book	8
3 Academic relevance of this book	13
4 Focus group: British Pakistanis	18
5 Methodology and literature studied	22
6 Coda	25
7 Note on personal background	28
8 Structure and plan of this book	30
1 Main Differences Between Arranged and Autonomous Marriage – A Preliminary Examination	35
1.1 Introduction	35
1.2 Two marital systems and main differences	36
1.3 Manner of mate selection – who selects the marital spouse?	38
1.3.1 Autonomous marriage: individual selection	38
1.3.2 Arranged marriage: group selection	40
1.4 Manner of mate selection: which criteria guide the selection?	43
1.4.1 Autonomous marriage: subjective selection criteria	43
1.4.2 Arranged marriage: objective selection criteria	45
1.5 Evaluation	46
1.6 Conclusion	49
2 Viewing the Arranged Marriage as the ‘Other’ Marriage	51
2.1 Introduction	51
2.2 Arranged marriage held up to the standard of free choice	58
2.2.1 The freedom standard	58
2.2.2 Arranged marriages are equated with forced marriages	61
2.2.3 Arranged and forced marriages: the grey area	64
2.2.4 Concluding remarks: how force haunts the arranged marriage	68
2.3 Arranged marriage held up to the standard of control: Looking into arranged marriage types, the search for control	69
2.4 Perspectives on consent and the arranged marriage	75
2.4.1 Consent: the full and free standard	75

TABLE OF CONTENTS

2.4.2	No place for consent	80
2.4.3	Consent claiming its place in arranged marriages	80
2.4.3.1	Consent full and free?	81
2.4.3.2	Consent short of full and free?	81
2.4.3.3	Consent given a collectivist bent	82
2.4.4	Summary of perspectives on consent and the arranged marriage	86
2.5	Defining the arranged marriage, in search of autonomy	87
2.6	Conclusion: the arranged marriage becomes a marriage of shortcomings	95
3	Autonomous Marriage	101
3.1	Introduction	101
3.2	What is an autonomous marriage? A brief exploration	103
3.3	Brief history of the autonomous marriage	108
3.3.1	Brief introduction	108
3.3.2	Families on the verge of modernity	108
3.3.3	Marriage as a contract, the influence of the Enlightenment	116
3.3.4	Marriage and love	118
3.3.4.1	Traditional views	118
3.3.4.2	Love in modern times, the influence of Romanticism	121
3.4	How one is brought up in an autonomous marriage culture	125
3.5	Conclusion	132
4	Arranged Marriage – The Ideal Type	137
4.1	Introduction	137
4.2	Arranged marriage cultures are cultures of hierarchy	142
4.3	Arranged marriage cultures value the marriage status	149
4.4	Arranged marriage affects the group rather than the individual	152
4.5	Arranged marriage cultures value the collective	154
4.6	Arranged marriage cultures value group mate selection	156
4.6.1	Wisdom of elders	156
4.6.2	Segregated societies, shame and blame	157
4.7	Arranged marriage cultures value objective reasons to marry	159
4.8	How one is brought up in an arranged marriage culture	161
4.9	Conclusion	174

5	Consent under Constraints – A Case study of Consent in a Hierarchical Arranged Marriage	179
5.1	Introduction to ‘consent under constraints’	179
5.2	Aim, methodology and structure of this chapter	185
5.3	Case of a hypothetical hierarchical arranged marriage	189
5.4	The conditions for giving a valid consent	193
5.4.1	Introduction	193
5.4.2	Free to consent?	194
5.4.3	Consent must be unforced	199
5.4.3.1	Agents come to the transaction with clean hands	199
5.4.3.2	Intention for force applied to have negative bearing	201
5.4.3.3	Did force cause the giving of consent?	203
5.4.4	Summary of findings on ‘unforced choice as condition for valid consent’	204
5.5	Informed consent: knowledge and understanding	205
5.5.1	Introduction	205
5.5.2	Case of transferred knowledge and understanding	206
5.5.3	Parent paternalistic approach	206
5.5.4	Child-centred approach	208
5.5.5	Materiality	211
5.5.6	Summary of findings on informed consent	214
5.6	Signalling of consent	215
5.6.1	Introduction	215
5.6.2	Implicit consent	216
5.6.3	Reliance on implicit consent	217
5.6.4	Signalling consent	217
5.6.4.1	Signalling in person	218
5.6.4.2	Distinct and definite signalling	219
5.6.4.3	Unequivocal signal	220
5.6.4.4	The subjective or objective test?	220
5.6.5	Summary of findings on the signalling of consent	223
5.7	Scope and interpretation of consent	224
5.7.1	Introduction	224
5.7.2	Misunderstandings about scope and interpretation of consent	224
5.7.3	Differences in interpretation	225
5.7.4	Approaches to interpretation	226
5.7.4.1	Literal interpretation	226

TABLE OF CONTENTS

5.7.4.2	Purposive interpretation	226
5.7.4.3	Justification	228
5.7.5	Summary of scope and interpretation of consent	228
5.8	The capacity to consent	229
5.8.1	A marital agent and the capacity to consent	229
5.8.2	Justification to consent on behalf of marital agent	231
5.8.2.1	Substituted judgement	231
5.8.2.2	Acting in agent's best interests	232
5.8.2.3	Parents acting as agent's proxy	233
5.8.2.4	Compelling reasons	233
5.8.3	Summary of findings on the capacity to consent	234
5.9	Conclusion	235
6	Understanding Changing Arranged Marriage Patterns	245
6.1	Introduction	245
6.2	Changing arranged marriage patterns	247
6.3	Case studies	254
6.3.1	Introduction to case studies	254
6.3.2	Case of highly individualistic daughter vs low individualistic father	255
6.3.3	Case of a moderately individualistic daughter versus moderately low individualistic father	262
6.4	Importance of analysing degrees of individualism in arranged marriage cultures	265
6.5	Conclusion	267
7	Conclusion: Turn the Picture Round – Understanding the Arranged Marriage on Its Own Terms	269
7.1	Main concluding findings and recommendations	269
7.2	Suggestions for further research	278
	Bibliography	281
	Acknowledgements	291