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Configuring Violence: Governing Family, Marriage and Migration in Australian Social Welfare

by

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Abstract

Using qualitative ethnographic methods over the course of 14 months in Melbourne, Australia, this study focuses on the institutional politics, ethical dilemmas, and knowledge practices through which forced marriage was conceived and contested as a new category of culturally specific violence across social welfare, law enforcement, and migrant community spaces. Unlike other forms of gender-based violence that have become objects of national concern in liberal states, forced marriage brings together questions of social welfare and humanitarian reason with questions of migrant mobility, state sovereignty, and citizenship. I argue that this new category of violence was shaped by the demands of the criminal justice, immigration, and social welfare systems which each represented Muslim migrant familial relations—both domestic and transnational—as social problems in competing ways. This study demonstrates how logics of risk, threat, care, and concern work simultaneously to produce neocolonial social policies in settler colonial liberal contexts confronting the human aftermath of global displacement.
Acknowledgments

This dissertation was the product of several years of engagement with the question of what happens when projects designed to recognize and embrace difference move closer to their goals. This question was borne out of a dynamic I felt I had been witnessing for years having grown up in New York, one of the most diverse cities in the world; despite the cultural diversity that surrounded me, the sense that my family—first generation immigrants from Afghanistan—did not belong, remained palpable. My encounter with Anthropology enabled me to intellectualize how difference can still be marginalized even as it becomes increasingly recognized. But it was the people around me who helped me see, feel, and cultivate an instinct, on how to take difference seriously and what it looked like when it was not the case. I would like to focus my acknowledgments on all of those people who have taught me how to converse with different worldviews, ways of life, and modes of being, both affectively and intellectually.

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with difficult choices. I also would like to thank Monash University’s Gender, Leadership, and Social Sustainability Institute (GLASS), who provided me with an academic community and work space as well as the opportunity to workshop my research with affiliated faculty and PhD students. In particular, Prof. Margaret Alston, Prof. Kerry Ward, Prof. Deborah Western, and Prof. Philip Mendes, and Shakira Hussein (University of Melbourne) were very helpful and generous with their time and provided invaluable feedback to the project. Zhaoen (Penny) Pan was a constant source of intellectual and emotional support and I’m lucky to have found a lifelong friend. Margarita Windisch at Monash provided helpful feedback to the dissertation as well, and Prof. Monica Minnegal (University of Melbourne) was incredibly helpful in introducing me to fellow graduate student anthropologists. I also want to thank Prof. Uma Kothari at the University of Melbourne whom I now consider a lifelong intellectual interlocutor and good friend. Friends at the Refugee Council of Australia and the Refugee Action Collective also probed me to think about Australia’s history of immigration policy as I did my fieldwork. The wonderful group of people I might through Muslims for Progressive Values in Melbourne were incredible sources of both support and ongoing inspiration for this research, as well as those affiliated with the Moroccan Delicacy—their work on social justice and equality in Australia is and will no doubt continue to be inspiring. In thanking these people, many names of victims/survivors of gender-based violence and migrant community leaders have been left out in order to protect their anonymity, but they played a crucial role in shedding light on the political and ethical questions that matter in undertaking culturally sensitive social welfare.

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In a dissertation that deals with questions of how familial relations get read by the state, I have become increasingly attentive to my own familial relations in new ways. I realized that growing up, many of my family members had been thinking anthropologically—always attentive to where other individuals were coming from, trying to understand them on their own terms. Perhaps what initially began as a survival skill for a family of refugees turned into a powerful way to forge community and sociality in a new country. I would like to thank the members of my family who have made it possible for me to not only complete my dissertation, but who have allowed me to take difference seriously, and not in a way that always strives for
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Appendix

ACRATH - Australian Catholic Religious Against Human Trafficking
AFP - Australian Federal Police
AIC – Australian Institute of Criminology
AIFS – Australian Institute of Family Studies
AMWCHR - Australian Muslim Women's Centre for Human Rights
ANAC - Australian National Advisory Committee for International Women’s Year
ANROWS - Australia’s National Research Organization for Women’s Safety
ARC - Australian Red Cross
ASA - Anti-Slavery Australia
BIV - Board of Imams Victoria
CALD - Culturally and Linguistically Diverse
CEDAW – Convention on the Elimination of Discrimination Against Women
CMY - Centre for Multicultural Youth
CPS - Child Protective Services
DFAT - Department of Foreign Affairs and Trade
DHA – Department of Home Affairs
DIBP - Department of Immigration and Border Protection
FGM / C - Female Genital Mutilation / Cutting
FM - Forced Marriage
FVPA - Family Violence Protection Act
ICCPR - International Covenant on Civil and Political Rights (ICCPR)
ICESCR - International Covenant on Economic, Social, and Cultural Rights
ICV - Islamic Council of Victoria
LOTE – Languages Other than English
MCAF – Multicultural Centre Against Family Violence
MCLO - Multicultural Community Liaison Officer
MCMIA - Ministerial Council of Immigration and Multicultural Affairs
MHWH – Maroondah Halfway Women’s House
MP – Member of Parliament
MPV – Muslims for Progressive Values
NESB – Non-English-Speaking Background
NSW – New South Wales
NT - Northern Territories - NT
NYLC – National Youth Law Centre
QD – Queensland
REIV – Real Estate Institute of Victoria
SA – South Australia
STPP - Support for Trafficked Persons Program
TS - Tasmania
UNSC – United Nations Statistical Commission
VAW – Violence Against Women
VFMN - Victorian Forced Marriage Network
VIC – Victoria
VIRWC – Victorian Immigrant and Refugee Women’s Coalition
WA – Western Australia
WEL – Women’s Electoral Lobby
WLHWH - Women’s Liberation Halfway House
Chapter 1
Introduction: An Emergent Regime of Truth about Violence

Configuring Violence as a Social Fact

The participants looked at each other in awkward silence. They along with other 15 other community leaders were sitting around conjoined desks in a classroom at the Australian Red Cross (ARC) in Dandenong, a suburb forty minutes south east of Melbourne. A mix of migrant community leaders from Afghanistan, South Asia, and West Africa, the community worker training on preventing forced marriage had just read a scenario about a father who had given his 14-year old daughter an ultimatum that if she did not marry the spouse he had found for her, he would pull her out of secondary school. The family was Afghan, and they had had recently resettled in Australia, but the girl was an Australian-born citizen. The community workers expressed their disapproval of the father’s actions. Sheila noted that the parents were being manipulative. Laimah interjected that the father’s intentions were selfish—orchestrating the marriage so that he could be relieved of pressure from his friends and family. Hakim added that the parents’ approach was a result of their lack of education, unlike the community workers at the training. Veronica followed by saying in these communities’ culturally-sanctioned belief systems, girls are seen as familial burdens who need to be married off. Zara vehemently agreed: “Yes, this is very true.” Lori, the training facilitator, looked uneasy—there was something unsettling about the rapidity with which a moral consensus was forming around the scenario, how interpretations were sedimenting one on top of the other, being converted into facts about the family in question. A question with which Lori had been struggling, when putting together training material was how to ensure that communities were not demonized through forced marriage prevention work—was it possible to humanize the parents that had been subjecting their children to coercive situations? Lori paused and after the conversation died down, she took
a deep breath, head perched down, and then back up with a sense of skeptical anticipation, said
the following statement, highly aware of its weight, and the moral dilemmas it might evoke:
“From the perspective of this project, let’s come from the point of view that the person inflicting
violence could be considered as being given the benefit of the doubt as a way of engaging with
them, and not pushing them away. We should not excuse the violence. But, when we work with
the person, can we think the best of them? We don’t excuse or ignore it, we don’t ignore
violence, *but we get closer to it*.”

*Getting closer to the violence* gave me pause. This phrase came to haunt my thinking
post-fieldwork and continues to. I realized that Lori’s call to *get closer to the violence* was a
response to two things: In that moment, it was a response to what she saw as a common sense
emerging within the family violence prevention sector around who the parents who forced their
children into marriage were. But it was also a response to a question Lori had been
contemplating for a long time—was government policy really committed to understanding how
and why family violence came to be, as it tried to know ‘better’ and intervene in the intimate
lives of migrant families who were deemed at-risk? Lori had recently told me that she had
arrived at the belief that the Australian government’s approach to family violence prevention was
more interested in identifying criminality than it was in understanding the *structural and intimate*
forces that bred violence. For Lori, to *get closer to the violence* would mean to understand the
conditions under which parents and extended kin made morally questionable decisions around
their children’s futures; it would mean entertaining the possibility that they had stories not
overdetermined by cultural difference. Getting closer to the violence was a different kind of
recognition in social welfare—one that was not simply invested in nominally recognizing the
subject as living under a different set of values and belief systems, but in understanding the
intimate and structural dynamics of her life world, and avoiding rapid moral judgments. It could move beyond the superficialities of a politics of recognition. And yet, as I will demonstrate in this dissertation, forced marriage prevention, both as a state-backed apparatus and as a collection of individual actors who were navigating its institutional logics, continued to tell stories about clients that were based on fictions, figurations, and essentialisms despite their attempts to “know them and their families better.” Scholarship has shown how projects of recognition function to both provide a ground for political claims through revealing and disclosing the other’s difference, or how they can work to reduce difference, making it recognizable to the state using predominant institutional and racialized logics (Asad 2003, Brown 1995, De la Cadena 2010, Giordiano 2014, Povinelli 2002). Anthropologist Cristiana Giordiano evocatively asks, “when does recognition give way to policing?” (2014, 9) Along those lines, I begin this dissertation with the question of what happens when recognition moves beyond the superficial and the nominal, the declaration that belief systems are different, and attempts to get closer to its goal of understanding the Other better? In this dissertation, I aim to show the epistemic dilemmas, institutional politics, and moral questions that undergird social welfare’s attempts to fulfill this goal in an era of intensified racialized hostility and punitive migration policies toward Muslim migrants in Australia. It is how these different institutional actors navigated the demands around truth, knowledge, and representation of an emerging category of violence that constitute the central focus of this dissertation. In honing in on their dilemmas and practices, I also examine how particular truths and narratives around the lived experience and the perpetration of this form of violence in migrant communities are produced. The analysis reveals what I position as this dissertation’s overarching argument: Forced marriage prevention, in its simultaneous use of cultural competency discourse and logics of migrant criminality, represents a contemporary
example of assimilationist social welfare. As a biopolitical project concerned with the intimacies of familial relationships, it demarcates an often overlooked frontier for biopolitical projects in liberal states, which are increasingly invested in not simply forging the wellbeing of the population but in actively cultivating and arbitrating good citizenship. How policy technologies are implemented, resisted, and altered by different institutional and community actors is best served through an ethnographic analysis of this project.

The training Lori was leading at the Australian Red Cross was called “Empowered to Choose, Free to Respond,” and took place over the course of two weekends in September 2017. It was designed for community leaders from across Melbourne’s suburbs who were interested in addressing what has come to be known in policy lexicon as ‘early and forced marriage’ within their communities. While it was not branded as specifically for Middle Eastern and South Asian community leaders, the workshop was advertised to community leaders in this demographic. It focused on both how to educate communities about forced marriage as a distinct category of violence, why it was morally and legally wrong, and how to intervene in a suspected case in order to prevent its actual occurrence. In doing so, the ARC had categorized the training as part of both family violence prevention and the prevention of human trafficking. Historically focused on emergency humanitarian work and aid for the homeless, the ARC had recently integrated its forced marriage work within the human trafficking division. The Support for Trafficked Persons Program (STPP) was a refuge program the ARC had been running since 2009, which provided housing, counseling, and legal support to victims of human trafficking, and beginning in 2013, victims of forced marriage. Migrants who are in forced marriages have the option of applying for a temporary visa if they are in the STPP program and if the AFP finds they have been the victim of human trafficking (Askola 2018, 15). Victims of forced marriage were technically seen as
under the purview of STPP because most of them were minors who had been taken overseas to their parents’ country of origin to be married, and therefore, could also be legally categorized as victims of attempted child trafficking. Institutionally, forced marriage was handled by the Australian Federal Police’s Human Trafficking Unit, and was deemed a federal crime in 2013 under the Australian Criminal Code’s “Slavery and Slavery-Like Practices.” The law stated: “A marriage is a forced marriage if one party to the marriage (the victim) entered into the marriage without freely and fully consenting: (a) because of the use of coercion, threat, or deception; or (b) because the party was incapable of understanding the nature and effect of the marriage ceremony” (Section 270.7A).

Despite these institutional and legal alignments, in general, the Australian government saw forced marriage as a fairly distinct category of violence, that was in reality more akin to family violence. While forced marriage prevention programs are housed within family violence prevention, migrant support services, and human trafficking programs, in large part, forced marriage has been allotted its own line of funding, programmatic support, and staff infrastructure by both the federal government, state government, and existing private funding streams that such social welfare services already had in place.

Despite its criminalization in 2013, forced marriage has increasingly been looked to by policy advocates as a category of family violence, which historically has been treated as a civil rather than a criminal issue in each state. In the state of Victoria where I carried out my research, the Family Violence Protection Act of 2008 defines family violence as:

(a) Behaviour by a person towards a family member of that person if that behavior—(i) is physically or sexually abusive; or (ii) is emotionally or psychologically abusive; or (iii) is economically abusive; or (iv) is threatening; or (v) is coercive; or (vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member of another person; or (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a) (FVPA 2008-Victoria).
The act goes on to describe the definitions of economic abuse, emotional or psychological abuse, family members, domestic partners and relatives. In the aftermath of the forced marriage law’s passage, policy advocates lobbied for the family violence prevention sector to include both forced marriage and ‘related’ practices such as ‘dowry abuse’ as examples of family violence within the law itself. This was echoed in the recommendations of the state of Victoria’s Royal Commission Inquiry into Family Violence-2016 which released 226 recommendations to reform the state’s family violence system, some of which called for the FVPA to acknowledge forced marriage as a category of family violence. The Report justified forced marriage as deserving of its own category because it disproportionately affected “Culturally and Linguistically Diverse Communities” (CALD). The report also pointed out that family violence practitioners and state police need to learn to identify patterns of coercion (2016, 15) through better understanding familial dynamics and relations. Practitioners found the report both encouraging and overwhelming in that it called for a deeper knowledge of victims of family violence that as of yet had been beyond the scope of prevention. Many said that even developing a suspicion around coercion was impossible given how detached they were from their clients’ intimate social worlds. However, how precisely to identify coercion, in what ways forced marriage fit the requirements of domination and subjugation outlined in the law, and how it violated norms of equitable power dynamics within ‘stable’ families, was still an object of ongoing study, research, and in some cases, genuine uncertainty amongst practitioners.¹

¹ Within the trainings I attended, violence was described by Lori as “any action done to another person which violates (breaks the dignity) of that person. It can be physical, sexual, emotional and financial,” and thus aligned more with human rights definitions of domestic and intimate partner violence. The Declaration on the Elimination of Violence Against Women defines violence within both Articles 1 and 2. Article One states:

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or
Through highlighting the workshop at the ARC, I spotlight one instance in which how to know violence becomes murky epistemic terrain. It is a window in to a broader concern of this analysis—how social welfare, in conjunction with the state, produces knowledge about violence retroactively—how it creates the substance of a category of violence after it has declared the existence of such a category. It is difficult to point to a definition of violence that adequately captures how different institutional actors and victims/survivors mobilize the concept. Veena Das discusses the importance of not policing the definition of violence, but to look at how it is being policed: “Sometimes one feels that there is a kind of definitional vertigo in the deployment of the term violence, yet there is merit in the idea that the contests around the question of what can be named as violence are themselves a sign of something important at stake. Therefore, instead of pointing to a unitary definition of ‘violence,’ by engaging the very instability of this definition, I will show what is at stake in naming something as violence” (Das 2008, 284). In a similar vein, I do not begin with an anthropological definition of violence because I do not automatically subscribe to the assumption that each case in question under the purview of forced marriage

suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article Two states:

Violence against women shall be understood to encompass, but not be limited to, the following:
(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Thus, definitions of violence against women account for familial coercion and what have come to be known as ‘traditional practices.’ While preventing VAW in human rights documents tend to focus on preserving the ideal of the individual as a rights-bearing subject as the end goal, in family violence laws, prevention is geared toward preserving the stability of the family unit.
prevention falls under a universal definition of violence or shares some lowest common denominator around why it is violent. Rather, I am more interested in understanding how such cases come under the institutional jurisdiction of different truth regimes around violence, from family violence to gender-based violence to societal violence and what narratives, dynamics, and social relations are both captured and ignored or effaced in that process. Throughout the dissertation I use the term “violence” not in terms of one singular definition, but because it is the term that my interlocutors have used and because it is a policy term, whose efficacy as a rhetorical concept is a subject of my analysis. Through studying forced marriage prevention in this way, one can examine the institutional emergence, consolidation, and inauguration of a new sub-category of family violence and human trafficking, which had competing logics of the moment, nature, and causes of violence itself.

Here, it is important to point out that during my fieldwork, three years after the law’s passage, forced marriage was still in the process of developing its own unique infrastructure based on an emerging corpus of evidence, scholarship, and community consultations—in other words, it was a truth-regime-in-the-making. Foucault’s definition of a ‘truth regime’ reflects how I position the forced marriage prevention apparatus not only as a form of intervention but as a knowledge-building apparatus, one that produces particular truths about the lives and realities of the communities it targets. A truth regime connotes:

The types of discourses [society] harbors and causes to function as true (2) “the mechanisms and instances which enable one to distinguish true from false statements” and (3) “the way in which each is sanctioned”; (4) “the techniques and procedures which are valorised for obtaining truth”; (5) “the status of those who are charged with saying what counts as true” (Foucault 1976, p. 112; 13). Truth is “a system of ordered procedures for the production, regulation, distribution, circulation and functioning of statements.

During the period of my fieldwork, what was particularly striking was the fact that educational prevention programs were being developed in real time; their understandings of who was a
victim and who was a perpetrator, how to assess whether or not someone was at risk of being coerced into a marriage, were all still being worked out. In sum, the knowledge infrastructure, common sense, and social facts that undergirded forced marriage prevention were very much in flux, across institutional domains, resulting in situations where practitioners did not know what types of facts about a case mattered to law enforcement and vice versa. Community leaders also were attempting to understand what forced marriage was to practitioners and caseworkers who were taking their cues from long-held policy discourse. They did this while also attempting to tackle the issue through local alternative frameworks that brought into focus the structural reasons for why marriage was looked to by migrant communities as a form of relief.

As part of the “knowledge-building” occurring around forced marriage, policymakers were also still in the process of defining it and sedimenting it as a moral crisis for not only individual victims, but also for Australian legal and social ideals and imaginaries. Many Parliamentarians framed it as a symptom of the spread and institutionalization of Islam throughout Australia, especially in the wake of recent Parliamentary debates on whether or not Shari’a law councils should be permitted to officially mediate family matters such as divorce for Australia’s Muslim communities. In that sense, forced marriage was also being framed as symptomatic of a broader ‘problem’ of the institutionalization of immigrant (read ‘Muslim’) social practices and ways of life. While the move to have Islamic religious councils in Australia mediate issues of divorce was a separate issue from forced marriage, the conflation of the two was part of what informed the belief that forced marriage represented the breakdown of Australian social values and the pitfalls of multiculturalism.

Back at the ARC training, when the participants left, Lori expressed to me that she found it disturbing that migrant community leaders were starting to frame forced marriage in ways
similar to politicians—as not only an act of violence perpetrated by parents toward their children (whether they were minors or adults), but as a culturally specific expression of migrants’ maladaptation to Australian social and cultural values around family, gender equality, and the integrity of the law itself, almost as an act of violence toward Australian society itself.

The Australian Red Cross training was a rare but telling moment in which the common sense emerging around forced marriage was being openly questioned by a prevention practitioner no less. Lori’s call to get closer to the violence was implicitly a critique of how the government and social service sector were co-creating a picture of forced marriage as simply a cultural pathology intrinsic to recently resettled Muslim migrant communities, a signal that they were not assimilating properly into the national social fabric. Lori’s call, then, was a flagging of alternative ways of understanding the violence of coercing someone into a marriage, ways that considered the structural pressures of forced migration and the intimate pressures of kin relations.

Assimilation policies in Australia have historically focused on the challenges migrants face in socially integrating rather than addressing the racial disparities and exclusionary policies that made integration (defined as access to the same rights and resources of white Anglo society) an impossibility (Howard-Wagner 2013, 232). Forced marriage prevention, I argue, is the latest frontier to measure how well migrants are assimilating to particular social and cultural values being newly resuscitated as pillars of Australian identity. In fact since the 1970s’ advent of multiculturalism in Australia, family violence prevention has served an additional purpose in relation to migrant communities beyond simply their wellbeing—it has also served as an ongoing metric for the Australian nation-state to determine who is properly inhabiting values around
whiteness, the nuclear family, and citizenship, and who requires greater policing and empowerment.

**Biopolitics Between Prevention and Pre-emption**

Before forced marriage was the subject of legal and policy debates, it was initially framed by media outlets and members of Parliament as a rapidly spreading practice that had no place in Australia and needed to be the subject of criminal legislation. However, when the 2013 Amendment to Australia’s *1995 Criminal Code*, which made forced marriage a federal crime, was finally passed, it was based on little more than anecdotal evidence—a handful of news stories of young Muslim Australian citizen girls being forcibly taken abroad to their parents’ home countries to marry cousins or older male family friends they had never met. According to the National Children’s Youth Law Centre’s 2013 report on Forced Marriage in Australia, between 2011 and 2013, eight cases were identified by criminal investigators out of 103 referrals made to the AFP (NCYLC Report 2013). However, in legislative debates, a prevalent line of reasoning used was that the lack of disclosures themselves was an indication that forced marriage was prevalent because it is going underreported. In fact, Nicola Roxon, the MP who proposed the forced marriage amendment, noted that it was unclear how prevalent it was, but that this lack of clarity was in fact more reason for the law to be implemented. She noted, “It’s already underground. It’s not common in Australia, but the long-term consequences are devastating” (May 2011, Open Australia debates). In 2014, the Victoria Police Superintendent Rod Journing noted in an *ABC News* article, “We know it’s grossly under-reported.” And when sitting in on

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2 In 2016-2017, the Australian Federal Police received 70 referrals of forced marriage, 49 forced marriage referrals between July 1, 2017, and April 30 2018, and in FY 2018-2019, 90 referrals (ABC News, Mottram 2019), bringing the total number of referrals between 2013 (the year the law was passed) to Oct. 2019 to 313. Organizations continue to repeat the phrase, “This prevalence of forced marriage in Australia is believed to be only the tip of the iceberg.” (Good Shepherd AUS-NZ CEFM Report 2018, CMY Forced Marriage Report 2016, ARC FM Report 2019).
forced marriage network meetings, a key debate between community leaders and social welfare workers was whether or not communities knew that the practice was wrong which often transformed into a conversation about the extent to which it was reported. A practitioner would say that communities know it is happening, and a community leader would respond, it might be happening but they do not know it is actually happening because they have not even pinpointed it as a category of violence. It is also important to point out that since 2013, when the law was passed, there has only been one case prosecuted under the law and zero convictions as of today.

In that sense, the law itself, which made it a crime to both coerce someone into a marriage and to be a party to a forced marriage aimed to deter a public and social threat whose full contours had not yet been identified, but which in its isolated occurrences were sufficient to warrant an expansive legal and policy response.\(^3\) Forced marriage prevention and criminalization, then, is a window into understanding how contemporary biopolitical projects emerge out of the state’s increasingly pre-emptive attitude to recently arrived migrant communities and govern migrant behavior through pre-emptive means and attitudes. As a biopolitical project that seeks to facilitate the wellbeing of the population, forced marriage prevention is on some level pre-emptive: First, the law itself is pre-emptive in that it was formed based on minimal evidence; and second, the prevention apparatus (despite its name as ‘prevention’) is pre-emptive in that it calls upon public servants and at times, ordinary members of the public, to identify at-risk victims and their potential perpetrators, rather than putting a stop

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\(^3\) The main statistic that was used was the number of disclosures that had been made to the AFP, which came from a range of actors from actual victims to social service agencies, to teachers, as well as the number of victims that were housed in the government-run STPP. These disclosures however did not always mean that a forced marriage was actually imminent. In fact, an AFP unit leader once mentioned that he would receive calls from ex-boyfriends of young girls, claiming that she was about to be forcibly married to another man overseas, and that upon further investigation, it did not appear to be forced.
to a marriage that an individual has already disclosed and identified as imminent (which would be more of a preventative stance). 4

While anthropological literature on pre-emption has focused on how it has been used to fight and justify the War on Terror (Adey 2009, Amoore 2006, Dillon and Lobo-Guerrero 2008, Massumi 2016), I examine how pre-emptive biopolitics works in the domain of social welfare. In doing so, I show how humanitarian reason within contemporary biopolitical projects for migrant populations is actually premised on identifying those who are at risk and those who threaten as much as and at times even more so than those who have actually identified as suffering or as having suffered. This orientation toward identifying risk and threat in such projects has consequences both for those subjects who get entangled in these apparatuses through little choice of their own and for those who do actually subscribe to the categories of violence these apparatuses purportedly seek to intervene in.

Pre-emptive biopolitical projects construct their object of intervention and social control based not on the past, but on projections of the plausible future, where the “exceptional event” becomes the rule. Scholarship in the anthropology of policy has shown the productive power of policy, namely how it produces the perceived problem that it aims to intervene in (Shore and Wright 1997). Junaid Rana writes, “A policy finds expression through a sequence of events; it creates new social and semantic spaces, new sets of relations, new political subjects, and new webs of meaning” (Rana 2011,1).

Examples of pre-emptive biopolitical projects include airport security apparatuses, surveillance mechanisms at airports, scenario planning in military exercises, and biosecurity interventions. These biopolitical apparatuses can also be seen as technologies of knowledge,

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4 In that sense, it is distinct from other biopolitical projects designed to foster the wellbeing of the population, such as domestic violence prevention or suicide prevention efforts.
which seek to identify the plausibility of a narrative through constructing a profile of the potentially threatening subject (Spene and Murray 1999, 488). Colleen Bell writes that in biopolitical projects centered around security, subjects are “accounted for on the basis of behavioural potentialities, rather than on the basis of how they have actually acted” (Bell 2006, 160). Profiling then is pre-emptive in that it calls into being and attempts to avert imaginaries of a possible future whose plausibility is not actually based on past occurrences, events, or incidences—rather, it is the future, in which the exceptional event becomes the norm, that is actually feared. Thus, non-pre-emptive biopolitical projects take their cues from past events and occurrences which the state does not want reproduced, whereas pre-emptive biopolitical projects produce the specificities of the futures they seek to prevent. This does not mean that pre-emptive biopolitical projects are not anchored in actual incidents or events or that they are simply figments of the imagination. As I will lay out in this and the following chapters, the forced marriage law was based on a select few cases of minors being compelled to travel to their parents’ home countries for the purposes of marriage, and prevention itself was based on the idea (often racialized and gendered) that certain subjects inherently carried the potential to be subjected to such an act, and that constructing profiles of them could give insight into this potentiality. Part of the construction of a whole knowledge-making and criminal intervention apparatus around forced marriage is designed to identify and predict the onset of a forced marriage before it happens. Parks writes, “What a body might be thus needs to be secured via a pre-emptive logic of predicting what it could become and then acting in light of that prediction” (Parks 2007). According to Thrift: “Firstly, it appears that, by reading and identifying feelings, behaviour detection enacts a kind of pre-emptive governance whereby the future is predicted and prevented in some way, without recourse to prior knowledge, histories, background trails, or
genealogical baggage” (Thrift, 2000). Forced marriage prevention, I suggest, falls into this mode of taking concern with the migrant subject’s intimate familial dynamics, through already bringing to the encounter with the subject an affective sense of the future that is feared.

Studying forced marriage prevention as a pre-emptive biopolitical project in Australia also reveals how cultural recognition and the language of multiculturalism gets entangled in the attempt to know and identify potential victims and perpetrators—how culture is used to diagnose the present and predict the future. In social welfare, multiculturalist logics appear in the form of culturally specific services, and have been the pillar of family violence prevention for over thirty years. There are hundreds of social service organizations whose sole purpose is to provide culturally sensitive services to victims of family violence, in the name of providing ‘holistic’ and ‘tailored’ support. However, what makes forced marriage prevention different from other types of family violence prevention is that forced marriage is not only seen to require culturally sensitive services but is becoming a distinct category of violence that is knowable and explainable through notions of culture deemed distinct to recently arrived Muslim migrant communities. While this is not explicitly stated in advocacy and policy documents, speeches, or even training workshops, the focus on Muslim communities appears in more insidious moments and spaces. Forced marriage prevention then represents an iteration of multiculturalism in social welfare that not only provides linguistic and social support to victims from different countries of origin; it actually reconfigures how migrants’ countries of origin matter in the creation of biopolitical knowledge, in determining how and why violence comes to be. In getting closer to the violence, the state and its violence prevention apparatuses come to position these countries as the source of behavior that is antithetical to Australian values. Culture becomes both something to be accommodated but also something that can produce and import morally suspect behavior.
To the state, this difference is inherent, while to practitioners like Lori and others in the prevention sector, this difference is conditioned by the disorientations, economic precarities, ongoing traumas, and displacements of forced migration. For some practitioners, the turn to marriage is a pragmatic strategy migrants use to pool together economic resources between families, sustain transnational kinship ties, and repay debts to those who helped them migrate to Australia. For others, it is a product of long-standing belief systems and traditions that migrants use to avoid assimilation and find comfort in a foreign environment, and can therefore only be eliminated if migrants are told it is a criminal act and against Australian law, and could result in their visas being jeopardized. Through this analysis, I turn to how these truths are produced around migrants’ turn to marriage, their intimate family dynamics, and how such productions of truth signify modes of governance that lie at the nexus of cultural sensitivity, humanitarian social welfare, and the preservation of Australian values.

Chapter Structure

In this chapter, I foreground the broader conversations that anchor the dissertation’s ethnographic analysis. First, I will lay out precisely how the creation of forced marriage as a criminal category of violence constitutes a pre-emptive approach to family violence prevention in Australia, and what this means for our understanding of biopolitical projects in settler colonial states today. This will be followed by an overview of how epistemic technologies around family relations work in settler colonial contexts. I look at how the production of particular truths and common sense about the families of Indigenous subjects are key to the state’s establishment of sovereignty over the family and sovereignty over the nation. In doing so, I show how the epistemic dilemmas of settler colonial projects live on in contemporary debates over how to assimilate aspiring citizenries.
Next, I will examine how forced marriage prevention—an emerging regime of knowledge—exemplifies a shift in Australia’s approach to social welfare which now functions not only to provide relief to migrants, but also functions to exclude socially deviant migrants namely through the convergence of assimilation and cultural pluralism. This section focuses on how Australia is one of many liberal democratic states in which state-funded social welfare is becoming the new frontier for arbitrating who does and does not have the potential to be a good citizen. The assimilationist bent of social welfare emerges during a time when migration from the Muslim world to Australia has posed a unique existential crisis to Australia’s understanding of itself as a remote, secure, and civilized island-continent-nation. This will be put in conversation with other scholarship that examines Euro-American policy responses to Muslim migration in social welfare, specifically policies that import the logic of border control into new codes around “anti-social” immigrant behavior, thereby producing migrant ‘illegality’ and ‘criminality’ (Coutin 2000, De Genova 2002).

I will then examine how the criminalization of forced marriage reflects a racialized and gendered reading of Muslim migrants who now are expected to demonstrate that they are giving their daughters—many of whom are Australian-born citizens—the capacity to reap the benefits of Australian citizenship. More specifically, Muslim Australian communities are taught that agency and freedom come in the form of subverting familial expectations and disconnecting from family, rather than trying to rework these relations, and that coercion comes in only particular forms of intimate domination rather than structural violence. The privileging of subversion as the only way to recover agency (Mahmood 2002, 2005) actually ends up further pushing adolescent girls who are deemed at risk, away from reaching out for resources and support. Finally, I will end with an exploration of how the state’s criminalization of forced
marriage reflects the state’s myopic understanding of marriage as harmful to minors because it organizes marriage around heteronormative forms of sexual, reproductive, and domestic servility. The state’s reading of entry into marriage as simultaneously freedom-granting and necessarily subjugating does not always capture how many recently resettled Muslim migrants are approaching marriage. Instead it imagines the freedom to choose one’s intimate partner within the architecture of conjugal couplehood. Some communities are, by contrast, using overseas marriages as a way to pragmatically address the precarities associated with resettlement and citizenship, to care for extended family abroad, to sustain transnational kinship ties, and to assuage transnational social community pressures. That is not to say that communities are the site of moral purity and the state that of moral corruption (Hodžić 2019) or the site of pragmatism and the state the site where affect and emotion are governed. Any case of forced marriage entails relationships of power, but not always in the ways the Australian state conceptualizes it. However, marriage, as a pathway to facilitate the safety of family members from countries experiencing political turmoil, systemic persecution, and civil conflict, does not function as an intimate event in the way the state and its attendant policy discourse frames it (Povinelli 2006). Several of my interlocutors mobilized marriage as a way to help their extended family members find refuge in Australia to escape violence and political persecution in their home countries; in other cases, young people obliged to their parents’ marriage requests out of a genuine sense of care and debt to their extended family members who had helped them make the journey to Australia; others resisted their parents’ desires but not necessarily in ways that meant disconnecting from them; and still other young people (whom the state considered minors and according to the law, necessarily incapable of consenting when it came to marriage) saw
marriage as a way to forge their own lives away from their parents, even if that meant exchanging one form of domestic sociality with another.

However, the state reads migrants’ mobilization of marriage as neither pragmatic nor based in genuine relations of care. It instead reads ‘forced marriages’ as abuses of the institution of marriage as a sacred cultural institution, and when it comes to migrants, an abuse of citizenship privileges. The 2013 law is one of several moments when Australia has vigilantly tried to protect marriage as a symbol of national identity and as a signifier of citizenship. The privileging of this intimate form of heteronormative conjugal couplehood was front and center during my fieldwork when debates around marriage equality were also vociferously taking place. Same-sex marriage was eventually made legal in November 2017. The creation of coercion into marriage as a crime however marks a distinct way in which migrant behavior, kinship relations, and sociality were made knowable and governable, through the institution of marriage.

**Generating Forced Marriage as a Criminal Category**

In 2010 and 2011, there were several stories released by Australian news outlets, like SBS, ABC, and The Herald about young girls ranging in age from 12 to 17 years old who were forcibly married to older male relatives in their parents’ home countries. ABC reported in 2010 about a 17-year old Sydney girl who asked to be on the Airport Watch List after her mother had booked a flight for her to go to Lebanon where she was to be married, resulting in the AFP putting a hold on her passport. Most cases that have received publicity and which go reported tend to center on adolescent or young adult girls who have Australian citizenship status through birth but whose parents and extended family members are either humanitarian refugees with permanent residence and are still on a temporary visa, respectively. In many cases, the adolescent girl is taken overseas by her parents and kept in her parents’ home country until she is
actually married through a religious ceremony, at which point if she is under the age of 18, she is brought back to Australia and waits to sponsor her new spouse for a visa until she reaches the age of 18, since that is the legal age of marriage. When practitioners discussed the tragedy of these cases in network meetings and training workshops, they tended to first focus on the fact that the girl was an Australian citizen by birth. Moreover, they argued that after being married at a young age, she would be relegated to a life of domestic servitude, missing out on the benefits of being in Australia which include the ability to choose one’s partner, choose when to have a child, and pursue one’s education, as stated in Anti-Slavery Australia’s forced marriage prevention campaign (“My Blue Sky-About Us”). In these discussions, the girl’s family’s status as non-citizens become framed as a liability for her future as a citizen, and her citizenship has been marked by her ability to make particular choices around her future relationships and her domestic life. Here, the criminality of her parents’ actions lied in a relinquishing of her capacity to choose, a capacity seen as key to being an Australian. While making a choice in one’s marriage partner is certainly not a value unique to Australia, its reinscription as a hallmark within family violence prevention and the criminal justice system is.

The case of Anor Madley, a 16-year old who was granted a petition by the family court preventing her parents from taking her to Lebanon to marry a man she had met once before, marked a turning point in the policy discussion around forced marriage. Along with a National Children and Youth Law Centre report, which noted that between 2011 and 2013, 250 Australian cases were identified by research respondents (practitioners in the social services sector), forced marriage was put on the map as a social and moral problem for policymakers who saw the practice as a violation of the ideals around innocence, childhood, choice, marriage, and the limits of culture on individual agency. The stories caused an outcry among policymakers who
frequently appeared on morning and late-night news media to express their outrage at the moral depravity that was plaguing Australia. The common theme in their remarks was the fact that forced marriage, typically a problem reserved for Third World contexts, was taking place in Australia, and to Australian citizens nonetheless. In 2012, Member of Parliament (MP) Nicola Roxon of the Labour Party introduced an amendment to Australia’s 1995 Criminal Code that would make the forcing of someone into a marriage a criminal act. However, before debates about the bill took place, the Australian Parliament’s Senate Legal and Constitutional Affairs Legislation Committee created an official inquiry in order to solicit feedback about whether or not criminalizing the practice would be more effective than treating it as a civil offense. Treating it as a civil offense meant that people who felt they were at risk would have the option of filing a protection order in their state, which would temporarily halt the marriage from taking place. The protection order would be similar to the structure of the family violence intervention order option that was in place in each state already and that addressed other types of domestic and family violence. The inquiry received feedback from multiple community organizations and advocacy groups. Most community organizations acknowledged forced marriage as a human rights violation, a form of gender-based violence, but not as a crisis of Australian values, multiculturalism, and sovereignty as some MPs had called it. Organization reports recommended that it be treated as a civil offense, rather than a criminal one, so as to allow those who felt at risk to request protection—such as the halting of the marriage or the voluntary relinquishing or deactivation of their passports to law enforcement—without having to go through the criminal justice system. For example, the Victorian Immigrant and Refugee Women’s Coalition wrote:

The criminalisation approach is problematic as it cannot respond to the root causes of forced marriage. Through the reduction of the practice of forced marriage to the presence versus absence binary of consent at the point of marriage, the State ignores and does little to provide victims facing the tormenting social and economic realities of physical, financial and
psychological violence with the tools necessary for avoiding or leaving forced marriages (p.11).

In May 2012, following the inquiry submissions, House MPs debated the amendment, eventually deciding to pass it. While the 2013 law did not specify an age that constituted a forced marriage, the law was formed primarily in response to stories of females 16 years old and under being married overseas, and carried extra prison time for perpetrators if the age of the forced party was younger than 16 and if they were taken overseas. In 2015, however, an amendment was added to the law which noted that the marriage of anyone 16 years old or under was presumed to be forced. It is important to note that in the original 1961 Marriage Act, the marriageable age was set at 16 for females and 18 for males. However, under section 12 of the 1961 Act, a female 14 or 15 years old or a male 16 or 17 years could apply to the court for permission to marry. The marriageable age was equalized in 1991 by the Sex Discrimination Amendment Act 1991, which raised the marriageable age of females to 18. The marriage of a person aged 16 or 17 to another aged over 18 is permitted in "unusual and exceptional circumstances", which requires the consent of the younger person's parents and authorization by a court. Thus, while the 1961 Marriage Act outlaws marriages of people under the age of 16, the 2015 Criminal Code Amendment takes it one step further and defines that someone under the age of 16 is incapable of real and informed consent, noting: “unless the contrary is proved”, “a person under 16 years of age is incapable of understanding the nature and effect of a marriage ceremony” (2015 Crimes Legislation Amendment), and thus also makes anyone (whether the marriage officiant and/or the person’s parent/s) who is party to the organizing of that marriage guilty of a federal crime.

The 2013 law also established that causing someone to consent to marriage under conditions of either physical or psychological coercion constituted a crime, and that being party to a marriage that took place under those conditions was also a crime. A specific definition was
also given to ‘forced marriage’, thereby enshrining it as a legally recognizable category of family violence that fits within existing civil legislation around domination and coercion amongst family members (see the FVPA 2008’s definition of violence on page 14) as well as a form of modern day slavery which fits within existing language around domination in cases of human trafficking. In occupying both slots, the definition of forced marriage allowed both state law enforcement (who were experienced in dealing with civil cases of family violence) and federal law enforcement (specifically anti-trafficking teams) to prevent its occurrence: By situating forced marriage under the slavery-like conditions section of the criminal code, lawmakers were trying to send a message that consent and coercion were clearly definable and could be located during the event of marriage itself. Thus, the preservation of one’s capacity to consent necessarily meant preventing the event of marriage itself from taking place. Forced marriage was framed as a discrete event that either happened or did not and thus could be traced to individual events.

In February 2013, the law went into effect, inaugurating a host of social service program initiatives, the expansion of the Support for Trafficked Persons Program (STPP) a government-run rehabilitation program at the Australian Red Cross, and an influx of money to both the Australian Federal Police and the Victoria State Police to investigate cases and to conduct trainings for high schools on forced marriage. Forced Marriage ‘networks’ were established in Victoria and New South Wales. These networks brought together practitioners from multiple agencies and organizations—caseworkers for family violence organizations, policy advocates, AFP, state police, child protection services caseworkers, and community organization caseworkers who would meet on a monthly basis to discuss the challenges they faced in actually identifying at-risk communities, administering educational workshops, and preventing marriages
from happening. The networks were designed as interdisciplinary spaces of exchange and insight, where advice about how to best approach the complexities of cases could be discussed. Thus, an apparatus began to form around forced marriage prevention, through a range of institutional, epistemic, and ideological practices, sometimes diffuse and disparately organized, but that were made to cohere by a range of actors under the umbrella of forced marriage prevention. I use Michel Foucault’s definition of apparatus or dispositif to describe the forced marriage prevention sector, a term I will be using throughout the dissertation. The dispositif framework is useful because it emphasizes the various moving parts of a biopolitical project, and also emphasizes that this apparatus is not centralized nor always knowable along spatial lines, but is subject to being made and remade through institutional, ideological, and knowledge practices. Foucault defines dispositif as:

…A thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements (Foucault 1977).

Foucault’s goal in analyzing the dispositifs of modern life is also applicable to how this analysis sees the interplay of the logics of risk, inclusion, and difference in prevention work:

We identify in this apparatus…the nature of the connection that can exist between these heterogeneous elements. Thus, a particular discourse can figure at one time as the programme of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality (1977).

Here, anthropologist Reva Jaffe-Walter’s reading of Foucault in understanding what she argues are contemporary ‘technologies of concern’ around Muslim immigrant communities is useful. Technologies of concern differ from overt uses of state power because they are “anonymous, multiple, pale, colorless’ (2008: 22)” (Jaffe-Walter 2016, 7). These technologies tend to emerge in contexts where the public has agreed that Muslim immigration is a problem about which
something must be done. “‘They mark particular bodies as objects of state power that require particular kinds of intervention’” (Puwar 2004)” (2016, 6).

In establishing the use of “apparatus,” I also qualify that the state’s understanding of forced marriage and migrant communities is one part of this apparatus, but the understandings of prevention workers (which include migrant community leaders) is another. The latter does not always directly map on to the former, and the understandings of community leaders is not always antithetical to the frameworks of the state. Ultimately, forced marriage prevention as an apparatus opened up conversations about the future of migrant communities’ citizenship while it foreclosed other conversations about why their citizenship had become a site of problematization in the first place.

While forced marriage had already become a transnationally recognizable category of violence, since the early 2000s, different countries took different approaches in terms of legislative measures. By 2007, the UK had already developed a civil protection model around forced marriage, but in 2014 went on to make it a federal level crime. The 2014 Anti-Social Behaviour, Crime, and Policing Act made it a criminal offence in England, Wales, and Scotland to force someone to marry, and was punishable by up to 7 years in prison. Canada criminalized the practice of child, early and forced marriage in 2015 with the passing of Bill S-7, through amending the Criminal Code and the Civil Marriage Act. According to Laura Vidal, an advocate with Australia’s Freedom Partnership who conducted research across North America and Europe on forced marriage, criminalization has not impacted the way the practice has been carried out in Canada or the way social services provide intervention. The description of forced marriage in Canada’s criminal code as a ‘barbaric cultural practice,’ also left many migrant communities feeling targeted and stigmatized (Vidal 2018, 52). Belgium, Denmark, and Norway have also
made forced marriage a federal crime and France has implemented civil protection measures around the practice. The United States does not have specific legislation criminalizing forced marriage, but different states have in recent years been amending their age of marriage laws to 18 without exception, after pressure from different advocacy and direct service organizations that have waged national campaigns on the issue, including the Tahirih Justice Center and Unchained at Last. Australia, similar to Denmark and Norway, have developed prevention apparatuses that attempt to pre-empt forced marriages rather than providing investigations and rehabilitation after a forced marriage has been disclosed. The way forced marriage has been treated in Australia has been based on less social evidence than efforts in the UK, Canada, and the US. This is so because while survivor-led organizations were at the forefront of forced marriage advocacy in the U.S. and the UK, Australia’s implementation of a legal and policy apparatus around forced marriage was top-down, the result of government legislation and policymaker discourse that framed forced marriage as a social threat that correlated to increased migration from the Muslim world.

By first generating a problem as a moral crisis, and then artificially demarcating who were the main sources of this problem, the state pre-emptively criminalized forced marriage, which is different from preventing it. According to Brian Massumi, prevention ‘assumes an ability to assess threats empirically and identify their causes. Once the causes are identified, appropriate curative methods are sought to avoid their realization” (2016, 5). To Massumi, prevention operates in a world that is knowable—there is a positivistic reality that can be apprehended—one where particular causes have particular effects. “Prevention…assumes that what it must deal with has an objectively given existence prior to its own intervention” (5). Pre-emption on the other hand does not operate in a reality that has already been made knowable.
Pre-emption operates in a world where the threat is ‘still indeterminately in potential” (2016, 9), and by extension creates the reality as it attempts to intervene in it. Similarly, forced marriage prevention was creating truths about the problem in which it was attempting to intervene. Jared Sexton writes that the law is often dependent on that which it polices, and thus has a productive power in that it can end up producing the reality it seeks to intervene in (Sexton 2007). While discovering the nature of the problem while finding ways to intervene in them is not unique to forced marriage prevention, forced marriage is a unique site to study this dynamic because its production as a problem takes place in multiple domains: the law, social welfare, and immigration.

In its pre-emptive disposition, the forced marriage apparatus represents an example of how logics of threat and security meet biopolitical logics in liberal states. For Foucault, biopolitics is a political logic which seeks to administer and facilitate the life of the population: “to ensure, sustain, and multiply life, to put this life in order.” Biopower by extension is the way in which this political logic is executed and marks a shift in power from repressive and deprivatory to affirmative and facilitative (1977). In the contemporary world, biopolitics has been increasingly animated by a risk politics. Nikolas Rose discusses risk politics as a form of governance—a frame through which institutional practice becomes shaped by assessing, predicting, and managing risk (1998). Thinking along the lines of risk becomes a way to implement and enforce standardized ways of ‘thinking, communicating, deciding, and acting’ (1998, 181), thereby creating a ‘risk culture’ that is based on new epistemic logics of power—things become knowable through how much of a risk they pose or how at risk they are.  

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5 As Dayna Nadine Scott points out, there is a key distinction between risk governance and risk talk: Risk governance techniques are practices that are in their essence calculative (O’Malley 2005), but “risk talk” might be something else entirely. Julia Black has argued, for example, that the rhetoric of risk, and of framing actions in terms of risk, is politically
Forced marriage prevention, in seeking to facilitate not only the life of the population but also the future of the moral and social pillars of the polity itself, is a pre-emptive biopolitical apparatus. In that sense, the forced marriage apparatus, in that it is based less on the development of statistical knowledge, takes on a more scenaristic disposition. This disposition is something James Faubion has described as key to what he terms parabiopolitical apparatuses (2018). While both the biopolitical and the parabiopolitical deal with the values of security, health, and wellbeing, parabiopolitical reason is distinct in its focus on the aspects of a scenaristic case rather than the statistical problems of the population (2018, 2). Forced marriage prevention can also be described as a parabiopolitical project, in its concern with the wellbeing of young migrant women and its concern with Australian society as a whole but in doing so, it does not bring life and its mechanisms into “the realm of explicit calculation” (Foucault 1991, 143). It is less explicit, but still nevertheless, invested in accounting for uncertainty.

There is much literature that examines policing projects that pre-emptively situate particular minoritized communities as sites of risk and danger (Caldeira 2000, Jones 1986, Fassin 2012, 2013, Nachman 1993, Palidda 2011, Peutz 2006, Sargent and Larchanché 2011, Taylor et al 1973, Terrio 2010, Wacquant 1999). Reva Jaffe-Walter has recently presented the analytic of “speculative policing”, based on fieldwork in inner-city neighborhoods in Kingston, Jamaica. “Speculative policing” is a future-oriented form of policing that links crime prevention to other forms of negotiating risk and uncertainty, namely real estate speculation and other new forms of compelling in today’s environment: it is a useful legitimating device (Black 2005). And yet, it is obvious that risk-based governance is more than just “risk talk” – it introduces a matrix of practices based on uncertainties and probabilities (2008, 29).

Here, I point to how risk acts as a frame for governance, and reverberates to the way that practitioners speak about their subjects. Risk governance is in this case is pre-emptive. Peter Adey has discussed the preemptive biopolitical securitisation of mobility across borders (Adey 2009).
governance (Jaffe-Walter 2019, 448). While Jaffe-Walter defines “speculative policing” as an experimental form of urban governance, I find that it is a useful analytic to think with in understanding how social welfare brings together logics of criminality, policing, border control, and assimilation. In particular, in situating the future as its point of reference, speculative policing marks a shift from retroactive interventions by the police (post hoc crime), to preventing even the threat of the crime from emerging (2019, 449). Jaffe-Walter goes on to call this a ‘pre-emptive form of policing’ that privileges a biopolitical logic of population management that can analyze crime as a risk that can be accounted for through actuarial calculations (2019, 449).

Forced marriage prevention is also a biopolitical project that is future-oriented in that it is designed identify potential criminality\(^6\), bring about assimilation, and establish control over migrant mobilities. While it does not use a precise calculative actuarial mode that Jaffe-Walter refers to, it does use other types of risk assessment tools that can be categorized as more scenaristic (Faubion 2018). I argue that the logics of criminality that pervade the forced marriage sector are a key condition for its pre-emptive disposition. As Jaffe-Walter argues, “Concrete, quantifiable results…are less important [in speculative policing] than facilitating and normalizing new ways of administering…life” (2019, 461).

The pre-emptive nature of the creation of the law itself as well as the pre-emptive identification of potential victims at risk were also based on a particular regime of knowledge that created forms of common sense about forced marriage. The creation of this common sense is a process that I was able to observe in real time. Much literature on colonial regimes of knowledge have discussed how common sense about the subjects of state governance were

\(^6\) By criminalization, I use the definition offered by Jane Schneider and Peter Schneider in their review of anthropological scholarship on the topic: “how state authorities, media, and citizen discourse define particular groups and practices as criminal, with prejudicial consequences” (2008).
produced through various administrative, techno-scientific, and pedagogical procedures (Feldman 2008, Scott 1999, Silverblatt 2002, Stoler 2002, 2010, Trouillot 1995). In this dissertation, I look at how a regime of truth emerges to produce forms of common sense through technologies of knowledge that aim to govern not only migrants themselves but how they and what it means to be a subject of the Australian state can be understood.

Setting up the “Scene of Suffering”: Crisis and Humanitarian Reason in Forced Marriage Prevention

As “a regime of life” (Stevenson 2014), forced marriage prevention relies upon humanitarian reason to both motivate practitioners to action and to help them understand on behalf of whom they are acting. In other words, forced marriage prevention also does the work of constructing truths about the suffering subject. In treating situations of migrant adolescent girls being married off as a national crisis that requires state-sanctioned prevention and intervention techniques, politicians have used humanitarian reason to construct the female citizen adolescent as the suffering subject. Didier Fassin calls this logic humanitarian reason, which connotes a form of governance and thus intervention into human suffering based on the deployment of moral sentiment (2012, 1). Humanitarian reason is not simply a mode of intervening into disaster areas or spaces in which lives are literally on the line, but is also a mode of reasoning, of distinguishing what counts as suffering that is worthy of intervention, and what events, affective states, and relational forms constitute violence and victimhood. Through combining sentiment and reason, humanitarian reason constitutes a politics and regime of life—it simultaneously intervenes in life and constructs how particular lives matter to the state, and what they represent.

This politics of recognizability gets sedimented over time and space as universally the same, effacing its own material and discursive conditions of possibility. Humanitarian
government, then, is really “a politics of precarious lives” (2012, 4) that treats suffering as an epistemic certainty. The subject who is constructed through humanitarian reason, as I will show in chapters three and four is akin to what Miriam Ticktin has called the morally legitimate suffering subject (2011), in that she is recognizable through her subject position as an Australian born citizen who was born into an immigrant Muslim family and who is thus already at risk of losing the benefits of living in Australia. Veena Das writes that certain genres “mold the articulation of suffering, assigning a subject position as the place from which suffering may be voiced” (2001, 5). She notes that institutions are implicated in “allowing or disallowing voice” (2001, 5), at the nexus point where questions of representation meet questions of the actual lived world of survivors or victims (2001, 5). As I will show in chapter three, scenario plannings in forced marriage prevention function to interpret violent events, how they have formed the subject, and her experience (2001, 5).

More broadly, humanitarian reason appears in the representational work of forced marriage prevention to situate particular qualities of the subject as at stake and as at risk: her ability to consent; her childhood; and the freedoms afforded to her through being born and living in Australia. The idea of freedom being ‘afforded’ to the subject is tied to a particular idea of citizenship as a debt that migrants need to pay back to their host country (Nguyen 2012). Thus, when citizenship is used to sponsor other family members through marriages, the state views it as a failure to repay this debt. Thus, while the ideas of freedom, self-autonomy, and a proper childhood are situated as benefits extended to all Australian subjects, they carry a more intense weight and gravity for non-white migrants who are assumed to otherwise be subject to lack of security, lack of autonomy, and childhoods that are too burdened by the responsibilities of family and adulthood. For those who represent forced marriage as a human rights issue, prevention is a
way to secure rights that are universal to every human, when in fact the human subtended by such rights has always been a particular one. Humanitarian reason also operates through how forced marriage is discussed as a national crisis that has caused widespread injury—“communities being ravaged,” “a tsunami of underage marriage,” “a public health issue,” and “a threat to social wellbeing,” as several news articles and MP speeches have noted. The language of crisis emerges through the rhetoric of invasive migrants as unbridled threats. The language of crisis also parallels long standing biosecurity discourses that have described other invasive beings in similar ways (Ticktin 2017, xxiii). While many practitioners in our conversations critiqued these terms and frameworks, some still saw forced marriage as an urgent problem that was injurious to an Australian imaginary of how morality, gender, family, and citizenship configure together.

By examining humanitarian reason in forced marriage, I open up another dimension to understanding the construction of the suffering subject in regimes of care. According to Robert Samet (2019), the suffering subject in anthropology has not been exhausted, contrary to claims otherwise (Robbins 2013). The suffering subject is one around whom different political and affective investments are made by various institutional actors. In this dissertation, I attend to the construction and representation of this subject by both the state and practitioners as a central part of the work of the prevention apparatus. While the anthropology of humanitarianism has shown how institutions construct why the subject is suffering, less explored is what they imagine the subject will be rescued into and who will benefit from her rescue. Namely, the following three questions shape my engagement with humanitarian reason: What trajectories of personhood humanitarian regimes seek to put the subject on? To what extent is humanitarian government as much about a politics of suffering lives as it is a politics of threatening lives? Does the suffering
subject signal an impending threat to the polity itself and is her ‘rescue’ also a means of locating other subjects who might threaten the polity’s most cherished values?

Part of the answer to these questions lie in understanding how forced marriage prevention understands the ‘scene’ of suffering. While in the case of law enforcement, the most significant ‘scene’ is usually the event of marriage itself, the prevention apparatus is more invested in identifying, intervening in, and understanding the moments that precede the event itself, usually in the form of long-term family power dynamics and relations, and how coercion and consent are configured within a given family. However, its modes of identification, intervention, and understanding are not solely in relation to families that have already disclosed, but are targeted to recent migrant communities in general, again underlining its pre-emptive stance. During fieldwork, prevention was concerned with both the actual events that took place before the marriage—overseas travel, explicit instances of coercion, conversations girls had with their families—as well as the nature of the relationships clients or students had with their families, and whether or not those relationships fit into the definitions of coercion and violence in official risk assessment protocols. For example, the government routinely provides outreach material to new migrants, including those on family visas which make them aware of forced marriage as something they could be vulnerable to and points them to helpful resources (Askola 2018, 15). The Australian government’s recent awareness-raising poster campaign, in conjunction with the Australian Federal Police and Anti-Slavery Australia, at its two major international airports in Sydney and Melbourne was also designed to make potential temporary visa holders coming into Australia or Australian citizen girls going out of Australia more sensitized to the possibility that they could be in a forced marriage situation and that they were sharing the same space as the Department of Immigration and Border Protection (DIBP) and the AFP who could help them
avoid being in that situation. Thus, the construction of forced marriage as an urgent crisis that needed to be pre-emptively targeted was an example of a future-oriented humanitarian reason. By bringing together a concern with events and family dynamics, forced marriage prevention constructed the suffering subject as part of a broader social environment that was threatening, both to the subject herself, and to Australian ideals. It is why it was no coincidence that in training material, an adolescent girl’s controlling parents would be discussed as their misunderstanding of or in some cases, complete disregard for Australian values around childhood, adulthood, family, and citizenship.

And in more public discourse, the focus completely shifted away from the victim herself. In describing forced marriage as a crisis ‘happening right here in Australia,’ several news articles,7 shifted the concern from the victims themselves to Australian society as a whole. Headlines included a particularly spatialized understanding of this practice, distinctly associating it with recent migration:

*Poster campaign at Sydney Airport alerting Potential passengers they might be at risk.*

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7 See the following news stories, which emphasize the fact that forced marriage is happening in Australia: [Forced Marriage is Happening in Australia and We Need to Do Something About It](#); [Putting an End to Forced Marriage in Australia](#); [The Slave Trade in Our Own Backyard](#); [Most Girls at Risk of Being Married Against Their Will Are Falling through the Gaps](#); [Experts Warn Child Bride Cases Tip of Iceberg](#); [Forced Marriage Cases Increasing](#); [Child Brides: Underage Girls Forced to Marry in Australia](#); [It Happens Here: Underage Forced Marriage in Suburban Australia](#); [Federal Labour Vows to Crack Down on Child Brides and Forced Marriage](#); [Report Details Abuse of Forced Marriage Victims Living in Australia](#).
“Forced Marriage is Happening in Australia and We Need to Do Something About It”; “The Slave Trade in Our Own Backyard”; “Underage Girls Forced to Marry in Australia”; and “It Happens Here: Underage Forced Marriage in Suburban Australia” are just some of the headlines of news articles that gained traction in the wake of the 2013 law. As Miriam Ticktin has argued, the language of ‘invasive others’ creates the language of crisis and creates new understandings of space and time: “Invasive others most often live in this state of emergency; invasiveness is read in terms of the future only to anticipate present invasions” (2017, xxx). In sum, illustrating forced marriage as a national problem relied on a geographic imaginary of Australia as a place where such behavior does not occur, and by extension pinpointing migrant countries as sources or origins of the exportation of such behavior.

**Producing Family Relations as “Deviant”**

Historically, the intimate family dynamics of migrants have been the object of state-sanctioned technologies of governance in liberal settler colonial states (Berlant 1998, Canaday 2009, Povinelli 2006). In colonial states, the kinship relations of colonized subjects, including their affective dimensions, were closely monitored by colonial administrators for a number of reasons. Intimacy is of utmost concern to the state—how it happens, where it happens, and between whom it happens. While intimacy has tended to be spatialized within the sphere of the domestic, it is always of public concern and is policed in both the public and private spheres. For colonial administrators in emerging European empires, for example, the emotional investment and commitments that colonized peoples demonstrated toward their blood kin versus the family to which they may have been assigned to do domestic work, or other services. Ann Stoler analyzes how the familial relations, alignments and affective bonds between Indonesian people and Dutch families were objects of colonial administrators’ attention. In her chapter titled,
“Habits of a Colonial Heart,” (2010) Stoler analyzes the ways in which the Dutch colonial regime managed and oriented the sentimental attachments of colonial administrators in particular ways. While Stoler’s case study is analogous to neither my interlocutors nor the context in which they operate (though how this form of attunement is a legacy of settler colonial forms of knowledge production is certainly relevant), her analysis does shed light on how the state makes the intimate dynamics of domestic relations an object of concern as part of a broader apparatus of governance. Governance occurs in less conscious and objectified ways and can be located in the monitoring of people’s everyday ruminations, gestures, and interpersonal interactions—in the domain of the intimate, a domain in which where one’s subjectivity ends and that of another begins is not often clear. Stoler calls the doubt experienced by colonial administrators over their subjects’ affective attachments an “epistemic anxiety.” This term refers to not knowing how to know the sentimental attachments of colonized subjects, in an ever-shifting colonial social landscape. The concern with the intimate emotional dynamics and pressures of family life were challenging for colonizers—they represented a conundrum, a dilemma of how to know when someone switched ‘sides’ from their natal family to the families for which they now worked, when one’s emotional investments had become too intense or not intense enough. These dilemmas, Stoler describes, were epistemic ones as much as they were bureaucratic and affective ones. The epistemic dilemmas of the colonial state are not limited to monitoring the relationship between colonizer and colonized. In settler colonial contexts, how the governing regime could know intimate family relations have been inextricably linked with the state’s own existential concerns around how to maintain its power in the face of demographic shifts and migration (Elder 2016, Gouda 1995, O’Sullivan 2016, Phillips 2009, Stanley 2016, Stoler 1995, 2010, Strassler and Stoler 2000).
How intimacy is organized is key to understanding why forced marriage has become seen as morally unsanctionable in Australia. According to Elizabeth Povinelli, the intimate event is a part of the reproduction of liberalism which is a phantom-like thing—a moving target developed in the European empire to enact power. Liberalism is located nowhere “but in its continual citation as the motivating logic and aspiration of dispersed and competing social and cultural experiments” (2006, 13). Povinelli asks, when does the event of intimate love actually happen, and what are the criteria we use to decide whether this event has happened? (2006, 14). Love, as an intimate event, functions more to secure the self-evident good of social institutions, and social responsibilities for these institutions: "If you want to locate the hegemonic home of liberal logics and aspirations, look to love in settler colonies" (16-17). In liberal states, certain forms of intimate dependency come to count as freedom whereas others count as undue social constraint, some get morally judged as choices whereas others are seen as coercive (2006, 3).

This rendering of the intimate event also begs the question, how does the non-occurrence of the intimate event actually come to be seen as the breakdown of liberalism itself? The discourses of the autological subject and the genealogical society and the forms of intimacy associated with each other are Povinelli writes, incoherent, undecidable. They are used more as distinguishing markers rather than signifiers of coherent modes of being and events (2006, 14). Povinelli asks us to focus on what is being done to produce the world in the image of these discourses? (2006, 15). I would also add the importance of focusing on what is being done to identify with more precision and under the guises of concern and care, the supposed breakdown of liberalism itself, and what does this reveal about its unstable foundations? It is why in Chapter three, I develop the analytic of the sentinel subject to connote the subject who signals the non-occurrence of the intimate event and thus the breakdown of liberal imaginaries.
State technologies of governance have historically situated intimate kinship relations as a window and even a litmus test for the state’s own claim to sovereignty and its longevity. Furthermore, the state’s preoccupation with how citizens are mobilizing kinship for access to citizenship and other rights, have resulted in policies that monitor, surveil, and regulate different types of kinship relations (Borneman 2001, Carsten 2003, Faubion 2001, Franklin and McKinnon 2001, Mahdavi 2016, Weston 1997, Yanagisako and Collier 1987). These technologies of governance yield a common sense around particular kinds of kinship relations and recognize only particular configurations of kinship. In this dissertation, I show how forced marriage prevention works to produce particular truths about which kinship configurations constitute good citizenship, and which are counted as deviant. The use of marriage by migrant communities is layered with economic and affective commitments, and represent responses to the challenges of forced migration, ongoing conflict in their home countries, and increasingly stringent immigration policies in Australia. Kath Weston notes that it is important to look at alternative kinship ideologies as not simply derivatives of or alternatives to a blood-centered kinship configuration, but as a historically situated transformation in and of itself (Weston 1997, 106). Migrant families’ use of marriage to help extended kin constitutes an alternative kinship arrangement. However, these alternative kinship arrangements have not been immune from vociferous critique from migrant communities in Australia. In that sense, they should not be romanticized as sites of morally clear responses to the structural obstacles of displacement, or as antithetical to the responses of practitioners and the state. However, they do represent a response that is conditioned by structural inequalities that tend to be dismissed in the sector. The epistemic dilemmas that practitioners in prevention face concern how to make sense of these familial configurations, and well as the emotional and affective layers beneath them.
How these concerns get refracted through racial and gendered lines is also critical to understand whose kinship relations matter to the state and why. As several studies have shown, state-led interventions that are predicated on the wellbeing of the family have tended to concern minoritized communities’ kinship configurations and have tended to result in their further insulation and marginalization from public and political life (Friedman 2010, 2016, Howard-Wagner 2013, Mahdavi 2016, Parreñas 2001, Povinelli 2006, Thai 2008, Yeoh and Lam 2007).

However, there is minimal ethnographic research on the logics, discursive technologies, and relationships through which contemporary settler colonial states actually generate official knowledge about the intimate dynamics of the kinship relations of marginalized communities. In that sense, the analysis contemplates how violence prevention work is also the work of producing institutional knowledge about the intimacies that inhere in everyday migrant life. Institutional knowledge in this sense refers to how the power dynamics within families both domestically and transnationally, matter to the state’s larger project around family violence prevention. Here, I use the definition of intimacy provided by Nicole Constable which best captures the relational dynamic in question:

The term ‘intimate relations’ refers here to social relationships that are—or give the impression of being—physically and/or emotionally close, personal, sexually intimate, private, caring, or loving. Such relationships are not necessarily associated with or limited to the domestic sphere, but discourses about intimacy are often intertwined with ideas about gender and domesticity, gifts as opposed to markets (2009, 29).

In this definition, intimacy is not spatially confined but constitutes an intersubjective relation. Lauren Berlant and Michael Warner have shown how the heterosexual conjugal couple is the privileged example of acceptable sexual culture (1998, 548). In privileging such a formation, liberalism also privileges the spatialization of intimacy as within the private sphere. Liberalism assumes that the intimate relations of private personhood are located in the realm of sexuality, thus enabling sexuality in public to appear as ‘matter out of place.’ However, as they argue,
intimacy has historically and continues to be publicly governed, despite how it is discussed and represented: “A complex cluster of sexual practices gets confused, in heterosexual culture, with the love plot of intimacy and familialism that signifies belonging to society in a deep and normal way. Community is imagined through scenes of intimacy, coupling, and kinship; a historical relation to futurity is restricted to generational narrative and reproduction” (1998, 554). The imaginaries of community that revolve around the privatization of intimacy are also based on senses of rightness and wrongess around particular social relations that are more intelligible than others. In the case of forced marriage prevention, it is not only that particular familial intimacies are being governed by the state—the governing of intimate kin relations can be traced back to the first attempts to manage Indigenous populations in the 18th century and ‘assimilate’ them in the 20th century. What is also of significance is that the governing of intimate kin relations via the law and a new prevention apparatus also marks an intensification of the idea that a coherent Australian community exists within the physical boundaries of mainland Australia, and that there are certain forms of intimacy, kinship, and sociality that are unique to it, and certain forms which are deemed deviant. In using the term alternative kinship relations, I refer to transnational intimacies to describe how kin expectations around marriage and relationships manifest across geographies—between Melbourne and Kabul, Dandenong (a Melbourne suburb) and Islamabad, Narre Warren (another Melbourne suburb) and Tehran, and to domestic ones. These kin relations are also intimate in that they are crafted through close transactions in which desire itself is worked upon between kin members, what Cymene Howe has called ‘intimate pedagogies’

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8 Zoë Wool and Seth Messinger’s analysis of the kinship configurations that get counted as legible and illegible in the Non-Medical Attendant program at Walter Reed Rehabilitation Clinic also shows the ways that certain kinds of intimacies escape biomedical logics of rehabilitation and therapy. The kinship of the NMA program is “full of specific histories of intimacy” as well as attendant limits and expectations (Wool and Messinger 2012, 45).
(Howe 2013). The education of desire within the intimate space of family has been key to
colonial governance as Ann Stoler has pointed out (Stoler 1995), and is also operative in the way
the state reads migrants’ intimate kinship configurations. The intimate kinship configurations
that undergird forced marriage and that are deemed illegible by the Australian state are also
marked by particular histories of war, displacement, and resettlement that get overlooked at each
step of the prevention process.

**Forced Marriage Prevention and the Ongoing Project of Australian Nationhood**

How did Australia become so similar in its culture and ethnic make up to a society at the
other end of the world? It was carefully and deliberately planned within the context of the
global British empire. *It is still being planned* [my emphasis] now that the empire has gone,
using immigration as a method of controlling population change. This has been just as true
for governments claiming to believe in the free market as for those subscribing to planning
and social engineering (Jupp 2007, 7).

The quote above is from James Jupp, an Australian historian who has chronicled
Australia’s immigration policies in the context of ongoing anxieties around national identity that
he argues are intrinsic to Australia’s origin story. Australia’s origin story is marked by a
deliberate form of social engineering that aimed to create a wealthy nation that could extend the
wealth and civilizational promise of Britain itself. According to Jupp, “The Australian population
was planned and engineered to a greater extent than is true for almost anywhere else. Assisted
passages continued to be used but were opened by international agreement to other nationalities
after 1947” (2007, 16).

It is this deliberateness that reverberates to contemporary social welfare projects today,
which aim not only to protect people from suffering, violence, and injury, but which also aim to
cultivate good citizen subjects. Part of this ongoing project has meant more deliberately linking
social welfare programs to the spirit of immigration policy. According to Jupp, Australian
immigration policy has over the past 150 years relied on three pillars: the maintenance of British
hegemony and ‘white’ domination; the strengthening of Australia economically and militarily by selective mass migration; and state control of these processes (2007, 7).

It is necessary to explain how Australia’s nationhood as a predestined fact has informed its approach to immigration, specifically its logics of border control. I point to the logic of border control in order to show that the state’s attitude to migration has historically been haunted by an anxiety about the simultaneous inevitability of Australia as a sovereign nation-state and the precarity of that sovereignty—the imminent threats to it by external ‘others.’ While this ethos marks the foundational violence of all liberal settler states, the inevitability of “Australia” lends its claim to sovereignty a unique bent. Suvendrini Perera writes, “‘the seemingly self-evident nature of Australia—as a unitary, sovereign geo-body whose boundaries naturally coincide with its continental landness—is undone, or at least put into question in several ways, by its colonial history’ (Perera 2009: 61).” Australia as an island with clearly defined maritime borders has been represented in political and nationalist narratives as the realization of a predestined prophecy, as a territory that was waiting to be discovered, a configuration of land that, in its clear demarcations on the map, was meant to be settled. In various cartographic illustrations, it is not simply the contours of the Australian nation that are illustrated, but also the idea of a predestined Australian identity (Schultz 2015: 13). As Perera writes:

The Australian nationalist imaginary is predicated on the construct of the island-continent, that is, of a singularity understood as whole and self-contained…[these] imaginaries depend upon an anachronistic and ahistorical assumption of a pre-existing territoriality, a country ready made, already there” (Perera 2009: 18-19).

Here, the nation is insinuated as a bounded piece of land but also as the moment of an inevitable encounter between European explorers and Indigenous communities. Australia’s unique status as both continent and island makes its shores uniquely political in the sense that land and water are
both critical to maintaining its natural state as a sovereign political entity—its borders do not have to be carved or negotiated, they are simply there.

In mid-16th century Dieppe maps, Australia was originally called Terra Australis.9 In Latin, Terra Australis connotes South Land, and it was usually drawn as a landmass in the southern hemisphere. Its landmass was originally drawn not based on a surveying of the land by voyagers, but in order to create an aesthetic balance of land on the world map in relation to land found in the northern hemisphere. This was partly based on Aristotle’s assertion that just as lands in the northern hemisphere had relations to the north pole, there had to be a landmass in the southern hemisphere that had relations to the south pole.10 Whether or not there was land beyond the southern tip of Africa was something long-debated by Ptolemy and his followers as well as Christian thinkers during the Renaissance. The ambiguity of this landmass, whether it existed or not and what shape it took resulted in other names, including Terra Australis Incognita (“The unknown land of the South”), and Terra Australis Nondum Cognita (“The Southern Land Not Yet Known”). In 1814, voyager Matthew Flinders, wrote in A Voyage to Terra Australis, there is no chance that any other disconnected body of land would ever be found at such a southern latitude, which is why Terra Australis is an apt name to describe the geography of the country.11 In many ways, then, Australia as a prophesied landed entity, its islandness, its existence as a land mass that would balance that of the north has been situated as a foregone conclusion for a long time. The way this history has been mobilized has been key to constructing Australian identity. The inevitability of Australia for European taking is in fact a key pillar of

9 Ambrosius Aurelius Theodosius Macrobius, Zonenkarte.
10 Aristotle, Meteorologica Book II 5.
11 Flinders, Matthew. 2013 (1814). A voyage to Terra Australis.
future migration policies that reproduce the idea that the ‘civilized’ version of this land mass belongs to those of white Anglo European heritage.

As Alexandra Schultz points out, “Australia-as-island operates on multiple registers in the national imaginary—from the justifiability of xenophobic and racist discourse, to the assertion of utopic fantasies—and it is through the visual medium of the map that such negotiations are achieved” (2015: 17).

The idea of Australia as always already the destined space of European discovery and civilization has had an effect on its immigration policies. The fantasy of Australia as destined to be a white nation was particularly key in the government’s turning of migrants away in the early 2000s and in rerouting them to offshore detention centers later in 2012, a policy which continues to be in effect today. According to Australian anthropologist, Angela Mitropoulos, the border is a system of classification, and in that sense the border’s integrity relies upon seeing migrant movements near it, toward it, and even after they have reached it, in terms of the extent to which they pose a risk to the nation-state itself. The border is a space invested in the development of a metrics of risk “in the actuarial sense.” It is concerned with what could happen in a variety of
situations rather than a future that is statistically predictable (2015, 85). While this rendering of
the border is not exclusive to Australia, Australia’s island quality (which renders it more remote
yet also more vulnerable in that it is not protected by the buffer zones of other terrestrial nation
states migrants would have to journey past), coupled with the myth that it was always supposed
to be a racially coherent nation-state, made it easier to depict migrants in terms of how little or
how much they pose a risk to Australia’s economy and social values.

These exclusionary border policies, however, can be seen as part of the legacy of settler
colonial forms of exclusion, through attending to the nature of British settlement itself. On
settlement, the British transported both convicts and English common law to Australia, arriving
on January 26, 1788 at Botany Bay. Unlike in New Zealand, Canada, and the United States, no
treaty with Indigenous communities was established. Australia was deemed to be uninhabited
and subject to being settled, rather than ‘conquered.’ Settlement occurred under the legal aegis of
the doctrine of terra nullius (land belonging to no one), removing any legal recognition of pre-
existing Indigenous institutions. Practices of dispossession emanated from this principle,
resulting in not only the physical removal of Indigenous people from their land, but the
exclusion, control, and destruction of their communities, subjecting existing communities to the
protections and responsibilities of newly established common law. The colonial form of
sovereignty and the mode of rapid land appropriation did much to shape conflictual colonial
relations between the preexisting Indigenous peoples and colonizing settlers. Murders,
massacres, dispossession, dispersal, and marginalization of Indigenous populations were the
major consequences of colonial conquest.

Assisted passages were also a key way to populate Australia while retaining its British
character. “Assisted passages were a form of social engineering designed to keep Australia
British, to increase the manual labour force, to redress the gender imbalance and to keep Australia white.” While about half of those coming to Australia in the century and a half paid their own fares or had them paid by employers or relatives, the other half would probably not have come without assistance (2007, 17). The object was to build young economically viable British population. Following the establishment of Britain’s penal colony at Sydney Cove in 1788, there were 15,700 free immigrants versus 61,000 convicts. However, within twenty years, 191,00 free immigrants arrived versus 144,615 convicts (Huntsman 2002, 1). While most of those who were granted land to settle on were ‘deserving’ settlers, this increasingly came to include ex-convicts who had achieved a ‘ticket of leave’ for good behavior. Interestingly, marriage was a key part of the government assisted immigration scheme. The British Crown had subsidized the passage of unmarried females to ‘restore the equilibrium of the sexes; to raise the value of female character and to provide virtuous homes for the laboring classes of the community’ (2002, 801). Thus, organizing marriages between female laborers and economically viable settlers was key to the settlement of the land.

In the late nineteenth and twentieth centuries, explicit techniques of dispossession were replaced with policies of protection that were intended to assist the dying out of Indigenous communities. Legislation brought into force to protect communities in the 1840s was ‘predicated on the philosophy of ‘soothing the dying pillow’ of a race near extinction’—philosophies premised on Social Darwinism. Protection amounted to separation and incarceration, with Indigenous people removed from their land and placed on government-managed reserves or in church-run missions. Ronald M. Berndt argues: ‘In effect, the ‘white’ arrogated to himself the

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12 For example, South Australia wanted British Protestants while Queensland and NSW wanted Irish Catholic, and most of the states wanted farm workers and female domestic servants. In Victoria there was a gold rush of 1850s which saw a lot of unassisted immigrants and Tasmania which could not offer passages. However, by and large people who migrated to Australia were paid to come (2007, 16).
right to decide that the ‘black’ should be given no new opportunity to change, either in his own environment or in ‘white’ society.’” (Howard-Wagner 2013, 219). The engineering of a white society was thus based on the idea that Australia was predestined, until British discovery, unknown and barren. However, prior to Britain’s arrival, it was reported that there were between 315,000 to 750,000 Indigenous peoples while upwards estimates say 1.25 million (Evans and Ørsted 2014). And yet, the settler society emerging out of this predestined discovery hardly relied on fate to sustain it; despite its claim to inevitability, Australian settler society was rigorous in how it went about protecting its borders and who could be allowed inside, as though it was always under threat.

The trajectory of Australia’s immigration policies demonstrates the extent to which Australia as a white nation-state was a product of racialized social engineering, which continued in different forms even after the abolition of the White Australia Policy, a cluster of policies designed to prevent non-white migrants from entering the country. In 1891, Australia’s Labour party began a campaign to stoke fear about other races, claiming they would dominate the labor market (2013, 9). Australia, then, immediately looked to the law to enshrine the exclusion of ‘inferior’ races. The racialization of immigration culminated in the White Australia Policy of 1901, which began with the Immigration Restriction Act of 1901. From 1901 to the 1970s—the period of time of the White Australia Policy—immigration control was used as a way to engineer a White

Australian society that retained a British character as it continued under the aegis of the British Commonwealth. The Policy therefore had several key features: Aboriginal natives of Asia, Africa and the Pacific were kept out, even though they were not mentioned in legislation; all white British subjects (including the Irish) entered freely and only controlled if there were criminal reasons; New Zealand citizens continue to have this right; Non-British ‘aliens’ were admitted but could be subject to ad hoc restrictions aimed at controlling numbers; refugees admitted from specific situations and in numbers controlled by Commonwealth, constituted the largest intake between 1947 and 1952 (2007, 15).

This federal government law prioritized British migrants over all other migrants from 1901 to 1940. During the Second World War, Prime Minister John Curtin reinforced the policy, saying "This country shall remain forever the home of the descendants of those people who came here in peace in order to establish in the South Seas an outpost of the British race.” Early versions of the Act barred non-Europeans from migrating to Australia, which scared the British government who feared that this would offend their subjects in Colonial India and allies in Japan (Jupp 2007, 10). The Government, under Edmond Barton removed this wording and implemented in its place a 50-word dictation test in any European language for all non-European immigrants, which was virtually impossible to pass for Asian immigrants. Immigration officials were given discretion to deny entry to anyone who did not pass the test.
Immigration officials were given the power to exclude any person who failed to pass a 50-word dictation test. At first this was to be in any European language, but was later changed to include any language. The tests were written in such a way to make them nearly impossible to pass. In 1901, the Australian Parliament passed the Pacific Island Labourers Act of 1901, which deported 7,500 Pacific Islanders working on plantations in Queensland, and which prohibited entry of Pacific Islanders beginning in 1904. The Post and Telegraph Act of 1901 required mail carriers to and from Australia to only employ white people. The Naturalization Act of 1903 excluded all non-European immigrants from becoming naturalized British subjects, and restricted them from bringing their spouses and children into the country. Through this cluster of policies, the White Australia Policy marked a watershed moment in the legal exclusion of non-white subjects from the polity and also laid the foundations for using immigration law as a way to control who received government employment.

Assisted passages were abolished in 1982 by the Fraser government as they had become very expensive especially in the peak years of the 1960s. There was also less of a need to encourage immigrants into society which no longer had full employment (Jupp 2007, 17). In 1975, the Whitlam government reduced intake to the lowest level from 1948 to 2007. From then on...
on European migration came from Britain and from Yugoslavia. Parliament passed the Immigration Restriction Act, which remained in force until the Migration Act of 1958 (2007, 9), which required ending permits for aliens. Jupp writes:

The pretence of labour protection or cultural inferiority was replaced by an argument for social harmony. It was claimed by ministers and their apologists that to bring into Australia anyone who looked different would provoke social unrest in a totally homogeneous white British society. The example of the United States was regularly quoted. With the arrival of West Indians in England and rioting in London and Nottingham in 1958, the British example...became more popular. Official policy endorsed popular prejudice through the idea that more immigrants mean more of a threat to national harmony. Exceptions were made for temporary residents and tourists, but they were not allowed to remain permanently and were few in numbers. Towards the end of the White Australia Policy, non-Europeans were denied naturalization or could only get social security after living in the country three times as long as anyone else. As unnaturalized ‘aliens’ they were frequently denied welfare services or licenses (2007, 11).

In 1972 under the Whitlam government, the Act was amended to say that race, colour, or creed would no longer be a basis for immigration control. No change in legislation was needed (2007, 11). 13 Once race had been removed as a criterion for entry, language became a central metric for deciding entry for policymakers. By the mid-1970s, twenty-five years of post war immigration had resulted in several migrant communities who spoke “languages other than English” (LOTEs) (2007, 23). These languages were seen by public agencies as a basis for ‘ethnic groups’ along with traditional birthplace figures which had been recorded from as early as 1846. Policies were developed for those of “non-English-speaking backgrounds” (NESB 1) and their locally born children (NESB 2). These terms were based on a ‘deficit’ approach which says those not fluent

13 Britain had usually been the source from which Australia sought to build its population; it contributed the largest single national group of immigrants each year from 1788 to 1996 when it was replaced by New Zealand and again from 2003. Until the 1960s it normally supplied at least half of the intake. Between 1949 and 2001, it provided 32% of all immigrants, although this moves from a majority to a small minority over that period. The other major sources were the large number of Displaced Persons in European camps and southern Europeans who had been barred from the US until 1965. Post-War Minister for Immigration Arthur Calwell who was competing with the US and Canada, organized the selection of 170k Displaced Persons to be accepted into Australia (not British people). The Displaced Persons intake laid the foundations for multiculturalism in Australia even while official policy favored rapid assimilation. In 1947, ethnic and immigrant proportions were at lowest level before or since. During this time Italians and Greeks increased; Netherlands-born population; and German-born population (Jupp 2007, 13). The Commonwealth took control of immigration in 1901, but administrative control remained with states until 1920 upon which time Commonwealth took control.
in English needed compensating for the ‘barriers’ which prevented their full participation in society (2007, 23). By 1976, Australia was a multilingual society and needed services to accommodate its diverse population, which marked the beginning of culturally competent services. However, the 1970s were also marked by assimilationist projects (24).

In focusing on this trajectory, I show the extent to which migration to Australia has historically evoked an existential question that goes to the very fabric of the nation-state itself as a white nation state with a British character. It is not only that migrants represented potential and quantifiable threats to jobs, safety, or culture. Their very presence has represented a sign that Australia itself, in the way that it was imagined as a predetermined white state, was in peril. Thus, situating the governance of migrants as an avenue to determine access to other economic rights and opportunities can be traced back to the consolidation of the White Australian nation state.

**Governing Migrants through Contemporary Border Control**

Border control policies in Australia have been based on understandings of migrants as challenges to the social fabric. Thus, those migrants and refugees who have resettled have often been met with assimilation projects in the realm of social welfare, especially in recent years. Many studies have shown how immigration policies that deter asylum seekers from taking potentially life-threatening journeys by sea or foot are framed as forms of ‘benevolent intervention’ or care (Cabot 2015, Fassin 2012, Ramsay 2017, Ticktin 2011). While many studies show how migration policy itself explicitly excludes through these logics of benevolence at the border itself, this dissertation seeks to understand how exclusion, and the logics of border control, function in the realm of social welfare for those who have already made the migration and resettlement journey. I look at how social welfare is functioning as a technology of
governance via assimilation in Australia. Discourses of social and cultural assimilation, as Saundel Sanchez points out, function to interiorize what are exterior borders (Sanchez 2019). In doing so, I situate social welfare as always having been a part of Australia’s ongoing settler colonial project (Hage 2000, Povinelli 2002, 2006, Kowal 2015). As Lisa Stevenson has noted, humanitarian reason in settler colonial contexts has never really been separate from the state’s vision for the polity and how the state manages who belongs. As Miriam Ticktin has shown, feminist social welfare projects for immigrants in France function not only to address human rights and sexual rights of immigrants themselves, but also help to define the parameters of the French nation-state as well as who is included and who is excluded, culturally, racially, and legally, and thus sit in close allyship with the language of border control (Ticktin 2008). Here, I show how this logic is also locatable within institutions that are not only tasked with providing immediate care and relief, but which are also tasked with preventing violence.

*Social Welfare and ‘Anti-Social Behavior’*

While Australia shares many institutional similarities to the American political system, its social welfare model differs greatly from the former. Social welfare has been a part of Australia’s model of governance since the early twentieth century. It is through government-sponsored programs that most citizens and temporary residents have access to basic social services, education, and medical care. For migrant communities, access to social services carries with it certain conditions. In recent years, for migrants who have applied for a humanitarian visa or have filed an asylum claim and are on temporary ‘bridging’ visas, there are another set of conditions they must fulfill in order to avoid being deported. In 2013, the *Anti-Social Behaviour Code* went into effect, which makes asylum seeker temporary visas and monthly Centrelink (also known as government welfare benefits) payments contingent on their adherence to certain
comportment in public and private. One part of the code requires a commitment to not “harass, intimidate or bully any other person or group of people or engage in any antisocial or disruptive activities that are inconsiderate, disrespectful or threaten the peaceful enjoyment of other members of the community.” In an explanatory memorandum for the code, the government stated that it had “become increasingly concerned about non-citizens who engage in conduct that is not in line with the expectations of the Australian community. The objective of this proposal is to ensure the safety of the Australian community and to preserve those rights owed to Australian citizens.” Here, migrants are explicitly situated as potential security threats to Australian society.

In addition to now being enshrined in the law, the concept of anti-social behavior as a key metric for eligibility for social welfare and eventually citizenship, has been used fairly loosely by the Immigration Minister and the Department of Home Affairs (DHA) (which does initial review of asylum seeker applications), as well as the appeals division of DHA, the Refugee Review Tribunal (RRT), in reviewing asylum applications. Anti-social behavior carries a distinctly racialized angle, in that it has been used to describe the behavior of certain types of migrants, such as South Sudanese young men, who in Victoria, are often associated with violent gangs that are said to pose a public safety threat, as well as Muslim men who are seen as prone to recruitment in extremist religious groups. Anti-social behavior has been used as an umbrella term by DHA and RRT to refer to primarily male asylum seekers from the Middle East, South Asia, or Africa deemed in need of policing and discipline by government authorities.\footnote{Efforts around preventing violent extremism have significantly increased since the mid-2000s, and many of these prevention initiatives were outsourced to state and local law enforcement and local religious councils. In 2017, Victoria’s government in particular developed a plan to counter violent extremism among Muslim youth, investing $9.4 million. The program Countering Violent Extremism was headed by federal government and recruited local religious leadership and communities to work with Muslim police officers to dissuade youth from following a fundamentalist version of Islam and to instead focus on education and community building. Muslim Australian women were seen as key players in both of these initiatives. As social scientist Shakira Hussein notes, “With Muslim men perceived as embodying a dysfunctional masculinity, women have assumed a vital role as bearers of identity and defenders of communities” (Hussein 2016, 9).}
Anti-social behavior as it appeared in both law and public discourse, came to inform the agendas, and research of social welfare programs, in particular family violence prevention services already providing culturally sensitive services. Reports were commissioned around how religious extremism causes or informs patterns of family violence in “CALD” communities (AMES 2017, Rossiter et al 2018, Thronsen et al 2012, Timshel et al 2018, Vaughan et al 2016). While the reports were framed as family violence in refugee communities and not framed as driven by an exclusive focus on Muslim communities, the examples and the research groups they used were primarily Muslim migrant communities. As a result of these reports, Muslim migrant men were framed as prone to family violence due to their susceptibility to religious extremism. Family violence prevention services, then, were one of the first spaces in which immigrants and refugees were told not to engage in anti-social behavior in the name of not only their own welfare, but also in the name of being good Australian citizens, or at the very least aspiring ones. As a result, family violence prevention practitioners were trained to look out for signs that the men in a family were religiously extreme or radical. While they were not necessarily tasked with reporting these findings to what was then called the Department of Immigration and Border Protection (DIBP), they were tasked with linking the signs of religious extremism to signs of family violence. The linking of these two logics was a key way that family violence prevention absorbed the logics of assimilation that DIBP had been using to filter out acceptable from unacceptable migrants. In other words, the family violence prevention arm of social welfare became increasingly concerned with how well migrants were or were not assimilating into Australian life. Family violence prevention increasingly focused on teaching migrants what was allowable by law, what constituted Australian cultural mores, and how incidents of family violence could jeopardize their citizenship status.
Forced Marriage as a Culturally Specific Expression of Family Violence

How forced marriage has become framed as a cultural pathology is closely linked to how violence has been framed as ‘intervenable’ in different stages. According to Victoria Health, each type of prevention intervenes at a different point in a given sequence of violence:

- An intervention that occurs before violence occurs with the aim of preventing such violence from ever occurring is classified as primary prevention.
- Secondary prevention or early intervention is aimed at specific individuals or groups who show evidence of becoming perpetrators or victims of sexual violence. The aim is to target certain behaviours before they become established.
- Tertiary prevention describes responses that occur after sexual assault that deal with the immediate and the long-term impacts of sexual assault for victims (VicHealth 2007).

Forced marriage prevention is rooted within primary and secondary prevention techniques. It is primary prevention that tends to approach the pre-emptive disposition forced marriage prevention because it does not require any metric or systematic collection of evidence to justify its intervention. As Mary Douglas has written in characterizing contemporary liberal democracies’ strategies for managing different ‘risks’ to the population, the hierarchy of potential threats or dangers in the ‘risk portfolio’ of individuals, groups, or cultures at a given moment is rarely related to the actual probabilities of them inflicting injury (Douglas and Wildavsky 1983).

In the 1990s, the notion of culture as a framework for accounting for why violence occurs within particular communities gained a great deal of traction. The idea was that cultural competency would help overcome social welfare’s sordid history of ignoring and in fact extinguishing the cultures of Indigenous communities, resulting in the Stolen Generations. Culturally specific services would allow communities to more openly report instances of domestic violence without fear of police involvement, and that victims and their children would
feel more open to leaving violent situations if they knew that there were refuges and caseworkers who were familiar with their language and certain cultural norms.

However, the popularization of the notion of "cultural competency" in social welfare initiatives, especially those directed at immigrants, has led to critiques of the essentializing of "culture," and conflating culture, "race," and "ethnicity" (Andoche 2001; Fassin 1999, 2000; Ong 1995; Rechtman 1995; Santiago-Irizarry 2001, Sargent & Larchanché 2007; Watters 2002). Critiques of cultural competence models have concentrated on the following (Carpenter-Song et al. 2007): the tendency to reify culture as fixed and static (Jenkins & Barrett 2004, Shaw 2005, Taylor 2003); the identification of cultural difference as social deviance, distinguished from the white middle-class norm (Deinard & Dunnigan 1987, Lambert & Sevak 1996); the risk of underemphasizing class difference; the attribution of the patient's culture as a barrier to effective treatment, which changes culturally normative behavior into psychopathology (Kleinman 1988, Santiago-Irizarry 2001); and the failure to acknowledge structural inequalities, including the power imbalance between clients and physicians (DelVecchio Good et al. 2003).

Within Australian family violence prevention, culture was not only seen as something that needed to be accommodated within individual victims, but it was also seen as a framework for community identity. In this logic, victims became representative of their communities, and cultural identity came to be seen as both a way to explain unhealthy family relationships and a barrier to healthy family relationships, and as the cause of migrant families’ deviation from social norms (Povinelli 2002, 2006, 2011). Not only, then, was culture accommodated through bicultural workers, translation services, and a recognition of the struggles typical to certain cultural communities, but it also became the lens through which to understand victimhood itself.
as indicative of a deviation from social norms and by extension the laws that formed to cement them.

Family violence prevention agencies conducted several research projects that aimed to show the role of culture in migrant communities suffering from violence. These projects contributed a new corpus of knowledge around how particular cultures were associated with specific types of violence by both government-funded and non-government funded organizations, such as the Australian Institute of Family Studies, the Australian Institute of Criminology, and the Domestic Violence Resource Centre-Victoria. Thus, culture went from being seen as a barrier to seeking help to a barrier to victims’ families’ capacities to live and properly integrate within Australian society itself. It is in this landscape that the creation of services around forced marriage was seen as an extension of culturally competent social welfare. Forced marriage for example, was seen as typical among households with family members from Afghanistan, Pakistan, Lebanon, Iraq, and South Sudan, whereas dowry abuse was associated with families from India, and female genital cutting with those from Somalia.

Much research has looked at how multiculturalism, assimilation, and criminality come to inform resettlement efforts for both recently arrived and resettled migrants (Ameeriar 2012, Besteman 2016, de Koning 2019, Fernando 2014, Inhorn 2019, Mohiuddin 2017, Naber 2012, Ozyurek 2015, Rexhepi 2016, Weston 2008). Many studies have shown how multiculturalism often falls short of its ideals—to accept difference and include people of different ethnic and racial backgrounds into the social polity—in favor of policies that reproduce cultural essentialism. However, how multiculturalism as a guiding principle in social welfare already is premised on the idea that migrants represent a potential deviation from the social order has gone minimally questioned. By virtue of privileging Australian values as the common aegis for society
and migrant difference as either adhering to that common aegis or not, the assimilationist pillars of multiculturalism remain. When multiculturalism is applied in a family violence prevention setting, the intimate familial practices of migrants that deviate from currently existing law or typically recognized social norms, are already seen as culturally conditioned, and by extension, static, intrinsic, and therefore in need of special legal regulation.

Multiculturalism, according to Hage was a reaction to the growth of migrant communities, rather than a liberal principle that on its own generated a diverse society (2011, 1). As such, it is very limited as an anti-racist policy and never actually ceases to reify the idea that white Europeans’ have first claim on the nation (2011, 6). Multicultural governance then has always been undergirded by the philosophy of assimilation. All government documents on multiculturalism value diversity but with conditions that diversity cannot happen at the expense of Australian core values. “Assimilationism, therefore, always existed as a disciplinary technique which was deployed specifically to ensure that the diverse cultures that were integrated into the multicultural fold were ‘good to integrate and be multicultural about’ in the first place” (2011, 11). Ungovernability then, is not simply a quality one possesses, but what capacities the subject possesses, qualities which make them exceed the governing tactics of the state.

Multiculturalism, then, is not only a system of cultural recognition, and of determining who has inhabited their cultural subjectivity authentically for the purposes of political claims (Povinelli 2002). In the case of migrant-targeted social welfare, multiculturalism becomes a way to know and explain the intimate socialities of the Other for the purposes of determining who has shown themselves to be non-criminal, and therefore governable and assimilable and has earned the benefits of Australian citizenship. While research has shown how policymakers and legal practitioners debate the legitimacy of the ‘culture defense’ in criminal cases (Kahan 2010,
Kymlicka, Lernestedt, and Matravers 2014, Mendolsohn 2004), less has been discussed around how cultural diversity itself as a technique of governance can also produce panic about imminent criminal activity. Criminalization, in Victoria’s family violence prevention sector, has gone hand in hand with a recognition of cultural diversity. Family violence prevention, as I show in this study, lies at the intersection of these three logics and is an expression of how they both work together and bleed into each other.

**Multiculturalism and Citizenship Today**

Australian multiculturalism was first defined by the Australian Ethnic Affairs Council report of 1977, *Australia as a Multicultural Society*. Multicultural policy began with the Whitlam government and the Labour party in Melbourne, as well as the Liberal and Labour parties of Victoria more generally. Through the next 20 years, the definition of multiculturalism was handed down through committees but never actually substantially critiqued. One definition, proposed by Zubrzycki and Martin, read as follows: “What we believe Australia should be working towards is not a oneness, but a unity, not a similarity, but a composite, not a melting pot but a voluntary bond of dissimilar people sharing a common political and institutional structure.’ (Jupp 2007, 86). With this cultural pluralism approach, the Australian Institute of Multicultural Affairs was created in 1979 to develop an awareness of various cultures to promote tolerance and

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15 Australian multiculturalism, unlike Canadian multiculturalism, was initially exclusively concerned with immigrants. Indigenous Australians were not included in this discourse until 1989. Religious minorities were typically excluded as well. According to Jupp, “The basic question asked in Australia was how to ensure that non-British immigrants were integrated into Australian society. While policy development by 1982 argued that ‘multiculturalism is for all Australians,’ this was never effectively implemented or understood” (2007, 84). This is quite different from multiculturalism in the US which has tended to use the juridical system to determine human rights and cultural relations. While in the US critiques of multiculturalism tend to focus on cultural relativism, in Australia arguments around cultural relativism have been more prevalent in relation to Indigenous communities rather than migrant and refugee communities. Overall, according to Jupp, Australian multiculturalism puts less emphasis on civil rights and constitutional protections than the American brand and less focus on cultural maintenance than Canada.
a cohesive Australian society. This would be achieved by advising the Commonwealth government, commissioning research, and making information available to the community, as well as conducting educational activities (2007, 88). The report titled *Multicultural Australia: The Next Steps* was a move beyond the original 1989 multicultural agenda. The report was one of the most radical in its policy proposals. It was supported by research data comparing native-born English-speaking and non-English speaking immigrants and indicated a growing proportion of the Asian-born population (2007, 92). Here, it is important to point out that Australian multiculturalism grew out of a concern with the proper settlement of refugees who had been awarded permanent residence rather than with servicing asylum seekers and others with temporary visa status (2007, 93). In that sense, it was initially geared to those whose pathway to citizenship in Australia was already secured. A shift in priorities in the Hawke-Keating administration from 1983 to 1986 shifted the focus of multiculturalism to Indigenous issues and to the work of Indigenous Commission and the Land councils. While the multicultural agenda of 1989 did include Indigenous people within its compass, control over this transferred from the Office of Multicultural Affairs to the Department of Immigration (2007, 99). In recent years, the goals of multiculturalism have been extended to include Indigenous people, immigrants, women, the disabled, queer people and any other disadvantaged groups (2007, 100). Multiculturalism in its initial iteration, therefor, at the national level has had little to do with culture and more to do with immigrant settlement. It was considered a ‘gentle form of assimilation and incorporation’

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16 Multiculturalism as a public policy has survived many attacks. It was criticized for conveying no meaning or for being bureaucratic or alienating. Basing policy on ethnic diversity was seen as divisive. Terms like ‘ethnic’ or ‘NESB’ were questioned from the Labour side of politics. Multiculturalism itself was a banner behind which there were many who opposed the conservative attack. The 1999 agenda, devised by a conservative council, kept the term, and renamed it ‘Australian multiculturalism.’
The Galbally Report was a key moment in Australian multiculturalism. The principles of the report were the following:

1. All members of our society must have equal opportunity to realize their full potential and must have equal access to programs and services;
2. Every person should be able to maintain his or her culture without prejudice or disadvantage and should be encouraged to understand and embrace other cultures;
3. Needs of migrants should, in general, be met by programs and services available to the whole community but special services and programs are necessary at present to ensure equality of access and provision;
4. Services and programs should be designed and operated in full consultation with clients, and self-help should be encouraged as much as possible with a view to helping migrants to become self-reliant quickly.

The Galbally Report was significant in that it focused on access to specific resources and rights, without making this access contingent on subscribing to any cohesive notion of Australian values. Following the Galbally report, assistance was given primarily to non-British migrants. It focused on the provision of migrant settlement services by the Commonwealth and non-government agencies. While it is important to point out that Australia’s experience with multiculturalism has been quite distinct from that of Europe, in both contexts, multiculturalism has served as a way to manage diversity, and to distinguish White society from cultural others, who despite the recognition afforded to them through multiculturalism-informed social policy, are read as governable or not through their different socialities.

When it was applied to Indigenous issues, multiculturalism became more clearly connected to the management of difference and thus a cohesive set of Australian values, than its initial formation. According to Elizabeth Povinelli, multiculturalism as it applied to Indigenous affairs was designed to represent a political testament to the nation’s aversion to its past misdeeds, and to its recovered good intentions. In short, rather than just some general

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17 The development of the idea of ‘productive diversity’ also emerged during this time. The discussion was moved to settlement and welfare issues and toward the contribution that a multilingual or skilled immigrant workforce could make to the Australian economy.
acknowledgment of shameful past wrongdoings and some limited tolerance of present cultural differences, Australia has, through multiculturalism, putatively sought a more radical basis of national unity. In state and public discourse, the Australian nation aspires to be ‘truly multicultural’ (Povinelli 2002, 18). Povinelli suggests, that through moments like Mabo v. Queensland which erased the idea of Terra Nullius and made space for Indigenous land rights claims, Australia performed a collective moment of shame and reconciliation. The nation would not only be liberated into good feelings and institutions but also acquire greater respect in the global community and in the Asia-Pacific region (2002, 18).

Constructions of Muslim Migrant Criminality in Australia

In Australia, Muslims have a fraught history. Muslims began migrating to Australia since the 1800s. Most were recruited from Afghanistan to help construct Australia’s intra-national railways system, which was key in the development of national trading posts between the north and the southern part of the country. Beginning in 1862, Afghans were first recruited as migrant laborers to help in the construction of Australia’s Overland Telegraph Line and the South Australian national railway. Known as the “Pilots of the Desert,” or the “Afghan camelmen,” Afghan migrants carried supplies on camel to aid infrastructure projects throughout the Australian outback and to guide European explorations of Australia’s interior. Despite their 

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18 In 1992, Eddie Mabo v. the State of Queensland was a key case in which the High Court of Australia overturned the doctrine of that Australia was terra nullius (a land belonging to no one) at the point of settlement and ruled that Aboriginal Australians had and retained native title interests in the law. In another ruling (The Wik People v. the State of Queensland, 1996), the court ruled that granting of a pastoral lease did not extinguish native title. In 1993, in response to Mabo decision, public pressure and its own politics, the Labour government passed the federal Native Title Act which legislated mechanisms by which Indigenous groups could claim land (2002, 39). According to Povinelli, the High Court decision and the public statements supporting it drew upon the idea of a society that was well-intentioned. The idea that prevailed in addition to the decision itself was that changing attitudes and legislation was enough to undo any potential abuses of the law and the public. “The potential radical alterity of indigenous beliefs, practices, and social organization was not addressed. Instead the court decision and the public discourse surrounding it urged dominant society on a journey to its own redemption, leaning heavily on the unarguable rightness of striving for the Good and for a national reparation and reconciliation” (2002, 163).
contributions, these migrants were relegated to live in towns (known as “Ghan towns”) separate from both Europeans and Aboriginal communities. Many of these immigrants were forced to return to Afghanistan following the White Australia policy in 1901, which refused naturalization under all circumstances. Many in fact turned to marriage with Indigenous women in order to heighten their chances for citizenship, a striking parallel to how migrants are turning to overseas marriage today.

Migration from Muslim countries between the early twentieth to the mid-twentieth century was fairly slow. In the 1970s, Lebanese refugees also sought asylum due to the fallout of the Arab-Israeli War of 1967 and the Lebanese Civil War of 1975. These communities made fairly stable lives within Melbourne, Sydney, and other coastal cities, through the help of various government programs. In the late 1980s, refugees from Afghanistan fled to Australia as a result of the Soviet-Afghan War. While these communities certainly faced discrimination in housing, employment, and in everyday life, as well as racialized policing, it was following the events of 9/11 that Muslim migrants, whether those who were already citizens, asylum seekers, skilled migrants, or those who had refugee status, became vilified in ways that were more explicitly enshrined into Australian law. As Scott Poynting and George Morgan point out, Islamophobia is now a global phenomenon, a reflection of a transnational moral panic in Western liberal democracies’ response to increasing migration from the Muslim world (Poynting and Morgan 2012).

In a post-9/11 Australia, Muslim communities have been constructed as a national security threat. This framing has been applied toward Muslims who have lived in Australia for multiple generations and those who have recently resettled there. The early 2000s marked a shift in Australia’s approach to border control, which began to intensify the military presence in
Australia’s maritime border region and privatized offshore detention. Australia pre-emptively took steps to secure its border in unprecedented ways in response to increased migration from Muslim countries. This was primarily due to the fallout of the newly commenced wars in Afghanistan and Iraq. In 2001, the Howard administration decided not to accept a stranded boat of asylum seekers from Afghanistan, Iraq, and other Muslim countries into Australian territory. Howard (2001e) declared: ‘We cannot allow situations to be created where we run the risk of losing control of our borders and losing control of our undoubted ... right to control who comes to this country’ (Michael 2009). They also implemented the Pacific Solution in 2001, a government policy designed to reroute asylum seekers to offshore detention centers in Manus Island and Nauru, but also consisted of three strategies that militarized border control and made asylum seekers increasingly invisible to the general public. The Pacific Solution removed thousands of islands from Australia’s migration zone, making them ineligible as legitimate ports of entry for asylum seekers. The military also began Operation Relex which intercepted maritime vessels that had asylum seekers, then rerouted them to Nauru and PNG while they awaited the status of their claims. The idea of Australia as a bordered island continent, sacred in its remoteness, became particularly pronounced during this period, not only in its border policies, but also in the way that resettled refugees and more long-term generations of migrants were being treated.

Border control logics under Howard also coincided with political rhetoric that saw Muslim migrants, including those who had already been in Australia for decades as particularly threatening to Australian values. Under the Howard administration, Australia commenced its participation in the War on Terror led by the United States in Afghanistan. Howard would often discuss the importance of preserving the ideals of Australian values, which were threatened by
extremist Islam. As Ghassan Hage has written, these values were signified by racialized notions of Australia as destined to always be a White-majority nation, in which White Anglos would occupy national space (2000). White society’s conception of who Indigenous and migrant people were, constitutes what Hage calls “ungovernable populations” (2011). Migrant populations became the “‘ungovernable’ of assimilation policy in that the tools made available to the government as it was oriented by assimilation could not even define the ‘problem’ of ‘ethnic communities’ conceptually, let alone deploy its apparatus to govern it” (2011, 2). Muslim migrants are seen as ungovernable due to a number of reasons, including what Hage calls “serious religiosity”; looking to Islam as a space of protection from racism when multiculturalism cannot adequately deal with racism. While Hage’s analysis of ungovernability has characterized the way Australia has approached migrant communities historically, the contemporary landscape within the space where social welfare meets migration has a slightly different perspective on the governability and by extension, the assimilation of migrants.19

While some have argued that the co-construction of Muslims as barbaric and Western liberals as enlightened helps to construct Muslims as unassimilable Others who require immediate intervention (Abu El-Haj 2010, Brown 2006), I show that in this case, Muslims—in particular Muslim female citizen youth—are treated as in fact carrying the potential to assimilate, and in fact the potential for governability. However, in being constructed as such, they are being assigned the responsibility to assimilate, and by extension, criminalized for not doing so. So, while they are not explicitly being framed as ungovernable, they are increasingly being framed as criminal. Many studies have shown how Muslim migrants are treated as threats to the sanctity and sovereignty of the nation-state through their intimate family practices and bodily practices

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19 Similarly, Cristina Giordiano has shown how the foreign other is seen as ‘indigestible’ and how institutions attempt to make her recognizable, includable, and digestible (2014, 7).
(Ameeriar 2012, 2017, Hodžić 2019, Lo 2015, Mahdavi 2016). However, there is minimal scholarship on the ways in which Muslim migrants become knowable as a social problem to the state. Forced marriage prevention is part of a longer legacy of legislative interventions designed to manage and account for migrant difference in Australia and make such differences increasingly governable.

In global landscape which saw Muslim women as both victims of patriarchal cultural communities but also the subjects with whom the reform of Muslim masculinities could begin, Muslim women tended to be the subjects through which legislation targeted toward reforming social and cultural values was constructed. The Muslim woman as both knowable through her body and outward dress, became a proxy for how religiously conservative all Muslim communities were. She was, as a wealth of scholarship has shown, a victim of her patriarchal, misogynist culture, who needed to be rescued by the humanitarian state (Abu-Lughod 2002, 2013, Grewal 2013, Khan 2003, Mohanty 1984, Razack 2004, Sharma 2010, Ticktin 2008, Volpp 2001, 2011). The idea of the Muslimwoman herself is tied to the racialization of Muslim migrants, and the way in which European, North American, and the Australian nation-states position migrants as threats to liberal ideals and to security itself (cooke 2007). As scholar of Islamic feminism miriam cooke notes, the term “Muslim woman” has become a kind of catchall unified phrase, perhaps best spelled out “Muslimwoman,” whose body by definition is seen as concealed, oppressed, and whose sexuality is the foremost measure of her freedom (cooke 2007). In fact, as some scholars have argued, the idea of national security, the Muslimwoman, and religious extremism, have co-emerged together in the wake of 9/11 as a turning point in how migrants within and without the nation-state are situated by the state—as knowable only through
whether they are conforming or not, religious or not, threatening or not (cooke 2007, Khan 1998, Maira 2009, Mamdani 2004, Shehabuddin 2014).

It is important to mention that in general social welfare programs aimed at Muslim migrants in Australia have been gendered in their topical focus. Social welfare programs tend to focus on empowering Muslim women, addressing gender-based violence in CALD communities but which tend to focus on what have in other spaces been framed as “Muslim” issues, such as female genital cutting (FGC), forced marriage, dowry abuse, and honor-based violence in general. Programs for women tend to focus on self-empowerment, and how to see oneself as at risk of being a victim of these practices within their own families. Programs for Muslim men tend to focus, however, on religious extremism, how to be more ‘responsible’ community members, and how to better follow Australian law, as well as how to be more respectful fathers and husbands. Religious leaders have also been pinpointed as key figures in the family violence prevention sector, partnering with local city councils to produce strategies for countering family violence within Muslim communities. There is much ethnographic research on anti-extremist initiatives within migrant communities and how they alienate communities more than helping them feel a part of the political and cultural life of the nation-state (Akbarzadeh 2013, Bonino 2012, Rana 2016). Family dynamics, then, become objects of state concern within a landscape that has already painted Muslim migrants as socially incommensurable with Australian values. While policy discourse paints Muslim migrants as such, practitioners in family violence prevention did not simply replicate state discourse—in fact, they did not approach their subjects as overdetermined by their countries of origin or their citizenship status. However, they were caught in a system that put them in positions that required such racialized and essentialized judgments. The state in this case is not limited to policymakers and parliamentarians. The state is
a diffuse apparatus of power that does situate forced marriage as a problem but does not fully set
the terms of how prevention should be carried out.

The relationship between the state as the guardian of national security and Muslim
communities as potential threats to this security rely on a particularly gendered understanding of
Muslim community dynamics as inherently misogynist, patriarchal, and coercive toward Muslim
women. However, in liberal democracies today, Muslim men’s misogyny is not just a problem
for Muslim women, but it is also a signal to the state that the ideals of liberal democracy itself
are directly violated by Muslim socialities. A key way this logic manifests in forced marriage
prevention is through how practitioners centralized victims’ Australian citizenship status as a
reason for why forced marriage was a particularly violent act.

**Marriage as a Dense Nexus Point of Liberal Values**

In Australia, as in most liberal settler colonial states, marriage is a key social institution
through which access to rights and resources are ensured. The history of kinship studies in
Anthropology is filled with examples of how marriage functions as a technology for
dis(enfranchisement) and governance of the flow of resources and the enactment of full
personhood. Both older studies in Anthropology (Yanagisako and Collier 1987, Lévi-Strauss
1949) and contemporary studies (Basu 2015, Borneman 2001, Mahdavi 2016, Rubin 1981), have
shown this. Until recently heterosexual marriage was the primary institution through which rights
around inheritance, the passing on of citizenship, and guardianship over children were ensured.
Marriage—its participants, the forms of intimacy allowable within it, its reproductive orientation,
is a way to access multiple rights and resources. However, the Australian state has been
legislating around marriage since its inception, not as a way to protect the capacity to consent,
but to protect the social makeup of the white settler polity, which resulted in the removal of
choice in marriage from multiple minoritized communities. Examining the state’s legislating around marriage is a lens through which to understand which socialities and kinship formations were deemed important to the Australian settler colonial project.

The racial purification of heteronormative marriage was key to ensuring that white Anglo Australians would maintain the purity of the white state (Bonds and Inwood 2016, Yue 2012). The social engineering of Australian society as a white society was a key objective of legislation around marriage in the mid-19th century. For example, laws banning miscegenation between white Anglo Australians and Indigenous peoples were framed as preventing the tainting of Australian children with Indigenous blood in the future. According to Dierdre Howard-Wagner, Section 127 of the Constitution declared that Indigenous people would not be counted in the census. The exclusion of Indigenous people from the Census meant that they were ‘wards of the state and subject to the laws of those states.’ It is in this context that debates about miscegenation emerged. While some saw miscegenation as a solution to the race ‘problem,’ other administrators in more remote parts of Australia with large Indigenous populations saw miscegenation as a threat to the ideal of White Australia. Cecil Cook, an administrator of the Northern Territory, for example, wrote that it would “be a matter of only a few decades before the half-castes equal or exceed in number the white population” (2013, 233). Cook noted that steps needed to be taken to “limit the multiplication of the hybrid coloured population” (2013, 233). According to Howard-Wagner, Aboriginal protection boards also assumed the authority to keep Aboriginal children away from their natal families and make them wards of the state and place them on reserves. In this new system, miscegenation was ensured against (2013, 233). When Australia was a penal colony, the government regulated who the majority of white Australians could marry. Governor Philip was keen on creating a native Australian yeomanry.
Those convicts who had good traits were deemed fit to marry. Eventually, when Arthur emphasized convicts have industrial rather than agrarian values, he would reward convicts by giving them the permission to marry. Marriage was seen as a right that was earned. But this period shows that the state was also at some point guilty of forcing and coercing its subjects into marriage. In the 1860s in Victoria and culminating in the 1930s in West Australia and Queensland, authorities assumed ever more control of who Indigenous people married. Those who sought to marry other people resisted. In the 20th century, women fought for the right to marry whom they wanted without having to be bound to regulations around contraception, abortion, and divorce. Because of the White Australia Policy in the mid-twentieth century, Australian military personnel deployed in Japan were prohibited from marrying local Japanese women and from bringing them to Australia. The combination of Japanese with White Anglo blood was seen as corrupting and contaminating (Croome 2015).

The forced marriage legislation, while more heavily rooted within histories of family violence prevention and human trafficking legislation, also continues the legacy of legislating around marriage as a way to control who gets access to Australian citizenship. While the discourse of racial purity and whiteness is no longer enshrined in law, the idea of marriage as an avenue through which citizen girls could take advantage of the immigration system and give access to citizenship to migrants from the Muslim world who could be potential national security threats, and who would continue to import extremist religious ideals remains.

**From Multiculturalism to Social Cohesion**

Thus, it is not only what forced marriage signals about the intimate familial relationships of migrants that is of concern to the state, but how the marriage itself is being used to export threats in the form of migrant bodies, ideologies, and ways of life that are antithetical to the
Australian project of creating what policymakers have in recent times been calling a ‘socially cohesive’ society. The term social cohesion has in recent years, gained traction among policymakers and those who work on multicultural commissions and boards. It connotes the idea of living together with difference, but under a set of parameters set out by the state. It is invested in the idea that Australia is committed to a set of common goals and ideas, and that migrants in particular have to demonstrate and illustrate their commitment to those values.

The idea of social cohesion has been used to justify a more surveillant approach to citizenship. For example, in 2017, Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton proposed new reforms to the Australian citizenship test which would require migrants to answer a set of questions about their views on forced marriage, female genital cutting, and honor-based violence, in the name of social cohesion. These proposals are akin to reforms implemented by the Dutch government in 2006 which require potential citizens to watch educational videos and answer questions about their views on gay rights, topless beaches, in addition to their recent banning of the headscarf. The requirement to watch these videos was made in response to immigrants who were attempting to become citizens via marriage, and now require them to watch the videos from abroad as part of the civic integration examination.

While marriage itself is depicted neither as a pragmatic means for access to resources and rights nor as simply a conjugal expression of love in Australian law or in UN documents that discuss the right to consent in marriage, it is situated unequivocally as the product of two consenting adults who want to achieve a common goal through this intimate event. However, what makes consent to marriage particularly sacred is not how it is done but the nature of the event itself as inherently sacred. It is here that marriage, in being treated as a discrete ‘intimate event,’ is also implicitly treated as an expression of heteronormative love and all of the
obligations and power dynamics that accompany that. In situating love as an intimate event, liberalism secures the “self-evident good of social institutions, the distribution of death and life and the responsibilities for those institutions and distributions” (Povinelli 2006, 17). Here, through situating what form of presumed love are being threatened through forced marriage, the sector reifies itself as values-driven and abstracted from the logics of border control and citizenship. However, entry into marriage was intimately entangled with entry and acceptance into the nation-state itself.

Methods

This dissertation was based on a total of 14 months of fieldwork in the state of Victoria, which is located in southeast Australia. Taking place from October 1, 2016 to October 6, 2017, with preliminary fieldwork from May 2015 to June 2015, this project sought to produce a qualitative account of how the law and educational initiatives around forced marriage are being implemented on the ground. As such, it demanded a fieldwork approach that was multi-scalar (Delaney & Leitner 1997, Strathern 1991, Tsing 2005) and multi-sited (Marcus 1995).

I spent most of my time in either Melbourne proper or its suburbs to the north and southeast, areas where there are high populations of migrant and refugee populations and which have a range of programs around family violence prevention. These towns included Hume and Broadmeadows which are in northern Victoria, and in the south, Morwell, Sunshine, Noble Park, Dandenong, and Tempelstowe. Victoria was chosen as the state in which to conduct research because it is considered to have been on the forefront of the domestic violence and women’s refuge movements, and at the forefront of developing infrastructures for family violence prevention. Victoria also resettles the most of refugees per year (3,500-4,000) (“Refugee Status
Report”), and it was one of the first states to create a forced marriage network which brought together practitioners and experts from advocacy, casework, policymaking, and law enforcement.

This research was broken down into conversations with and participant observation of the work of different institutional actors who are key stakeholders within the forced marriage sector. Methods were focused on understanding the stated beliefs, techniques, practices, and social relations among the following actors: direct service providers, policy advocates, state and federal law enforcement, lawyers, victims/survivors of forced marriage or those who were at-risk of being forced into a marriage, and young adults from immigrant backgrounds who are currently grappling with the role of family in their intimate partner relationships. This kind of data enabled an understanding of how these actors are thinking about their work and their interactions with other actors, as well as how less conscious actions manifest through and because of the campaign around forced marriage. As such, these methods were attuned to how people think about their work in the everyday (Stewart 2007) as well as how different actors reproduce normality and regularity within their professions and social lives (Das 2007). In speaking with such actors, I was also concerned with the different structural constraints that shape what these actors can and cannot do and say in their respective professional and social environments.

In one aspect of research, I conducted close participant observation with and interviewed direct service providers, and policy advocates, young adults who were the children of recent migrants from the Middle East and South Asia, and a handful of victims or self-identified at-risk victims of forced marriage. I also attended 22 trainings and information sessions around family violence, as well as 19 trainings, meetings, and information sessions around forced marriage specifically. I interviewed 18 direct service workers and 12 policy advocates who work with social service organizations that focus on family violence and that are currently integrating
forced marriage within their organizational purview. These practitioners have been working to administer trainings about the law and the practice of forced marriage to immigrant women, educators, and community leaders within Victoria. Throughout my research, I sat in on, and at times participated in information sessions they provided to women in various suburbs, attending to how they framed the practice as a legal and social issue. I conducted interviews with staff members in order to decipher how they understood the forced marriage as a legal construct and mandate, and how it intersects with their own personal objectives to aid and educate local clients through culturally competent approaches. I also interviewed 11 migrant community leaders who are implementing forced marriage prevention education in their communities. These community leaders came from: Afghanistan, Pakistan, Iraq, and Syria.

I interviewed six lawyers who work on a range of issues from family law, to human trafficking, to asylum cases. For lawyers, I focused on how they understood forced marriage within a broader evolution of legal categories such as violence and coercion. In addition, I attended trainings around family violence led by state hospitals. These trainings were windows into how family violence is increasingly being treated as a public health issue, and what biomedical logics are at work in these framings. There was also insight into how forced marriage and particular familial configurations had consequences on people’s physical and mental wellbeing.

I interviewed and met with two Victoria State Police Officers and two Australian Federal Police officers to discuss the challenges of implementing the forced marriage law. Victoria’s Multicultural Liaison Officers (MCLOs), whose job is to serve as intermediaries between the police force and local immigrant communities, were key actors in this sector. Most MCLOs have built strong bonds with youth, women, and families in their assigned communities, due to their language skills and their shared religious and ethnic backgrounds. One MCLO focused on her
experiences responding to family inquiries about forced marriage in Dandenong which has a large demographic of Afghan refugees. I also observed two forced marriage awareness-raising training administered to a local high school by the MCLO. In speaking with two AFP members who are part of the Human Trafficking Investigative Team that look into reports of forced marriage, I focused on how they navigate the challenges of responding to forced marriage cases, especially with regard to locating evidence and what would count as a successful prosecution.

I also interviewed a small group of victims/survivors of forced marriage-like situations and young adults of immigrant backgrounds currently grappling with marriage and what their families’ role should be. While the study’s initial goal was to interview 10 victims/survivors of forced marriage, it was challenging to get access to potential interlocutors. There are strict protocols and mechanisms that govern with whom and in what spaces victims/survivors of forced marriage who are currently in various support programs, can have interactions and conversations. I was able to interview 4 young adult women who were very close to experiencing experience what would be classified according to Australian law as a forced marriage, whose families were from Pakistan, Afghanistan, and Iraq, and 2 young adult women who experienced family pressure when attempting to exit their marriages. I also interviewed 23 young adults of immigrant backgrounds who are currently grappling with the role of family in their future intimate partner relationships or have had experiences of family pressure in such relationships or during the dissolution of those relationships. Out of these 23, 4 were self-identified men and 19 were self-identified women. These conversations were insightful because they provided insight into how relationships are being thought about as both a partnership and a collective form of sociality, in which the role of family is being carefully curated by young people. This group represents a particularly interesting demographic because they are quite
aware of both the ways in which their upbringing reproduces notions of patriarchy that breed situations of familial coercion as well as how these forms of oppression are being used to frame their communities as backward and threatening to the social fabric. My conversations with this group is ongoing.

During semi-structured interviews, I used a digital voice recorder in order to establish a permanent archive of primary information that was only accessible to me (Bernard 2012: 227). For those interviews that were not recorded, I took a notebook and pen in order to note down points or moments that were particularly telling and that required follow up via secondary sources and/or follow-up interviews. Field notes were written on a daily basis after a full day of participant observation and/or semi-structured interviews. I focused on creating a comprehensive narrative of both participant observation sessions and transcriptions from interviews. These notes were written on a password-protected computer that was only accessible to me (Bernard 2006: 388; Miles and Huberman 1994). Post-fieldwork, I thematically coded participant observation sessions and interviews. I created codes in ways that appeared most natural to the dynamics observed in the field site (Miles & Huberman 1994). Text management was not used in place of my own form of coding (Bernard 2006: 406). Finally, I have gathered and analyzed news articles, opinion pieces, and peer-reviewed articles in the social sciences that relate to the topic of forced marriage, migration, Muslim communities, and family violence initiatives in Australia. The names of all individuals have been changed within my analysis, and the names of particular organizations have been left unchanged. This dissertation was also approved by the Institutional Review Board on Human Subjects Research at Rice University prior to the beginning of fieldwork in both May 2015 and October 2016, as well as the Ethics Review Board of Good Shepherd-Australia/New Zealand.
Dissertation Outline and Australia as a field site

Before I offer an outline of each dissertation chapter, I will explain (1) what brought me to this project, (2) why I chose Australia as my field site, and (3) how I see this project contributing to anthropology more broadly and policy debates more specifically. Prior to conducting dissertation fieldwork, I had a developed interest in how non-governmental liberal democratic projects designed to empower women draw upon discourses of humanitarian reason and crisis to make their case. My focus initially was on how these projects manifested in zones of conflict and political transition, namely Afghanistan. I pursued these questions through undertaking fieldwork with a women’s empowerment organization called the Afghan Women’s Writing Project (AWWP), which worked through a digital platform. My fieldwork with AWWP was formative in that it revealed how paradigms for women’s empowerment are mediated by policy agendas, media technologies, and contemporary humanitarian principles. Because I could not pursue fieldwork in Afghanistan due to the unstable security situation and I had already done volunteer work in the US with Afghan women and refugees, I was interested in understanding how empowerment projects were operating within other liberal contexts that were known for their progressive approach toward social welfare for refugees. Australia was a place I had taken an interest in for a number of reasons: its geographic remoteness had a significant impact on its self-conception as a migration destination and as a result, its policies toward migrants and refugees; it was often taken for granted in scholarly debates about refugee and migrant assimilation which tended to focus on Euro-American contexts; and it was a place praised globally for its comprehensive resettlement programs and devotion to multiculturalism but also condemned by the international community for its exclusionary border policies. Thus, I was interested in how empowerment initiatives for migrants from the Muslim world were extending
their ethos to those who were becoming part of the general population, namely first and second-generation migrants who had already resettled and were considered aspiring citizenries. I focused my project on family violence prevention, because it is a biopolitical project that on paper is geared to the general population, but takes on a particularly specific expression when it meets the lives of Muslim Australian communities. In recent years, Australia’s paradoxical approach to refugees was seen in its increasingly militarized and punitive border policies in response to increased maritime migration from Muslim majority countries including Afghanistan, Iraq, South Sudan, and Iran. Yet at the same time, Australia was taking what could be seen as a progressive approach to creating culturally sensitive services for refugees in resettlement and social welfare in general. Family violence prevention for migrant communities was a space that brought these two logics together—the logic of border control and the logic of cultural competence and sensitivity. Through creating policies that criminalized what were seen as culturally specific expressions of violence, migrants were interpellated as both potential victims and suspects. Forced marriage prevention, which saw the empowerment of women through the threat of punishment and assimilation through the prevention of violence, would be a telling space to understand emerging frontiers in biopolitical forms of governance. Australia represents a case study in how liberal democratic nation states look to social welfare as a way to address existential threats aside from explicit forms of border control.

I see this project as contributing to ongoing policy debates in Australia around family violence prevention for migrant communities. In its ethnographic focus, the analysis shows how a social policy comes into formation—it examines how a social problem and the policy designed to address it are constructed at the same time. Through focusing on the way knowledge is produced around forced marriage, I show that practitioners become drawn into the work of
representation as a form of response to incidents of alleged violence whose contours are not completely clear. Through highlighting the moral and institutional challenges that condition family violence prevention today, I show how humanitarian reason in this social policy functions—more specifically, how the politics and racialized and gendered dimensions of policies are framed as objective, universally applicable, and apolitical. In doing so, I highlight the often impossible choices that the criminalization of this particular form of violence has presented to both prevention practitioners and Muslim migrant communities. While practitioners are faced with whether or not to disclose potential cases through a standardized risk assessment procedure, young adult migrant women can only address the issue through family separation or cooperating with a criminal justice intervention into their parents’ lives. Part of these impossible choices is rooted in the pre-emptive nature of forced marriage prevention. Rather than actually addressing a prevalent problem, forced marriage prevention converts the anecdotal into the empirical, and demands a pro-active stance from practitioners—one that requires them to actively look for potential victims. Here the anecdotal is constituted by a mix of news stories and a select few cases that were cited in commissioned reports released by community leaders.

Unlike a civil approach, a criminal justice approach begins with the premise that forced marriage is a problem that affects not only individual victims but the moral compass and wellbeing of society at large. The criminal framework, then, does not only take efficacy when an individual victim comes forward and the AFP pursues an investigation. Such a framework is by its very existence always efficacious because when victims are not identified, the law continues to operate on a symbolic level, weighing down on the aspirations and imagined futures of Australia’s aspiring citizenries. Understanding this policy ethnographically and historically can

20 Lawyer and scholar of forced marriage in Australia, Heli Askola has recently written that the sector has taken premature action “against a complex phenomenon that is not yet fully understood” (2018, 3)
offer practitioners and policymakers a window into what politics and choices around migration and citizenship, are enabled and foreclosed, because of this iteration of violence prevention.

An ongoing question that I encountered during fieldwork from practitioners was “how will your research directly help our work with clients?” While an anthropological analysis is not designed to be a policy report, this analysis in particular did a study of how multiple moving parts of a policy apparatus work together to produce a truth regime around family, migration, marriage, and violence. It did not, however, do a close, long-term study of direct casework, of policymaking, or of policing in order to definitively say how these apparatuses could work better or more effectively. In fact, this analysis is more interested in how what counts as effective prevention is constructed. It offers a set of questions that practitioners across multiple institutions of prevention can begin to consider more seriously and consciously as they do their day to day work. As is the case with workers across social welfare sectors in developed countries, there is little time to think about where one’s work lies within a broader regime of institutional violence, and a broader history of state-sanctioned violence. It is also difficult for practitioners, as they told me, to think about how their particular work is tied to the criminal justice approach, and what the unintended consequences of that approach is for victims. It is my hope that this dissertation can help stimulate more critical reflection when and if that time is found.

**Positionality**

I initially was welcomed into the forced marriage prevention sector through Bridget of the Centre for Multicultural Youth (CMY), who introduced me to important practitioners at the level of direct service, policy, and law enforcement. Bridget was excited about the opportunity to reflect on her work in a more conscious way after I had explained what an anthropological perspective on forced marriage prevention would be designed to do. In discussing Anthropology,
I felt an obligation to say how my work could be useful to the sector given how much trust they had put in me to be privy to these institutional conversations. I explained that I wanted to both better understand victims/survivors’ lived experiences as this was a gap in advocacy research in the sector and to understand how the sector itself was developing a shared language and praxis around forced marriage prevention. In making my case to be a participant at VFMN and other training meetings, I emphasized that I saw forced marriage as an emerging category of violence, and for the purposes of my dissertation, was interested in understanding if and how this category would be attributed its own internal logic. After explaining the anthropological project, practitioners perceived me as both a potential window into understanding victims/survivors’ stories and as someone with whom they could consciously reflect on their own positionalities within the sector, how they fit within its moving parts and its policy discourses. The sector was curious about why an American graduate student would be interested in Australia of all places—practitioners, then, had a sense that they operated within a place considered somewhat detached from American-born research projects. I had explained that my interest was rooted in a desire to understand how liberal ideals around migrant and refugee empowerment, especially in the domain of gender-based violence, found expression in a place whose geographic ‘remoteness’ shaped its sense of self as a multicultural nation-state; In what ways was Australian statecraft and migrant-targeted social welfare distinct from its European counterparts, yet also an extension of their logics?

While practitioners were aware of my anthropological investments in the question of gender-based violence and migration, some also saw me as sharing their goal of eliminating forced marriage, and saw my anthropological investments as coexisting comfortably with a presumed desire to prevent forced marriage. It was a challenge trying to explain that while
indicating their work was certainly not a part of the anthropological project, I did have long-standing critiques about humanitarian approaches in general and the conditions under which categories like forced marriage, honor-based violence, and violence against women in general were generated as well as their colonial conditions of possibility.

When it came to migrant community leaders, my ethnic and religious background as well as the fact that my own parents were first generation immigrants to the United States helped me to make connections with various community leaders. As someone who identifies as Afghan American and Muslim, I shared many of my interlocutors’ ethnic and religious background. However, there was also a sense that because I was put in touch with these community leaders primarily through white Australian practitioners, that I was on some level invested in the idea that migrant communities were suffering from an epidemic that was rooted in backwards cultural beliefs and values. Some were skeptical that I was focusing on Muslim migrant communities because it did not seem fair to assume that forced marriage only happened in those communities, a discourse that they believed the advocacy sector had already been perpetuating. I had to explain that my focus centered not on why forced marriage occurs in Muslim communities, but why this demographic has disproportionately become an object of state and policy questions through the window of these categories of gender-based violence. I also made sure to be transparent that in fact I was not serving as a mouthpiece for practitioners, but that I was simultaneously trying to facilitate a space where they could critically reflect on their own practices and the systemic expectations under which they operated. Both white practitioners and migrant community leaders saw my position as a ‘cultural voice,’ but for very different reasons, and thus assigned very different expectations around the outcome of my research. While practitioners tended to expect that I would produce a report that would give an intimate look at the cultural dynamics of forced
marriage, community leaders thought I would offer a critique of the sector that recuperated culture as “not backwards,” since many themselves were not in a position to do that—it would be a professional risk. I ended up producing a draft report for the Victorian Forced Marriage Network (VFMN) that focused on why forced marriage prevention was not capturing the nuanced realities of its intended beneficiaries. I am also currently in the process of drafting a collaborative journal article for an Australian audience which focuses on how logics of criminality end up removing migrant voices from policy discussions on gender-based violence. While this dissertation focuses primarily on the knowledge practices of the forced marriage prevention apparatuses, there are several conversations and interviews with young adult Muslim Australians and community leaders whom I have not included, because they do not directly address the prevention apparatus itself, but more so how social welfare thinks about recently arrived immigrant and refugee communities; and their own struggles with sustaining and renegotiating their familial ties, fulfill models of good citizenship, while attempting to navigate new types of intimate relationships.

Structure

This dissertation is composed of seven chapters total, including this introductory chapter. The second chapter provides a history of the family violence prevention movement in Victoria. It focuses on how domestic violence began as a political movement and eventually became depoliticized as it came to encompass Indigenous communities (which is when the term ‘family violence’ took hold) and more recently migrant communities from the Middle East and South Asia. In this chapter, I also examine how border policies and the state’s punitive approach to migrant behavior have become transplanted into the development of culturally competent family violence services. Chapter three examines how the forced marriage sector, through scenario-
based trainings for caseworkers, advocates, and community leaders, produces truths about who
the typical victim of a forced marriage is, and why this typical victim signals a threat to the
integrity of Australian values around childhood and citizenship. Here, I introduce the analytic of
the sentinel subject to think about how social welfare projects based on humanitarian reason
situate the suffering victim subject as a signal that national values are eroding. Chapter four takes
a closer look at how educators at secondary schools are pulled into the work of forced marriage
prevention vis-à-vis their students. It looks at three cases in which school staff are learning how
to conduct forced marriage risk assessment. The dilemmas that educators experience in whether
or not to disclose that a student is at risk to the Australian Federal Police reveal that forced
marriage prevention’s stubborn linkage with the criminal justice system puts school staff in
impossible positions. Disclosure for them means automatically putting their students and their
families in the hands of a criminal justice system that already is biased toward Muslim
Australians. I school staff’s dilemmas on whether or not to disclose their suspicions of forced
marriage as a reluctance toward the actuarial practices demanded by forced marriage prevention
today, and a way to cope with the epistemic ambiguities around how to know the other who is
not only suffering but could potentially suffer in the future. Chapter five examines how
confidentiality functions in this prevention apparatus. I argue that confidentiality is a stand-in for
a broader set of practices that are designed to keep victims away from not only researchers, but
more importantly from policymakers and advocates who are tasked with developing community
empowerment programs. The reluctance to include victim/survivor voices within advocacy
spaces and network meetings, while claiming to be based on a strict ethic of privacy and safety,
belie a more contradictory and less “by-the-book” approach. When victim narratives are given a
place within advocacy work, they are made legible through existing narrative templates that
already work with particular perpetrator and victim figures and dyads. Chapter six analyzes the ways in which young adult Muslim Australian women who have been in a forced marriage, were almost coerced into a marriage, or who experienced familial coercion during the marriage process narrate their relationships to their family and to the family violence prevention apparatus. They offer an alternative rendering to dominant culturally competent family violence prevention literature of what happens to kinship relations in the aftermath of violence. Their narratives deprivilege state models around what successful family violence prevention looks like, models that assume power takes the form of domination and empowerment takes the form of separation from one’s family. Chapter seven concludes the dissertation with an overview of what this analysis means for anthropological debates around assimilation of migrant communities, how kinship matters to contemporary biopolitical projects for migrants, and the ongoing legacies of settler colonial humanitarianism.
Chapter 2
Genealogies of Family Violence Prevention as a Mode of Governing Difference

Introduction

There are many stories that could be told about family violence in Australia. One could focus on how rates of family violence have improved or worsened since it became recognized as a legal and social welfare category. Another story could tell whom it has affected over the decades and how. And yet another story could tell how the movement for family violence prevention has evolved, since it first began in the 1970s to be more comprehensive. In this chapter, I would like to tell a different story. This chapter chronicles the emergence of culturally appropriate family violence services for migrant communities, of which the forced marriage prevention apparatus is one part. It provides a genealogy of how forced marriage emerges as a culturally specific expression of family violence, unique to migrant communities, worthy of criminalization.

In order to tell this story, I also examine how anti-family violence activism conversed with Australia’s feminist movement, contemporary migration policies, social welfare policies toward Indigenous communities, and the state’s recasting of cultural diversity into issues of national security and criminality. In that sense, this chapter takes a genealogical approach, in that it privileges co-emergence. In “Nietzsche, Genealogy, History,” Michel Foucault warns of the implications of doing a history that is predicated on a concern with origins. An effective history, Foucault writes, would cease to be preoccupied with a search for origins. Rather, it would embrace contingency, the accidents and their dispersed effects that coalesce around a particular social phenomenon. Foucault’s effective history would have numberless beginnings, would welcome disparities, contingency, and cultivated accidents, and would not strive for continuity, enunciating that which is typically forgotten (1977, 143-144). Thus, by looking at the emergence
of forced marriage as produced by intersecting conditions of possibility, this chapter situates the current policy agendas around forced marriage as a legacy of these phenomena.

In order to tell this story, more broadly, this chapter also situates family violence prevention as part of an ongoing settler colonial legacy of humanitarian social welfare, which began with Australian welfare policies toward Aboriginal and Torres Strait Islander communities. Telling the history of family violence in this way reveals forced marriage to be a particular iteration of welfare humanitarianism that seeks to both assimilate and criminalize migrant communities.

Culturally specific family violence prevention services for migrants are premised on a somewhat different yet analogous model of humanitarian social welfare than those used toward Indigenous communities. The culturally specific model is geared toward migrants and is focused less on isolating and segregating communities than it is on integrating them, making it even more difficult to critique. Culturally specific services in family violence prevention are designed not only to give people the tools to recognize violence in their own lives—they are also designed to make migrant public and private behavior knowable in new ways to the state, and to state-funded institutions like schools and social services. These services are also designed to get migrant communities to know themselves as at-risk, and to morally evaluate it as either indicative of good citizenship and assimilation or not.

What is at stake in telling this story? The idea of social cohesion that runs through family violence prevention today works with the underlying message that while cultural difference is important to providing quality care, there are particular notions of family that must reign supreme—those that most closely resemble Australian values. In this way, culturally specific family violence services have become a universalizing project based in part on the idea of
universal human rights and in part on domestic ideals of Australian values. From fieldwork, it became clear that culture was a way to explain both the cause of family violence in communities and why it is so difficult for migrants to adhere to Australian social norms. Telling the story of forced marriage prevention as an example of culturally specific family violence work in the state of Victoria is also important because of Victoria’s reputation as one of the first states to develop culturally competent prevention services and policies and in resettling the most refugees out of any other state, in recent years.

Through this chapter, I seek to bring together histories that have not been thought alongside each other. This means bringing together how shifting approaches to multiculturalism have affected shifting approaches to social welfare; how new definitions of family co-emerged alongside increased migration from the Middle East and South Asia; and how the emergence of the category “culturally and linguistically diverse” (“CALD”) communities in policy discourse correlated with newly stringent immigration policies. Thinking these shifts together better addresses the question of how the recognition and accommodation of difference in Australian social welfare co-exists with its pathologization and at times, criminalization.

Methods

This chapter will be a curated history of how forced marriage became treated by the state as a culturally specific expression of family violence. To do so, I bring together multiple developments in recent Australian history that emerge simultaneously. These developments include discursive ones, institutional shifts, legal changes, and changes in the political landscape. I begin with an overview of the domestic violence movement in Victoria, and how it intersected with the feminist tradition, and with transnational discourses of violence against women and gender-based violence. I then trace the emergence of family violence as a way to govern
Indigenous communities in the name of humanitarianism. Then, I look at how migration from the Muslim world post-9/11 resulted in new definitions of family violence and family itself through the idiom of multiculturalism. Here, I point to how family violence was recast as a cultural pathology in recently resettled migrant families and poses a threat to citizenship and family values. In doing so, I point to policy proposals that, while not concerned with the border itself, make migrants’ positions on forced marriage, and other culturally charged forms of violence, like honor-based violence and female genital cutting, as litmus tests for their ‘anti-social behavior.’ In terms of source material, I examine secondary analyses of the domestic violence movement in Victoria specifically, policy reports around family violence written in the early and mid-2000s, as well as existent scholarship on humanitarian welfare policies in Indigenous communities. I also draw from community organization reports around the proposed forced marriage bill as well as legislative debates. Finally, throughout the chapter I include analyses of ethnographically significant moments in which I see multiple histories intersecting. These moments are particularly acute examples of how the emergence of family violence is contested, and thus, how these histories are (if unintentionally) re-excavated as important. Forced marriage as a culturally specific form of family violence comes to matter as a genealogical phenomenon in these moments.

The Domestic Violence Movement in Victoria: A Rethinking of the Political

The history of domestic violence advocacy in Australia is characterized by an oscillation between an emphasis on social welfare and social justice. The issue of violence and how it has been understood by the feminist movement, the refuge movement, the government, and social service workers has differed across different administrations, and in relation to different communities.
I begin at a moment that I do not take as an originary point, but as a period of time where the term domestic violence was in the process of becoming consolidated into a recognizable category of violence by the law, the courts, and the public. The use of the term ‘domestic violence’ in Australian public and political discourse in the 1970s did not merely represent a shift in semantics but it also marked a change in how society framed the nature of interpersonal violence itself. In the 1970s, domestic violence had not solidified into a concrete social problem or a part of government policies (Theobald 2011, 103). The first formal use of the term “domestic violence” was in a submission to the 1975 International Women’s Year United Nations world conference (Ramsay 2007, 103). Part of the goal of using ‘domestic violence’ as the term was to resist the pathologization of violence in the home. Pathologizing violence meant explaining it as a result of individual malfeasance, and family breakdown of moral values. Instead, domestic violence was specifically set up against different professional experts’ usage of the term, namely to keep it framed as an issue of gender inequality. According to Ramsay, “[W]hen broader ranging analytical discussions about domestic violence and appropriate policy responses…began, feminist refuges had already been funded and feminist identification and ownership of the issue of domestic violence had an established presence in the policy arena” (Ramsay 2007, 107).

Prior to its being seen as an issue of gender inequality, by the Australian feminist movement, in the 1970s, domestic violence was pathologized as ‘cruelty within marriage,’ and was buttressed by men’s legal rights to discipline their wives (2011, 49). Thus, the women’s refuge movement and second-wave feminists, and the domestic violence movement came together to frame violence as a category of social injustice that required specific legal avenues for redress, and a commitment on the part of the government to fund refuges for victims.
The 1974 Sydney Women’s Commission was a key moment in the movement against domestic violence in Australia. The Commission presented a public platform upon which women could narrate the experiences of violence they suffered at the hands of their male partners. The Commission was an important moment because it marked the first time that Australian feminists made domestic violence a policy issue, a responsibility of the Australian state (2007, 249).

Key to framing domestic violence as a responsibility of the state was to depathologize it—namely to cease framing it as a problem that stemmed from the individual’s psychological breakdown and inability to process trauma and that therefore required therapy, psychology, and even social work (2007, 249-250). To de-pathologize the problem would also mean to treat it as a product of historically and spatially situated conditions.

At this time, leaders of the refuge movement began to publicly discuss how their experiences of violence were in fact symptoms of broader social inequalities. Organizations like the Maroondah Halfway House (MHWH) and the Women’s Liberation Halfway House (WLHWH), as well as the Women’s Electoral Lobby (WEL) worked to frame domestic violence as not simply a humanitarian problem which privileged focusing on how to stop victims from further violence, but rather as a social justice issue that required a hard look at the root causes of its existence (2011, 76). The Salvation Army chapters in Victoria and other states, however, had a more difficult time reconciling the idea of women’s individual rights as an underlying premise of domestic violence with the idea that the institution of family and marriage required women to have a strong domestic role. Domestic violence was seen as an issue of individual rights but at times for the sake of the family’s stability and in turn, also assumed that the family was a heteronormative couple—a view of marriage and individuality that continues to inform why
people see forced marriage as a form of violence. The injury is suffered by the individual but the family unit will suffer because the individual did not consent.

The Victorian refuge movement in particular was more focused on questioning the role these gendered institutions played in giving rise to domestic violence. Many refuges continued to politicize domestic violence as an outcome of gendered patriarchal institutions. In that sense, the refuge movement in Victoria worked closely with the women’s liberation movement on questioning the institution of marriage itself. According to a WLHWH publication: “Domestic violence is violence which occurs in the home. By no co-incidence it is also understood to mean violence against women by the men they are living with and married to. It occurs behind the protective veil of privacy accorded to the family in our society” (Theobald 2011, 107). Thus, the framing of domestic violence became focused on the institution of marriage as a key pillar of society’s conceptualization of family. While domestic violence was depathologized and framed as gender inequality, now a responsibility of the state, it was still focused on the institution of marriage as a key pillar of family and economic stability.

However, there were strands of the feminist refuge movement that questioned the institution of marriage itself and normative ideas of the family, but these forms of questioning only went so far. The new movement to recognize domestic violence had its own assumptions about women’s realities that reflected a distinctly middle class Anglo White feminist project, not unlike second wave feminist projects in the US: that marriage was between a man and a woman, and that violence in the home could only happen within a marriage, rather than across familial and community relations; and that the social and economic consequences of violence for women were universal.21 The movement also assumed that the perpetration of violence itself could be

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21 For example, at the 1982 conference in Melbourne, refuges reported that they were receiving more requests than usual from young and old homeless single women, and women with substance abuse and mental health
understood if one examined how women became victims rather than what drove men to inflict such violence. For example, Ramsay points out that in the 1970s, a key shift toward depathologizing domestic violence was a call on the state to create policies that addressed women’s lack of job opportunities which made them more economically dependent on men, as well as lack of support for child care, and lack of access to good healthcare (2007, 251). However, these policy agendas still put the burden on women to make them less prone to men’s violence. It did not take concern with what drove male partners to inflict such violence. Nor did it attend to how the structure of heteronormativity and marriage itself, as a heteronormative institution was based on a particular set of economic and social relations. In other words, the question of what function marriage as a heteronormative institution had in sustaining social and economic life in a predominantly white Australia, was not entertained in the refuge-feminist movement.

Global Discourses around Gender-Based Violence

As documented by anthropologist Sally Engle Merry, domestic violence over the past three decades has been globally recognized as part of what has come to be known as violence against women. Violence against women as a transnational concept emerged alongside local domestic violence movements. As Merry points out, the politicization of domestic violence as part of several feminist movements’ agendas resulted in expanding global concerns about rape and domestic violence to a questioning of patriarchy itself, culturally different understandings of gender difference, and socio-economic inequality (2016, 46). In 1966, the right to freely enter
into marriage to found a family became protected under the International Covenant on Civil and Political Rights (ICCPR) (Article 23) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (Article 10), to which Australia is a signatory. Shortly thereafter, in 1980, domestic violence was part of the agenda of the Second World Conference (Ramsay 2007, 249). The global movement around addressing multiple forms of violence known as VAW began in the 1990s, which explicitly framed domestic violence and other forms of violence under the heading VAW, as human rights violations (Merry 2016, 46). During the 1990s, the UN Economic and Social Council followed a recommendation by the Commission on the Status of Women (CSW) which declared that VAW is a direct result of women’s unequal status in society and that states had to have consequences for VAW as well as prevention initiatives around VAW in the family (2016, 46-47). Committees like those who created the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) also framed gender-based violence as a form of social discrimination (2016, 47). In 1992, CEDAW “placed violence against women squarely within the rubric of human rights and fundamental freedoms and made clear that states are obliged to eliminate violence perpetrated by public authorities and by private persons” (2016, 47). The mid-1990s also saw major UN bodies take concern with gender-based violence, especially with the 1994 creation of the role of Special Rapporteur on Violence Against Women as part of the UN Commission for Human Rights, who would be tasked with gathering information related to violence against women (2016, 47). The inaugural rapporteur, Radhika Coomaraswamy’s tenure in this role helped to sediment evidence and knowledge around VAW globally, thereby showing that the problem was taking place virtually universally. Under her tenure, as Merry points out, the definition of VAW also expanded to incorporate a spectrum of ‘cultural practices’:
The original meaning of violence against women—male violence against partners and others in the form of rape, assault, and murder—was expanded to include intimidation and psychological harm; humiliation; female genital mutilation, cutting, and excision; gender-based violence by police and military forces in armed conflict as well as everyday life; violence against refugee women and asylum seekers; trafficking in sex workers; sexual harassment; forced marriage; abortion, and sterilization; female feticide and infanticide; early and forced marriages; honor killings; and widowhood violations, among others (2016, 48).

Thus, violence against women expanded to include other forms of coercive practices, further situating VAW as a question of not only women’s suffering, but also their freedom over charting the course of their futures, in the public and private sphere. Another fundamental moment in the global discourse of VAW was the Fourth World Conference on Women in Beijing in 1995, during which VAW was named as a violation of human rights and fundamental freedoms. The Beijing Platform for Action defined VAW as ‘any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’ (Merry 2016, 48). A whole range of public and private acts were encompassed by the definition of gender-based violence here, including sexual abuse during war, forced abortion, and female infanticide, in addition to domestic violence (2016, 48).

Although documents like CEDAW expanded what counts as an act of violence against women, it made stark demarcations between which acts were considered state-sanctioned forms of violence and which acts were considered family-related and private forms of violence. However, the declaration did help spur multiple global campaigns which put the elimination and prevention of violence against women as a responsibility of the state. It served as a powerful way to hold governments accountable to the various platforms and conventions they had signed around the issue (2016, 49).
Thus, Violence Against Women is a recent categorical construction at the global level. Only recently has violence against women become measured through the development of various indicators and metrics by global institutions, such as the UN Statistical Commission (UNSC). However, as Merry points out, as the UNSC decided how to measure VAW and what counted as data, it also defined the very nature of the problem itself. The definition ended up being a conglomerate of definitions from different experts. Whereas statisticians aimed for an objective ‘neutral’ definition, feminist and human rights organizations called for a definition rooted in gender inequality and structural violence (Merry 2016, 44). Thus, VAW became ‘a site of technical knowledge’ (2016, 45) and in becoming a more globally recognizable category that requires intervention and prevention, “there are increasing demands to classify, measure, and count it” (2016, 45).

These global shifts significantly affected how Australia approached policies around domestic violence. In 1975, the UN announced that the inauguration of International Women’s Year, and the Whitlam government backed Australia’s participation. This resulted in funding for public events, including a delegation to the first World Conference for Women in Mexico City, the creation of the Australian National Advisory Committee for International Women’s Year (ANAC), a Women in Politics Conference as well as a set of VAW grants community organizations could apply for. These activities were designed to affect social attitudes toward women and to give women a platform to discuss their accomplishments (Ramsay 2007, 254). The localization of global movements was part of the ongoing reframing of domestic violence as a social problem rather than an individual one (2007, 255). Also key to this period globally and domestically was the proliferation of feminist analyses of domestic violence through empirical evidence. This manifested through sociological analyses of case studies of women escaping
abusive marriages, their experiences of physical and emotional trauma, and conferences which emphasized the need for testimony of women’s experiences (2007, 255). Once again, this uptick in research was designed to de-pathologize domestic violence as an individual problem to a social one for women. In 1975, when the feminist identification of violence against women became a part of the Australian government’s policy agenda, it became increasingly clear that solidifying the depathologized understanding of domestic violence would be an uphill battle, since many in the policy sector and social service sector relied on this framing to avoid distributing the responsibility of domestic violence to local and state government (2007, 257).22 This was explicitly seen when the Fraser government oversaw the creation of the first National Women’s Advisory Council (NWAC) which worked with the Office of Women’s Affairs (2007, 258). In 1979, the two bodies created an annual report in which one chapter was devoted to domestic violence which marked the first time that that domestic violence’s consequences were mentioned in a government report (2007, 259). The report was an important moment because it also called for specific legal measures around domestic violence, which drew on the momentum of the UN Decade for Women, and marked the beginnings of future documents which would outline National Plans for Australian women (2007, 259).23

22 The policy sectors were already accustomed to these forms of framing, and one of the first moments when those who wanted to perpetuate the traditional framing confronted those of the feminist refuge movement who wanted to reframe domestic violence was at the Australian Institute of Criminology Conference in 1985 (Ramsay 2007, 258).

23 “The key issues reported were: the pervasive social silence about partner violence; the reluctance of police to act in domestic violence cases; women’s lack of knowledge of their legal rights and resources; the reasons why women withdraw their complaints (including fear and ‘lack of financial resources’); and the variety of women and needs represented by those crowding into women’s refuges. Each of the issues reported was matched with a policy proposal, making it the first comprehensive agenda of policy measures addressing the supposed ‘wicked issue’ of domestic violence to be presented to a government in Australia. Those policies included the advice that ‘the Commonwealth should enact and enforce specific legislation to protect women’, to be modelled on legislation passed in the United Kingdom in 1976 (NWAC 1979, 14-17). This proposal was the first Australian proposition of the measure which became (under different names in each State/Territory) the domestic violence protection/apprehended violence order. It initiated the third important policy development project on domestic violence taken up by the Office of Women’s Affairs and
**Family Violence and Knowing Cultural Difference**

While it is difficult to pinpoint an originary moment to the emergence of the category ‘family violence,’ its definition was organized around and formed through conceptualizations of Indigenous communities. According to Australian scholar Suellen Murray, definitions of domestic violence have changed over the last three decades and in the 1970s, the Australian Government’s Royal Commission on Human Relationships examined the idea of “family violence.” The definition put forth was that family violence were ‘acts of violence by one spouse against the other spouse or against children’ and focused squarely on physical violence, including marital rape. The inclusion of violence against children was a key difference between these early notions of family violence versus those of domestic violence, and stemmed from government evaluations and assessment of Indigenous relations with children (Theobald 2011, 3). However, the definition became more expansive in the 1990s to include violence perpetrated by a broad spectrum of family members, not just male partners (Murray 2008, 66).

The use of the concept family violence represents a shift in conceptualization of violence in the private sphere. ‘Family violence’, in its initial iteration and because of its concern with Indigenous ways of life, served to pathologize violence because it assumed that violent behavior could be traced back to the family itself as an isolated unit (Ramsay 2007, 262). According to Jacqueline Theobald, in Victoria, the term ‘family violence’ was generated by the state government to indicate that violence can occur by other family and community members. The term family violence was adopted “with the intention of capturing the complex and interacting features of violence experienced by predominantly Aboriginal and Torres Strait Islander women

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the National Women’s Consultative Council. By the time of the 1980 Annual Report, the Council and Office had produced a Draft Domestic Abuse Act” (2007, 159).
and children...[and can be used to] acknowledge the continuing currency of ‘domestic violence’ as a descriptor for violence perpetrated by an intimate partner and ‘family violence’ as a preferred term for many indigenous people” (Wendt and Baker 2013, 512). Thus, family violence itself marked a distinct expression of violence, unique to Indigenous communities—different from domestic violence’s newly progressive iteration—one that was intrinsic to the family rather than shaped by social conditions, and that occurred beyond the conjugal couple and other familial networks. 24

At the same time, family violence services came to increasingly focus on the multiple vectors of kinship relations and dynamics that shaped Indigenous experiences of family life. While services did try to expand their understanding of Indigenous kinship relations, they tended to focus on how Indigenous kinship relations were part of broader coercive and abusive social and cultural forms in Indigenous communities. The go-to solution was often pinpointed as separating the abused victim from their family, with little regard for the consequences of looking to separation as a go-to solution. Aboriginal and Torres Strait Islander-specialized services took a different approach 25:

Aboriginal women’s services’ goals were different from those of their Anglo counterparts. For them, the breaking up of the family would be the last resort’ in responding to family violence. The refuge

24 In 1985, the Victorian government released a discussion paper on domestic violence titled Criminal Assault in the Home: Social and Legal Responses to Domestic Violence, which was the result of a collaboration between government feminists at the WPCU. The report was used as the basis for the Crimes (Family Violence) Act of 1987 which marked the beginning of a coordinated policy approach to domestic violence in Victoria and the creation of a Family Violence Prevention Committee in 1987 within the Attorney General’s department (2011, 142-143). The criminalization of domestic and family violence goes hand in hand with the development of specialized services for these forms of violence, rather than the use of existing legislation or services to combat them. Despite the creation of specialized services, family violence was used quite interchangeably with domestic violence and still took a marriage-centric approach. Family violence services still tended to focus on victims who were escaping abuse from their husbands. Services neglected to focus as much on legally single women who were trying to escape violent relationships or newly resettled migrant women who were not yet legally married to their spouses but had been through religious ceremonies, even though oftentimes these women were the most vulnerable.

25 The fear of losing one’s children to the justice system given the history of the “Stolen Generations” (1909-1969) in which the Australian government forcibly removed children from their Indigenous parents also contributes to this ongoing mistrust between Indigenous communities and social services (Cooper and Morris 2005).
movement came to acknowledge that the ‘Aboriginal women’s major struggle’ was ‘with the general Australian community as a whole’ as much as men’s violence (Theobald 2011, 164-165).

A key assumption that informed the refuge movement, however, was the idea that the public refuge was unequivocally a place of respite and safety from the violence that took place in ‘private,’ thereby creating a definition of the home, or the domestic, as a space of injury (2011, 24). This assumption did not capture how some migrant and refugee women saw the public and private as violent in different ways, and did not always view public spaces as safe and private spaces as injurious.  

**Family Violence Prevention as Part of the Governance of Indigenous Communities**

In 2006, the Australian Government began an initiative under the Keating administration to work with states and territories to create initiatives that would address Indigenous family violence. The Commonwealth Department of Family and Community Services began funding various state departments to begin setting up transitional housing for Indigenous women and children facing homelessness due to family violence (Wendt and Baker 2013, 513). The *Australian Government’s National Plan to Reduce Violence against Women and their Children 2010-2022* explicitly states the need to support Indigenous communities to create local strategies around the prevention of family violence and sexual abuse (Council of Australian Governments 2011).  

26 The women’s refuge movement emerged during a time when the state of Victoria was being led by socially progressive administrations, namely the election of Rupert Hamer, member of the Liberal Party, as Premier in 1972, after eighteen years of Henry Bolte, a conservative member of the Liberal Party. Hamer’s administration focused on social welfare. At the commonwealth/federal level, Prime Minister Whitlam’s administration was also making important changes in its focus on issues specific to women, having also appointed its first Women’s Adviser, Elizabeth Reid (2011, 51). During the Hamer and Whitlam governments, Victoria was dedicated to administering social policy initiatives under the Australian Assistance Plan, which was a commonwealth-level plan to increase health, education, welfare, and urban planning projects (2011, 52).

27 Historically, sexual abuse and family violence have been used interchangeably when referring to social ills in Indigenous communities. It is through the realm of sexual relations that deviant family behavior has been identified, and then reinscribed within the policy language of family violence. However, in the case of recent migrant communities, family violence has been used more frequently than sexual abuse to refer to acts of both emotional abuse and sexual abuse.
services, in policy agendas such as the Queensland Government’s Taskforce Report, ‘Not now, not ever’—Putting an end to Domestic and Family Violence in Queensland (Queensland Government 2015). These specialized services have distinct funding streams and distinct policy agendas. These plans also made family violence a social issue that required what is known as a ‘whole of community response.’ Similar to how domestic violence was resituated as an obligation of the community and the state, family violence in Indigenous communities was deemed a social ill that both affected all of society and therefore required all of society to help eliminate and prevent it.

In family violence prevention discourse, family violence is seen as having a distinct expression among Indigenous communities that requires specific warning signs. A paper by Jane Lloyd from 2014 aims to track the characteristics of domestic violence-related homicides of Indigenous women in Central Australia in order to develop a profile of domestic violence-related deaths in Indigenous communities, including the events that led up to the homicides. She aims to identify the ‘distinctive socio-cultural features that influenced and enabled the violence’ (Lloyd 2014, 99). A key premise of this paper and other reports around domestic violence-related deaths in Indigenous communities, is that they begin with the premise that Indigenous communities are already at risk of higher mortality rates compared to non-Indigenous population (Lloyd 2014, 100, Kowal 2014, Rowse 1990, 2008, Sagers and Gray 1991, Sutton 2009, Tatz 1972, Tonkinson 2007, Watson 2010). According to Lloyd, Indigenous women are nine times more likely to be the victim of homicide than non-Indigenous women (2014, 103). Lloyd describes

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28 Lisa Stevenson writes that statistics and constructing a ‘case’ is a form of ‘tracking and covering the migratory Inuit that reimagines them as ‘cases’ and ‘vectors’ of a devastating disease—so many muskrats dying” (2014, 29). In doing so, there is also a “sense of expectancy” around the death of those who are already living as suicidal or afflicted with some other condition (2014, 96). “Thus it happens that the death of the tubercular or the suicidal Inuk comes as no surprise” (2014, 7).
violence as ‘embedded in intimate partner relationships’ in Indigenous communities and the
unsaid rules around sexual relationships beginning at a young age (2014, 100). In her article,
there is also an underlying narrative that government-led interventions into Indigenous
communities in the form of ‘humanitarian interventions’ have been key to alleviating domestic
violence and child sexual abuse. The 2007 Northern Territory state military intervention resulted,
according to Lloyd, in more welfare payments to women thereby increasing their financial
autonomy as well as the increased safety of Indigenous children. She also writes that the co-
ingling of men and women in family ‘camps’ beginning in the 1980s resulted in increased
familial violence. The cohabitation of multiple generations and different sexes posed a serious
problem for community safety (2014, 101). 29 Therefore, Indigenous communities were in need
of state intervention and further from social ills that begin in their homes.

In situating Indigenous family violence as a social ill, prevention policies depicted
Indigenous communities as needing to be further researched, in terms of rates of violence. The
approach to preventing domestic and family violence in Indigenous communities is based on the
premise that family violence occurs at statistically and disproportionately higher rates in
Indigenous communities than among white Australians, due to a number of exacerbating factors
including: alcoholism, drug use, and mental health issues. The disparities between Indigenous
and non-Indigenous health has been the subject of much social welfare intervention. According
to Emma Kowal’s ethnographic study of health interventions into Indigenous communities, the

29 She writes, “The increase in people’s mobility within the region as a result of greater access to
motor vehicles and the removal of regulations controlling people’s movement not only enables the
reproduction of enduring relationships and links but can lead to adverse experiences, especially under
the impact and influence of substances such as alcohol, cannabis, and petrol. As in other Aboriginal
communities, life in this region is also characterized by high levels of violence and child neglect and
abuse and by recurring and often paralyzing loss and grief through high rates of premature deaths,
chronic diseases and rising mental illnesses. The ubiquitous presence of alcohol and cannabis and the
omnipresent threat of suicide add to the adversity and trauma in people’s lives” (2014, 101).
statistical gap between Indigenous and non-Indigenous health is also tied to imaginaries of citizenship for Indigenous peoples. This gap “holds the promise of a future where full citizenship rights can be enjoyed (at such time when the gap is finally closed)” (Kowal 2015, 10). The ‘gap’ is not only a reminder of ongoing colonial oppression, but has also been used to signal the inability of Indigenous communities to take responsibility for their communities’ health and wellbeing (Kowal 2008, 342). Kowal writes that when Indigenous statistics are “extracted and compared to ‘non-Indigenous’ ones, “biopolitical strategies encounter discourses of community control and cultural appropriateness” (2008, 342). As a result, health and social welfare practitioners are constantly confronted with the question of “is an elimination of this gap also the erasure of cultural distinctiveness?” (2008, 343). Thus, emphasizing a health problem within Indigenous communities has several consequences, which can easily get reinscribed within discourses of multiculturalism which attribute such gaps to Indigenous culture. In a similar way, multiculturalism discourses have functioned to depict family violence as a distinct area of concern in migrant communities, and even more difficult to overcome as a result of their cultural beliefs and values. The solution to these problems is increasingly being situated as these communities’ responsibilities—namely to change their cultural beliefs and mindsets.

Since the 1980s and during the Howard administration, the moral crisis in Indigenous communities was highlighted through newspaper outlets like The Australian and The Herald Sun, as well as policy reports produced by scholars of Indigenous communities who worked for government-funded institutes like the Australian Institute of Criminology and the Australian Institute of Family Studies. This contributed to family violence being treated as a distinct policy issue. Throughout the nineties, federal bodies and state departments of health and human services began soliciting more research on Indigenous family violence and began campaigns
such as the National Campaign against Violence and Crime in 1999. A key moment was the publication of a report called *State of Denial* released by the Secretariat of National Aboriginal and Islander Child Care. The study showed that the child protection system in the Northern Territories was failing (2013, 225) and made 13 recommendations including child removal and reforms to child welfare policy. It argued that the government needed to acknowledge the reality of child abuse, family violence, and alcohol and substance abuse in Indigenous communities (2013, 226). Eventually in 1999, the Howard administration organized a national summit on Aboriginal family violence which even in its bringing together of Indigenous women and Indigenous community leaders, ended up concluding that there was indeed a crisis in these communities that was pathologically linked to a moral and cultural failure on the part of these communities (2013, 226). Thereafter, another summit on family violence and child abuse resulted in the federal government committing $130 million to tackle these problems through drug and alcohol rehabilitation services, federal intelligence-gathering and ‘strike teams’ as well as Indigenous women-led advisory networks, as well as a stronger police force (2013, 227). The Howard government also made funding to states and territories dependent on the removal of all references to customary law and Indigenous culture from each state and territory’s Crimes Act. At the federal level, an amendment was placed to the Commonwealth Crimes Act in 2006 to ensure that Indigenous customary law and cultural belonging were not used as a defense to avoid sentencing for a crime (2013, 228). These amendments fueled the idea that it is culture that allows for the fruition of morally depraved behavior within communities that live at the margins, rather than long-standing state policies and histories of dispossession. This idea also would be used to justify the forced marriage law which was seen as a result of overly-expansive policies around multiculturalism, though in less explicit language. This policy was organized around
Indigenous culture as an obstacle to family violence prevention and as an explicit set of practices that needed to be managed.

In fact, among the concerns about family violence were also concerns about Indigenous communities practicing early and forced marriage. In numerous news stories and TV interviews these communities were portrayed as creating the problem of child sexual abuse through promising young girls at birth to marriage to different male relatives in the name of ‘traditional custom’ (Howard-Wagner 2013, 227). As Howard-Wagner writes:

> Anecdotal reports of the child ‘promised wife’ being sexually assaulted by old men with the consent of the family dominated the media causing a ‘ripple of outrage across the country.’ In that same interview [Mel] Brough [the then Minister for Families, Community Services, and Indigenous Affairs] declared that ‘paedophile rings were working behind a veil of customary law’ in the Northern Territory and that ‘everybody who lives in those communities knows who runs the pedophile rings…’ (2013, 227).

Indigenous communities were thus seen as sites where trajectories of childhood were corrupted, as well as sites where Indigenous systems, coded as ‘laws,’ prevailed over Australian law. This representation of corrupted sexuality and intimacy in Indigenous societies has striking similarities to how Muslim migrant communities are also pinpointed as sites of corrupted childhood, operating in insulation and in accordance with stagnant belief systems, often labeled as “Shari’a Law.” According to Prentice et al, sexual and family violence is amplified by several factors in Indigenous communities, including living in remote and rural areas (Prentice et al 2016, 241). Rates of this violence in Indigenous communities are reported to be two to five times higher than in the non-Indigenous population (Bryant and Willis 2008, Wunderstiz 2010). Indigenous women are also said to experience higher rates of domestic and family violence overall (Al-Yaman et al 2006; Mouzos and Makkai 2004; Wile and Anderson 2007), with women living in rural areas at even higher risk than those in urban Australia (Wendt 2009). Such reports have contributed to and been mobilized to govern Indigenous communities via military
force in the name of humanitarian ideals of care, which over the past decade have transformed into an emphasis on ideals of self-responsibilization and self-empowerment in Australian social welfare. In her analysis of the 2007 Australian government’s military intervention into the Northern Territories’ Indigenous communities following reports of rampant child sexual and family violence, Deirdre Howard-Wagner frames this moment as signifying a particularly nefarious form of governance of Indigenous lives. In the 2007 intervention, the state framed its duty of care as equipping Indigenous communities with the means for self-responsibilization in order to eliminate family violence and child sexual abuse. Howard-Wagner quotes Prime Minister John Howard’s speech right before the intervention that children in the Northern Territory were “‘living out a Hobbesian nightmare of violence, abuse, and neglect’” (2013, 217). The government went on to frame family violence in these communities as a result of welfare dependency and alcoholism and the failure of Indigenous communities to fulfill their social and economic potential. As Howard-Wagner notes, through declaring a state of emergency in the Northern Territories, “a zone of exception was established” (2013, 218). “The discursive construction of Indigenous communities of the Northern Territory as failed social enclaves in which violence and child sexual abuse was rife allowed for new disciplining, prohibitive, and corrective practices” (2013, 218) “Violence work” in this context took on a nefarious form. By “violence work,” I refer to David Correia and Tyler Wall’s phrase (2018, 6) which refers to modes of policing that exceed the institution of the police but create new forms of ‘legitimate policing.’ Foucault’s understanding of the police “as the ensemble of mechanisms serving to ensure order” rather than one institution (the police) (1972, 170), is apt in describing the multiple forms of soft and hard power used in the NT intervention. Here, the work of policing was tied to the work of social welfare and humanitarianism. The federal government went on to increase
police presence in the area, implement harsh penalties around alcohol consumption and purchase, and pornography, surveil people’s movements through photographic identification laws, and make welfare payments contingent on proof of other factors such as sending one’s children to school or employment (2013, 218). This was done in the name of facilitating Indigenous autonomy and participation in ‘‘mainstream Australian society’ (2013, 218). As Howard-Wagner states, “The failed apparatuses of welfarism were to be dismantled, along with the vestiges of self-determination and autonomy with the initiation of new mechanisms of intervention and regulation” (2013, 218). Similarly, forced marriage prevention has been shaped by both logics of care and concern, and logics of assimilation.30

Colonial legacies of different kinds of policing often shape how security policies are implemented (Jaffe-Walter 2019, 450). Social welfare organizations that specialize in Indigenous wellbeing are often perceived by these communities to be reproducing past colonizing practices and are not easily trusted (Funston 2013).31 Many Aboriginal-Torres Strait Islander

30 According to Madiha Tahir, the military and the police have increasingly converged together to police ‘the enemy within’ within liberal democratic states (2019, 409). Once can trace contemporary family violence prevention services for Indigenous communities to settler colonialism itself as undergirded by this type of policing: “Colonial wars were often conceived as ‘small wars’…where overwhelming bouts of militarist violence worked in tandem with colonial civil administration to construct a colonial social order (Neocleous 2014; Moyn 2013; Khalili 2012)” (Tahir 2019, 410).

31 Colonialism in Australia stems from the British occupation of what was initially referred to as ‘terra nullius incognita Australis’ or (unknown land of the south), which automatically erased Indigenous people as inhabitants (Porter 2006, 383). British occupation in the 18th century drove Indigenous communities further inland on reserves. In 1992, the concept of terra nullius was overturned in the Mabo v. Queensland case in the High Court of Australia. The High Court held that the doctrine of terra nullius, which imported all laws of England to a new land, did not apply in circumstances where there were already inhabitants present – even if those inhabitants had been regarded at the time as “uncivilized” and that existing law included Indigenous land title. As such, any indigenous land rights which had not been extinguished by subsequent grants by the Crown continued to exist in Australia. The ruling also stated that the Crown acquired sovereignty and radical title upon settlement, and that acquisition cannot be questioned in a municipal court and that grants of land which are inconsistent with native title extinguish the native title. Ultimately, Mabo v. Queensland’s decision ushered in a new era of the recognition of Indigenous rights and the potentiality for a treaty between the Australian commonwealth government and indigenous communities over land control. However, a treaty is yet to be reached and Indigenous peoples still suffer from the consequences of having their histories, practices, ways of life and communities routinely discounted, and eliminated through government-sanctioned interventions, profiling, and imprisonment.
organizations, such as the Aboriginal Family Violence Prevention Legal Service, treat family violence as a social injustice that is a legacy of the state of ongoing violence of settler colonialism itself. However, there remain services that continue to pathologize family violence in Indigenous communities, situating this violence as borne out of misguided social traditions, social isolation, and deviant social practices. Indigenous communities are also over-represented in the prison system, especially in the Northern Territories, where Indigenous people make up 97% of the prison population (“Youth Justice in Australia 2016-2017”). Many of these cases are family-violence related. Family violence was also, then, inextricably linked to the settler colonial project for Indigenous people. In many settler colonial countries, Indigenous peoples have pushed for an understanding of family violence as a consequence of colonization itself which has dispossessed and disenfranchised Indigenous people culturally, socially, and politically (Cheers et al 2006). By extending the definition of family violence as a product of ongoing colonial dynamics, the experiences of systemic violence against Indigenous peoples could be more fully captured. However, the state and mainstream social services were reticent to rework the definition of family violence, leaving it up to specialized services for Aboriginal and Torres Strait Islander communities to use the more politicized version.

Even though there has been a move among advocates to reframe family violence as a response to settler colonialism and the dispossession of Indigenous lands, advocates do not always situate family violence as in part produced by settler colonialism and its ongoing forms. Family violence’s proximate causes in policy reports and national plans to reduce violence are now routinely identified as Indigenous culture’s normalization of violence, which itself is
attributed to other causes like alcohol abuse, drug addiction, gender inequality, and the coercive obligations of kinship structures in Indigenous communities.  

Prentice et al.’s sociological study and those of others (Frost 2009, Lloyd 2014) on this revealed that this reluctance to disclose can be explained by social taboo and shame; the normalization of violence in these communities; lack of availability of culturally appropriate services; lack of knowledge in communities about what counts as violence and what is against the law in Australia; and a mistrust of the justice system which incarcerates Indigenous people at alarming rates compared to non-Indigenous communities (2016, 244-246). With the exception of their discussion on the justice system’s unfair targeting of Indigenous people, the authors reify the idea that in fact there is something intrinsic within Indigenous communities that lends itself to family violence. Family violence prevention as policing via the regulation of space and territory continues to take place in Alice Springs and other parts of Central Australia and in the cross-border communities around Western Australia.

Family violence, then, continues to be pathologized in Indigenous communities, even among academic and social welfare analyses that are attempting to recontextualize family violence within settler colonialism, and systemic racism. Part of what contributes to this pathologization is the focus within the family violence sector on identifying distinct causes for actual violence to happen, the moment of crisis, so to speak, rather than the structural conditions

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32 According to Taylor and Putt (2007), 90% of violence against indigenous women goes undisclosed, for a number of reasons. According to Willis, there needs to be more disclosure and better access to services that address ‘cycles of intergenerational violence (Willis 2011). Prentice et al add that ongoing social inequalities in housing, education, and employment among Indigenous communities as well as their over-representation in the criminal justice system and child protection systems are worsened given the intergenerational cycles of violence “plus the ongoing effect of colonization” (2016, 242). Thus, when causes of family violence are identified, they are attributed to intergenerational violence that simply get passed down, a kind of synchronicity of morally depraved behavior (Garcia 2010). I would add that this synchronicity framing abstracts those very social inequalities and intergenerational cycles of violence from colonization and its ongoing contemporary manifestations itself.
that create environments in which violence is the norm. In other words, there is a commitment in social services to prevent the proximate causes of the events of violence themselves, rather than their commitment to understanding their conditions of possibility. However, family violence is more easily recognized as an outcome of settler colonialism among Indigenous communities, and in more recent decades has become treated as an issue of state violence, which is not the case for recently resettled migrant communities.

While there are fundamental historical and structural differences between Indigenous experiences of the violence of state governance and those of recently resettled migrant communities, as well as the possibilities available to both for resistance or systemic reform, my focus on Indigenous experiences helps to shed light on the ongoing legacies of settler colonial forms of governance and how they spatialize violence. Drawing this parallel is meant to show that the workings of settler colonial forms of governance still play out in relation to both Indigenous communities. In other words, the pathologization of culture, the idea that there are specific zones of moral depravity at work in Australia which require intervention, and the idea that social inequality manifests in communities not having enough knowledge about their problems and about resources, are all at play in state attempts to understand family violence within migrant communities as well. Before showing how family violence prevention functions to govern migrant communities, it is key to show the broader political and social climate in which migration from the Muslim world was framed as a social threat, and as the root cause for the importation of alien cultural and social norms.

**Migrant-Targeted Family Violence Prevention Services**

Since the early 2000s, Australia’s immigration policies themselves have become increasingly focused on deterrence, through actively discouraging refugees from the Muslim
world (namely countries where there is ongoing civil conflict, political turmoil, and foreign occupation, including Iraq, Afghanistan, South Sudan, Myanmar, Iran, and Bangladesh among others) from even thinking about seeking asylum in Australia. Those who dare to make the journey to Australia’s shores have been met with offshore incarceration in recent years. Australia’s offshore detention regime and its evolution into an archipelago that encompasses Christmas Island, Nauru, and Manus Island in Papua New Guinea, a multi-island carceral apparatus, marks a key historical moment, in Australia’s expulsion of non-white migrants. Beginning in 2001, Australia implemented the Pacific Solution which rerouted all asylum seekers coming to Australia by boat (referred to as “unauthorized maritime arrivals”) to third countries to review their asylum claims. These third countries however were the sites of Australian-run detention camps in islands in the Pacific Ocean region. In 2013, the policy of offshore detention changed in a significant way; under Prime Ministers Kevin Rudd and shortly thereafter, Tony Abbott, the government not only would reroute boat arrivals to offshore detention centers, but would also refuse to resettle any of those boat arrivals within Australian territory even if their asylum claims were deemed legitimate, opting instead to resettle them within those island countries or to send them to another country with whom Australia could develop resettlement treaties, including Cambodia, Indonesia, and the US. The approach to asylum seekers relied on a geographic imaginary of the Muslim world as a region that exports national security threats.

At the bureaucratic level, there were significant changes which reflected the criminalization of immigration. The Department of Home Affairs which was officially established in July 2017 on the order of Prime Minister Malcolm Turnbull, used to be called the Department of Immigration and Border Protection. Prior to that, it was called the Department of
Immigration and Citizenship, and previous iterations include: the Department of Immigration and Multicultural Affairs and the Department of Immigration and Indigenous Affairs. The Home Affairs Department’s mission is stated as the following: “Home Affairs brings together Australia’s federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs and immigration and border-related functions, working together to keep Australia safe” (“About Us-Home Affairs”). The ongoing transformation of the department’s name reflects the steady conflation of migration with issues of national security, safety, and protection from outside ‘threats.’ In that sense it represents the spatialization of national identity and values which constitute a domestic space that has become an object of protection, whereas prior to this, it was immigrants and Indigenous communities whose mobilities in Australia’s interior were objects of concern. The Department goes from situating itself as managing citizenship (“Immigration and Citizenship”) to managing threats to the interior (“Border Protection”), to bringing the two together—the object of protection is now the border, which is kept secure through managing immigrants domestically, not just at the border (“Home Affairs”).

Even prior to offshore detention, the political landscape of Australia was turning increasingly hostile toward migrants from the Muslim world. Following the events of September 11th, 2001 in the United States, Australia like most European and North American countries, allied with the US in its War on Terror operations in Afghanistan. Domestically, the Australian government under the Howard administration had already been taking steps to curb migration from countries like Iraq and Afghanistan where Australia maintained an active military presence in support of both US-led wars. Howard antagonized the Muslim Australian community when he was quoted as saying that Muslim migrants need to make a greater effort to “embrace Australian
values, treat women as equals, and make a better attempt to learn English.” Those who were resettled in Australia were met with suspicion and as prone to struggling with assimilation.

Increased nationalism within Australia in recent years has contributed to a discourse that sees refugees, and even second-generation migrants as culturally distinct from white Anglo Australians and as having to prove their worthiness of citizenship. Some of these groups have already made a place for themselves in Australia’s Parliament, namely the One-Nation party led by Senator Pauline Hanson. The One-Nation party has been a particularly loud and extreme proponent of ideologies that specifically tie social and moral ills to migrants, especially Muslim migrants. In 2017, Hanson noted that anyone who was not an Australian citizen but committed a crime should be immediately deported, referring in particular to South Sudanese ‘gangs’ who had been ‘ravaging the streets of Melbourne.’ Hanson’s first Senate speech claimed that Australia was being ‘swamped by Muslims’, and her time in Parliament has shown an increasing normalization of rhetoric which positions Muslim migrants as inherently violent and uncivilized (Poynting and Briskman 2018). Hanson has also said publicly that “All terrorist attacks in this country have been by Muslims” and that “Islam is a disease we need to vaccinate ourselves against” (Remeikis 2017).

The state’s preoccupation with migrant assimilation as an issue of incompatible cultural values found expression in 2017 when Prime Minister Malcolm Turnbull and Immigration Minister Peter Dutton announced that they were proposing serious overhauls to the Australian citizenship test. The questions would be designed to assess migrants’ beliefs around religious freedom and gender equality, which were framed as distinctly Australian values. In April 2017, Turnbull declared that any new arrivals to Australia had to prize “Australian values” and show their commitment to the nation. According to new proposals to the citizenship test, which are
currently under review, migrants would be assessed on how committed they are to Australian values through testing their attitudes toward religious freedom and gender equality. In addition, those migrants who had a documented history of family violence could be wholly barred from citizenship, and would have to demonstrate they had integrated into Australian society through joining community organizations, and showing evidence that they were employed and that their children were in school. They also proposed a plan to make the English language test more stringent, with reading, writing, and listening modules.

Turnbull’s stated motivations for reforming the test was to “put Australian values at the heart of citizenship processes and requirements.” He continued, “Membership of the Australian family is a privilege and should be afforded to those who support our values, respect our laws, and want to work hard by integrating and contributing to an even better Australia.” Dutton noted that applicants had to view citizenship as “a big prize.” He continued, “Our country shouldn’t be embarrassed to say we want great people to call Australia home. We want people who abide by our laws and our values and we should expect nothing less” (Dziedzic and Belot 2017). Thereafter, Dutton noted that in order to assess migrants’ commitment to Australian values, questions would be included on respect for women and children, with a specific focus on child marriage, female genital mutilation, and domestic violence.

According to scholars Linda Briskman and Scott Poynting, amid ongoing debate about ‘Australian values,’ and how migrants could assimilate into society, this proposed test was met with widespread approval among right wing nationalist groups like Reclaim Australia which also called for a Pledge of Allegiance (2018). The reinstatiation of Australian values is part of a political discourses that stretches back to the Enlightenment which greatly influenced Australia’s establishment as a polity. Enlightenment discourse around freedom, the relationship between the
individual and society, and democracy shaped how Australia distinguished itself from Great Britain in its religious freedom in a land that had not been marked by socioeconomic class distinctions (Gascoigne 2005, 35). It also helped cement the idea that Australian society was always modernizing, moving in a progressive direction and that the course of human development was toward civilization and away from barbarism which at the time was signified by Indigenous communities (2005, 8). Drawing from the philosophies of John Locke, colonizers saw the cultivation of terra nullius (uninhabited land) as the ultimate and initial step toward civilizational development (2005, 8). Echoing this Enlightenment rhetoric in the contemporary, conservative Senator, Fraser Anning has recently said that “Diversity should be managed to remain compatible with social cohesion and national identity … We as a nation are entitled to insist that those who are allowed to come here predominantly reflect the historic European-Christian composition of Australian society” (cited in Koziol 2018) (Poynting and Briskman 2018).

Government discourse that sees family violence and gender-based violence as intrinsic to Muslim societies is also gendered. The Muslim woman—as a figure that has come to stand in for Muslim migrant women’s realities—is seen as both threatened by a distinctly Islamic and ‘migrant’ form of family violence, and as a potential suspect and co-conspirator in the reproduction of this violence. Historically, Muslim women have been pinpointed as the key to helping cultivate more ‘modern’ Muslim male citizens through teaching their sons and husbands a more moderate form of Islam (Barlas 2002, Tohidi 2007, Shakry 1998, Shehabuddin 2014). Muslim migrant mothers have also been pinpointed as a key target audience for prevention workshops because of their perceived ‘complicitness’ in the coercion and manipulation of their daughters, into forced marriage, and virginity testing, etc. As noted by Australian scholars Nahid
Kabir (2015) and Sameena Yasmin (2007), Islamophobic discourse has been distinctly racialized and gendered in how it understands the victims of Islamic misogyny but also who is responsible for its reformation. This Islamophobic narrative, paired with policies that vilified migrants from the Muslim world combined to produce Muslim communities as an object of moral crisis and state concern and as knowable through ‘culture.’

**Family Violence as a ‘Migrant Problem’**

While family violence prevention efforts have historically centered around managing Indigenous communities, in the early twenty first century they increasingly became directed toward refugees and asylum seekers from Muslim majority countries. Based on both media stories that gained traction of gender-based violence and the recasting of family violence as a domestic epidemic in the wake of migration, and the strengthening of multiculturalism as a policy framework, culturally appropriate family violence prevention services situated migrants as having different ideas around gender equality and family power dynamics, but that this difference could be managed through providing culturally specific services. However, the vilification of Muslims in the wake of changing migration patterns in the early to mid-2000s coupled with the discourse of cultural specificity produced a constellation of reactionary government policies that still ended up being assimilationist.

In order to understand how family violence in migrant communities was seen as a product of cultural beliefs, it is important to understand how the idea of cultural competence makes its way into social welfare discourse. In the 1970s, with the rise of multiculturalism as a guiding political and social ethos after assimilation, providing tailored services to newly-arrived migrants was institutionalized in social welfare. Initially, these services centered on providing interpreter and translator services for what were first known as people of Non-English Speaking
Backgrounds (known as NESB groups). In 1996, Culturally and Linguistically Diverse (CALD) was introduced to replace NESB, when the Ministerial Council of Immigration and Multicultural Affairs (MCMIA) determined that NESB was no longer suitable to capture the myriad ethnic groups that made up Australia. More specifically, the Council noted that NESB is a term that has many different definitions; it groups people who are relatively disadvantaged with those who are not disadvantaged; it is unable to separately identify the many cultural and linguistic groups in Australia; and it has developed negative connotations (Sawrikar and Katz 2009). Sawrikar and Katz point out that the category of CALD, however, did not do much to address these shortcomings:

CALD’s acknowledgment of the uniqueness of different (minority) groups detracts from the fact that in its common use, the term still refers to the same groups as NESB – those who are different from the majority; it is simply less transparent about the fact that there is a majority from which others are seen to differ. The mismatch between its function of celebrating diversity and its common categorical use for the non-Anglo Australian majority population, can still lead to relational exclusion among minority ethnic Australians who may feel both linguistically and culturally different from what constitutes being ‘Australian’. Again, this undermines Australia’s ability to embrace itself as a multicultural nation. In short, there is a still a potential for the term CALD to produce relational exclusion, but now not just for minority groups, but also for the majority (2009, 3).

While NESB encompassed white-passing Eastern European communities, CALD better accounted for the myriad ways that migrants had different life experiences than White Anglo Australians. However, it mostly came to refer to Middle Eastern, South Asian, African, and South East Asian first-generation migrant communities. It is important to note that the emergence of CALD also coincides with serious changes in immigration policy and changes in migration flows to Australia. In the mid-2000s, as both skilled migration and humanitarian refugees from the Middle East and South Asia increased to around 13,000 average per year compared to between 9000 and 10,000 in the 1990s, CALD appeared frequently within official policy agendas around family violence. However, CALD is not only a common part of the
family violence lexicon, but it is also a key conceptual apparatus practitioners use to think about the types of approaches to family violence prevention that have been generated for migrants and refugees.

In the mid-2000s, a number of family violence organizations were emerging that were dedicated to helping migrant communities and they began to include family violence as part of the purview of services, including the Victorian Immigrant and Refugee Women’s Coalition, Safe Steps, the Southern Migrant Resource Centre which served southeast Melbourne’s suburbs, the Multicultural Centre Against Family Violence, (MCAF) and the Centre for Multicultural Youth. Other organizations such as Women’s Information and Referral Exchange, Wellness Springs, and Relationships Australia were key players in developing culturally appropriate family violence services. The magistrates’ courts which were responsible for review and granting family violence intervention orders also hired more translators, interpreters, bicultural workers, and community specialists who would help people from different migrant communities navigate the application for Family Violence Intervention Orders.

In April I attended a Pakistani Women’s Group in Craigieburn, Victoria where an informational session was being held on how to prevent family violence. Hosted by MCAF, a leading organization in providing culturally specific family violence trainings for immigrant communities, the session was framed as a space where women could discuss their specific challenges with family violence in their communities.

I quickly learned that the session leaders approached culture as more of an abstract concept that was an object of discussion and reflection, but the actual interpersonal interactions were not always accommodating to the attendees’ needs, as culturally sensitive services pride themselves on being. Sabria, the Coordinator of Family Violence Prevention services at a co-
sponsoring organization of the event, the Dianella Health Center, greeted me, and was quick to walk around the classroom at the Craigieburn Public Library, making sure everyone was sitting before the session began.

Quickly thereafter, an attendee entered with her child in a stroller, a bit disheveled, breathing hard, asking if she had come to the right place for the family violence prevention session. The other women, about 15 in the room thus far, told her that this was the right place. Sabria immediately noticed the stroller and proceeded to tell her that she had to leave her child in the library’s child care center, that she was not permitted in fact to have the child present for the session. The woman replied that she always had her child near her and that she would prefer if her child could stay next to her during the session. Sabria replied that everyone else’s children were in the day care center, and added, “Why would you not want to leave your child there?”

The woman stared at Sabria, but responded with certainty and preparedness that she really preferred not to and if it was too much trouble, she offered to leave the session entirely. Sabria paused for a few seconds in silence, along with the other attendees. Taken aback at the woman’s threat to leave, she said it would be okay and that she would just have to make sure she looked after the baby if she cried. The woman was unconvinced at Sabria’s urging and promptly left with the stroller as we all watched the conversation unfold.

A few minutes later, the woman returned to the session, and I suspected that the session organizer, Umreen, had convinced her to return. I wondered, what exactly was it that made this space a culturally competent one, if in fact its participants’ real-life situations were quick to be dismissed? While the session did bring Pakistani women together to have conversations about family and social pressures, it required the mediation of one’s familial relations and forms of comportment that could be alienating to some.
As the session continued, the facilitator, Madavi, presented definitions of family violence as outlined in official public policy language of the state of Victoria. Madavi asked the participants what the definition of family violence was. Several noted different elements one by one and Madavi replied, “You guys don’t need me here.” I point this out to say that family violence’s definition had already been pre-set by the session facilitator, and only after this definition was established and reinforced were the participants encouraged to speak about how their experiences fit within or demonstrated/exemplified this definition.

After this established definition, Madavi brought up the idea of ‘culture’, asking “What are some cultural beliefs that are not fair or put too much pressure on you?” She noted that anyone can experience family violence or domestic violence but that in South Asian cultures, it comes with a unique set of problems. “Our family members ask us, ‘Why didn’t you come visit me for Eid?’” Participants added other examples such as their mother-in-laws placing too many demands on them in the home. Umreen pointed out that sometimes when women come home, the husband still demands things of her and even controls the welfare (or Centre-link payments). Madavi was quick to point out that this could be an example of emotional or psychological violence.

Madavi replied that “change has to start with you and you should not repeat the things you have seen within the gender dynamics in your family.” She added that the participants’ husbands did have the capacity to change, but that the key is to first identify that one is being abused or is experiencing family violence. Umreen’s friend Ayesha, and I began to speak after the session ended. She mentioned that she would regularly host family violence prevention sessions for women who attended mosque with her. The goal was how to treat conflict within a family from an Islamic perspective. Ayesha described her own relationship with her current
husband, and how it has been recalibrated over time. Ayesha recalled a time in their relationship when her husband would leave at night and would return home late, much to Ayesha’s worry and concern. She said “I told him, ‘I’m going to leave you and move.’ He did it again, and I said ‘I’m going to leave you now because I promised God that I would.’ ” Her husband was taken aback and promised he would change. Ayesha recalled: “He eventually agreed to stop going out but he had to do some compensating because she had promised God that she would not stay with him, and in order for her promise to remain valid, he would have to show that he was worth being flexible on that promise. Ayesha described that she and her husband developed a new contract in which they explicitly stipulated things that each of them could and could not do in the marriage, including going out without the other’s consent. While it is easy to read this new arrangement as premised on control and coercion, Ayesha said that the contract has resulted in a newfound sense of trust and happiness in their relationship. Ayesha’s decision to recalibrate her relationship draws attention to the question of what to do when coercive elements of a relationship become the starting point for its rebuilding and regeneration. While the family violence prevention session prompted a discussion of gender inequality and the unequal distribution of labor in the domestic sphere, amongst women, it also implied that family violence was readily knowable and identifiable and that categorizing a family dynamic as violent was the first and necessary step toward a more desirable future. In bringing up Ayesha’s comments, I am less interested in assessing or diagnosing whether or not the situation with her husband is ‘truly equal,’ or is ‘truly coercive.’ I instead wish to point to an example of a situation that does not see what the prevention sector has made identifiable as coercion, as the end point of a relationship, but rather the point of departure for generating something that has the potential to function more equitably for people, given where they are in their lives.
In this session, participants were asked to do a kind of inventory of their social lives, which were reinscribed within the language of culture and cultural values. These were reframed by Madavi as examples of how family violence roots from cultural beliefs and values, but by extension could also be changed because cultural values were always in formation. However, what was cultural already organized the stated definition of family violence, which left little room to understand how coercion also co-existed with relationships of love, care, and obligation. This moment exemplified the openings and foreclosures within culturally specific family violence prevention, as well as what forms of behavior, definitional consensus, and unstated forms of common sense, such prevention initiatives are premised upon.

The 2016 Victoria Royal Commission into Family Violence’s release was a pivotal moment in solidifying the idea that CALD communities were more vulnerable to family violence and to getting help. The report noted that ‘multicultural communities face the biggest challenges in getting help’ (Banasiak 2016). The Commission released 226 recommendations which the Victorian government approved to undertake. The government subsequently allotted $1.9 billion to implement them. A key finding of the Commission was also that migrant women were disproportionately at risk of family violence, due to the fact that they were more intensely subject to community and familial expectations. It was also recommended that forced marriage and honor-based violence be legally recognized within Victoria’s Family Violence Protection Act as distinct forms of family violence.

However, in the findings, the reasons for why migrant women face these challenges were attributed to the restrictions on their mobility placed by their communities, taboos around seeking help for mental and emotional health, and their own failure to recognize what they are experiencing as violence in the first place. In a report in The Age covering the release of the
Royal Commission findings, the brutal murder of Sabah Al-Mdwali, a 28-year old woman who migrated from Yemen to Canberra, by her husband Maged Al-Harazi was cited as an example of how CALD communities faced multiple layers of risk of family and domestic violence. Al-Harazi and Al-Mdwali had migrated to Australia but faced several hurdles in achieving financial stability. *The Sydney Morning Herald* reported that “Social isolation, cultural and family pressures, stigmas around divorce, language barriers, visa arrangements, reluctance to seek outside help, unemployment, lack of transport and difficulty securing housing have been identified as hurdles to victims seeking help.” The article went on to say:

ACT Victims of Crime Commissioner John Hinchey says culturally and linguistically diverse (CALD) women were less likely to report violence and less likely to leave a violent relationship than other Australian women. ‘Achieving safety is a difficult process for any woman in a violent relationship – but it is even harder for CALD women,’ Hinchey says. Domestic Violence Crisis Service ACT chief executive Mirjana Wilson can't say domestic abuse happens more often in culturally and linguistically diverse communities, but those women are over-represented among the service's clients (Gorrey 2017).

Here, CALD women were less likely to report violence, less likely to leave a violent relationship, and less likely to achieve safety, but why precisely is not stated except for the fact that they fall into the CALD category. Here, one’s “CALDness” is signaled by the attachment to her community and how her community/social networks are distributed in her everyday possibilities. The article also discusses how Al-Mdwali’s local Muslim community actually encouraged the couple to get back together, and mediated a peace between them, before the killing when they were experiencing marital troubles, thus implying that this mediation is one of proximate reasons for her murder.

In a report by Susan Rees and Bob Pease on domestic and family violence in refugee communities, commissioned by VicHealth and The Immigrant Women’s Domestic Violence Service in 2006, the authors explore how and why CALD migrant women face multiple layers of risk of family violence. They use an intersectional framework to explain these multiple layers of
risk. They identify the following as factors in preventing women from seeking help for family and domestic violence or in exacerbating family and domestic violence: Isolation, ‘cultural betrayal’ and language skills; unemployment and downward mobility experienced by men in the family; trauma and alienation; and the cultural change that accompanied having to adapt to new gender role frameworks in Australia. (2006, 4). The report continues that the Australian way of life was associated with being an individualist, rushed, and antisocial, and that individualism and lack of community cohesion and contact were key factors in explaining the difficulties and conflicts experienced by families (2006, 5). The report recommends that social policies, health, and welfare practices recognize the role of culture, class, and refugee experience on the impact of violence in refugee families and that “while refugees need to be aware of the social norms of the dominant society, their traditional lifestyles, beliefs and norms need to be protected without sacrificing contemporary rights for women” (2006, 5). While the report does acknowledge a definition of culture as “Emerging” and changing, rather than static and bound to tradition-based frameworks, it still is mobilized as an empty signifier, a black box, a homogeneous, definite, and as disconnected from politics and power. In addition, this definition of culture still accepts the assumption that women from migrant backgrounds are more subject to culturally-mediated factors than white western women. These ‘culturally-mediated factors’ which white western women are not subject to, include fear of losing face, fear of shaming one’s family, and community and marriage commitments as more important than individual welfare; as well as the forces of class, caste, interfamily structures, and religion, which are reinforced by community elders; as well as the unfamiliarity of laws and customs in a new country (2006, 10). Thus, the report is not saying that migrant women disproportionately face state-sanctioned violence in relation to white western women—it is that they face cultural barriers which function as
structural barriers to their advancement and their capacity to assimilate into the dominant white Australian culture. The authors do try to move away from an understanding of culture that is static, and do touch on how migrant communities may already have a fear of authorities due to their experiences in their home countries, especially if they were part of a persecuted minority. This contributes to their refusal to report violence they may be experiencing. The authors focus on how to assuage these fears and how to get migrant women to better understand the role of the authorities in family and domestic violence, rather than examining what authorities and law enforcement can do to avoid alienating such communities (2006, 15).

The Federation of Ethnic Communities’ Councils of Australia, the peak body for CALD communities, has been a key voice in framing family violence as particularly hard to address among migrant communities in Australia due to cultural frameworks: “One of the issues is there are different understandings and perceptions of what domestic violence is in new and emerging communities. In some communities, domestic violence excludes emotional, psychological and sexual abuse. People within immigrant and refugee communities were sometimes dealing with role reversal within relationships when arriving in Australia and there could be an aversion to therapy” (Jabour 2014). Thus, the ethos behind family violence prevention for CALD communities today is one that continues to pathologize migrant communities. It is that violence in CALD communities is based on different belief systems around gender and family. Preventing it therefore requires culturally sensitive services that acknowledge these belief systems, but to also situate them as objects to be overcome and that then emphasize the importance of following Australian laws and polices around family violence. Prevention services, however, in privileging the idea that it is a set of static beliefs that underpin family violence in migrant communities rather than economic, political, and social challenges in both Australia and their home countries,
end up leaving little space for systemic inequalities to be recognized and for family violence to be seen as a structural and systemic issue.

**Legal Shifts and Redefinitions of Family Violence**

In the early 2000s, the national conversation around family violence underwent a major shift in the wake of the revitalization of the domestic violence movement. Stories like those of activist Rosie Batty\(^{33}\) and the media’s sensationalization of stories of domestic violence in migrant communities including forced marriage and honor-based violence, contributed to a national discussion of domestic violence that looked specifically at CALD communities. Within the social service sector, the definition of family violence underwent an important shift in Victoria with the 2008 amendment to the Family Violence Protection Act. The Act was amended to include a number of additions in terms of what counted as family violence and who counted as perpetrators. First, it provided a broad and detailed definition of family violence which expanded to move beyond just physical abuse, and included economic abuse, emotional and psychological abuse, as well as spiritual and financial abuse. The Act also expanded the people who could be considered victims, broadening the definition of ‘family member,’ to include family-like members, as well as who can be considered a perpetrator to family-like members. In addition, the preamble recognized non-violence as a fundamental social value and violence as a violation of human rights. In contrast to the definition of family violence put forth in the 1989 law, the 2008 version was concerned with the multiple expressions family violence took. The Act for example made it a civil offense to do anything that caused a person to feel fear for their safety or

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\(^{33}\) Batty spoke publicly about her experience after the murder of her son, Luke, by her partner. She quickly gained traction as an advocate for domestic violence survivors and victims. Batty was known for framing the issue as a systemic failure on the part of social welfare, including the lack of communication between different services, a lack of funding, and lack of police and legal protocols. As a result, she established the Luke Batty Foundation to assist women and children victims of domestic violence. She was appointed 2015 Australian of the Year, awarded the Pride of Australia’s National Courage Medal in 2014.
wellbeing or that caused a child to hear, witness, or be exposed to the effects of family violence. Overall, the FVPA of 2008 therefore expanded what types of power dynamics amongst kin members counted as violent in the eyes of the law, and in doing so, raised new challenges and questions around how to know and develop a standardized set of metrics around when psychological coercion was occurring.

At the same time, in the mid-2000s, a string of media stories about young girls being taken away to be married by their parents in their home countries spurred a national conversation about familial practices that were coercive and if psychological and emotional pressures also counted as family violence, and who could be accused of such coercive practices. However, the concern was not simply with any coercive practice, but ones related to marriage of young citizen girls, who all happened to be from migrant families. In that sense, the discussion around coercion in marriage was not only a family violence issue, but also an issue of migrant sociality, integration, and the sovereignty of Australia.

In Australian family courts, various rulings around coercion in marriage helped to sharpen and solidify what counted as coercive familial behavior and who in a family could be held accountable by the law for that coercion. The redefinition of consent through these court cases helped to hone in on what conditions constituted the violation of consent, while entering the marriage. The case of Kreet v. Sampir (2011) was a landmark case in defining the conditions under which duress might be experienced and consent violated when a marriage was being entered into. In this case, an Australian-born woman, Ms. Kreet, asked the Family Court to void her marriage which occurred in India in 2009, because it was consented to under duress. When Ms. Kreet travelled to India, she was under the impression that she was going to marry Mr. U, her Australian boyfriend. However, when she arrived, her parents took away her passport and
introduced her to Mr. Sampir. Ms. Kreet’s father told her that her boyfriend’s sisters and mother would be raped and kidnapped unless she married Mr. Sampir, after which Ms. Kreet agreed to marry him and to sponsor his partner visa application. In this case, Judge Cronin concluded that because the *Marriage Act of 1961* did not define duress, it was taken to mean any form of oppression or coercion that erases consent (Burns and Simmons 2014, 977). This case was a critical juridical moment that helped to contribute to an unprecedented redefinition of psychological coercion at the hands of familial pressures. The Judge also cited Judge SJ Watson’s ruling in the case of *Re: Marriage of S*: “The emphasis on terror or fear in some of the judgments seems unnecessarily limiting. A sense of mental oppression can be generated by causes other than fear or terror. If there are circumstances which taken together lead to the conclusion that because of oppression, a particular person has not exercised a voluntary consent to a marriage, that consent is vitiated by duress and is not a real consent.” Judge Watson had granted the nullification of a marriage between an Egyptian man and a younger woman. Although the young woman was not threatened or in physical danger, the judge determined that ‘she was caught in a psychological prison of family loyalty, parental coercion, sibling responsibility, religious commitment, and a culture that demanded filial obedience’ (2014, 978).

In the case of *Madley v. Madley* (2011), a 16-year old Australian female citizen applied for a court order in Family Court to prohibit her parents from removing her from Australia to marry a man living in Lebanon. What is interesting about the *Madley v. Madley* case is that not only was her fear of her physical safety considered as evidence that she was in the process of being coerced into a marriage, but so was her fear of her mother’s reaction to her saying ‘no.’ This case then, was an important step in defining coercion (and the violation of consent) as based on a fear of parental reactions and responses. The definition of duress has been reshaped to now
include the web of familial pressures that result in psychological pressure on an individual. The judicial interrogation of ‘duress’ has resulted in court rulings which account for the more insidious ways that consent may have been violated in situations where family typically have a role to play, including marriage. As legal scholars Jennifer Burn and Frances Simmons point out, it is only in the last few years that Australian family courts have commented on how social or familial pressures, including psychological coercion, could invalidate a person’s ability to freely consent to marriage. Previously, courts refused to null a marriage unless there was the threat of immediate danger to one’s physical body. However, the move to account for various conditions under which consent is rendered violated—or more insidious forms of duress—now recognizes what political theorists Anne Phillips and Moira Dustin call “the force of moral and emotional blackmail” (2004, 531, 537). These cases, along with other cases of the Family Court and the Federal Circuit Court of Australia allowed these bodies to issue protective and preventative orders for children at risk of forced marriage (based on the Family Law Act of 1975), which includes being placed in the Family Law Watch List and asking the AFP to seize the child’s Australian passport. Since 2016, people over 18 years old are able to ask for the AFP to create border alerts at the airport they are set to fly out from (Askola 2018, 16).

The cases of Kreet v. Sampir (2011) and Madley v. Madley (2011) further defined what counts as coercion. Both cases drew upon Australia’s Marriage Act of 1961, federal legislation which says that any marriage solemnized without the full and free consent of both parties is rendered null. However, policymakers argued that the Marriage Act was not enough to actually prevent the event of marriage itself from occurring since the Marriage Act could only be referred to after the fact. Concern with the event of marriage itself was a particular kind of concern. It generated legislation that specifically sought to both deter and punish coercing someone into a
marriage. The family court rulings in conjunction with the amendments to Victoria’s *Family Violence Protection Act* as well as other states’ family violence legislation marked a broader shift in the national policy conversation around what forms of violence needed to be legislated around, made criminal acts, and what social and moral values they were seen to be violating. How was this shift produced by and reflective of broader political concerns around broader set of existential questions that Australia was asking itself about its future as a destination for refugees and asylum seekers form the Muslim world? Forced marriage became a site where these questions were grappled with on both the national and global stage.

**Forced Marriage at the Global Level**

While Australia’s engagement with the issue differs significantly from how other countries have addressed forced marriage, it also draws from transnationally salient discourses of forced marriage as a form of gender-based violence (Gangoli et al 2008, Gill and Mitra-Khan 2012, Quek 2012, Wilson 2007; Uddin 2006). In 2018, Norway made child marriage a federal crime, and other countries like Tunisia and Ghana have taken steps to raise the minimum age of marriage to 18, while The Gambia and Tanzania have outlawed child marriages. Forced marriage was also explicitly addressed in international human rights law.

Organizations in Australia tend to focus on how child marriage is the result of these primary causes: outdated cultural practices adapted from ingrained patriarchal structures; deeply embedded forms of gender inequality; endemic poverty; and ongoing war. These causes appear within several reports on forced marriage used to assess the Australian situation, including those produced by the Freedom Partnership to End Modern Slavery, Anti-Slavery Australia, and the Center for Multicultural Youth. The mid-2000s also saw several European nations create laws specifically criminalizing forced marriage with a few countries treating it as a civil issue. In
2007, Britain created a specific civil protection order around forced marriage, and in 2014 it made the violation of that civil protection order a crime through the Anti-social Behaviour, Crime and Policing Act which, among many other provisions, made it a criminal offence in England, Wales and Scotland to force someone to marry. The UK also has a specific Forced Marriage Unit designed to deal specifically with those particular cases. In Denmark, the 24-year rule was a law meant to reduce forced marriages and the use of spousal visas for family reunification. The law requires that non-resident spouses can be united and thus cohabit with their spouse living in Denmark only when both parties have reached the age of 24 years. Another bill was passed in 2017 which would prohibit people under the age of 18 from getting married, after it was alleged that dozens of young refugees were entering the country with spouses or registered partners. The bill, which also states asylum-seeking minors who were married abroad will not have their marriages recognized by the state, comes after a 2018 report by the Integration Ministry that revealed there were 27 minors in the Danish asylum system who had spouses or registered partners. Other European countries such as Austria and France have created specific educational efforts around forced marriage which they are circulating throughout schools. The rationale for these laws both relate to a fear of the cultural practices of Muslim migrants but are also governed by European Union standards around gender-based violence and human rights (“Addressing Forced Marriage in the EU” 2014). The US has also taken measures to tackle child marriage specifically through advocating that individual states change their laws to increase the permissible age of marriage to 18 without any exception. In the US, initiatives like Unchained at Last, the Tahirih Justice Center, and the Claim Red Foundation are working to increase understanding of forced marriage as a form of family violence and abuse, and build the capacity of existing programs to assist victims; dedicate funding for new forced marriage-
specific resources and programs; ensure access to civil protection orders for forced marriage victims; strengthen state laws on the age of consent to marry; implement safeguards in federal immigration laws for marriage-based visas; and ensure that criminal justice options are available to forced marriage victims.

Another key moment that brought together the state’s response to migration with the global changing discourse on violence against women, and questions of cultural relativism was the 1996 passing of legislation in Victoria which made female genital cutting a crime. In 1996, Victoria passed a law making female genital mutilation a state level crime and also included a provision in its 2005 Children, Youth and Families Act that required professionals such as education staff, police, medical and nursing staff to report FGM to Child Protection, if they believed ‘on reasonable grounds that a child is in need of protection.’ The law was passed after several years of debate on the issue at the national level since several lawmakers wanted to make FGM a federal level criminal offense. The debates affected much of the Somali Muslim Australian community who had to confront being perceived as moral and social deviants. The legacies of the anti-FGM law was finding expression in the 2013 forced marriage law, according to Salima, a caseworker who worked for the Australian Muslim Women’s Center for Human Rights (AMWCHR), in Clifton Hill, Victoria, and who attended many of the VFMN meetings as an AMWCHR representative

I focus on my conversation with Salima because she articulates how the construction and implementation of forced marriage prevention policy parallels those surrounding female genital mutilation in Australia, which was made a crime in the state of Victoria in 1996. Salima expressed how the forced marriage prevention sector was struggling to recognize the complex realities of AMWCHR’s clients which she and other staff members would try to articulate at
monthly meetings. Her clients, many of whom were between 16 and 18 years old, were experiencing a range of social pressures both from within their families and society at large, including ongoing family tensions, professional and educational struggles, and the challenges of finding belonging in Australia, beyond their immediate communities. I identified with Salima’s frustrations, and we discussed the shortcomings of treating victims and migrant Muslim women in particular as the preferred audience for forced marriage prevention.

When Salima and I first met for coffee in Clifton Hill, close to AMWCHR’s office in July 2017, she discussed her work running early and forced marriage training workshops for adolescent high school students throughout rural Victoria, sometimes traveling multiple hours to host a workshop. We agreed that many of the critiques we had of the sector—its essentializing procedures, its tokenizing of minority communities and migrants—were not critiques we felt we could openly vocalize in a network meeting. I asked about her impressions of the trainings and what it meant for participants to consciously reflect on marriage in relation to their own futures. Salima said that it was remarkable how different each individual young person’s stories and anxieties were at this point in their lives as high school students. Many of the participants came from recently resettled Hazara Afghan families, an ethnoracially distinct minority in Afghanistan. She said that while the workshops were focused on preventing early marriage, specifically on helping young adults to plan and envision an alternative life path and future for themselves without having to rely on marriage as a route toward professional or educational mobility, many of the participants articulated that it was not marriage that preoccupied their minds. Rather, participants would discuss the pressure they felt from their families to succeed academically. This was especially the case for families who had only recently resettled and were trying to achieve some measure of financial stability. Several girls would stay up late to finish
their homework, resulting in physical and psychological stress. During a mixed gender session with a group of older teenagers in Narre Warren, a suburb southeast of Melbourne, the topic of marriage came up more explicitly. Salima noted, “The boys told the girls, ‘Why do you feel pressure to marry a certain person? You can marry whomever you want. You shouldn’t feel that pressure.’ But the girls said ‘Yes I do feel that pressure, you don’t understand how it is. Because the consequences of the guys not marrying is not as bad as if we don’t marry.’” The trainings allowed for discussions to take place within peer groups that typically did not happen, including on gender inequality and shifting community norms. Rather than resulting in a better sense of who was at risk of a forced marriage, these workshops—similar to the family violence prevention session in Craigieburn—opened up space for conversations on gendered expectations around marriage that women themselves could have with their peers.

However, Salima noted that sometimes, the focus on the early aspect of marriage was preventing discussion about other issues and struggles that carried more priority for young people’s lives. Even for those students who struggled with their families’ involvement in their relationships, Salima was quick to point out that there was no quintessential story. For every cluster of young adults who were experiencing a shared set of pressures around marriage, there were also people experiencing educational and financial ones. We discussed the homogenizing process of victimhood that seemed to undergird at the very least, the policy discourse around forced marriage. Salima mentioned, as she did when we first met at a VFMN meeting, that the government’s approach to forced marriage prevention and intervention was almost a carbon copy of how they approached developing a policy to prevent what the state calls female genital mutilation (FGM), which is now a state level crime in Victoria. Salima, who came from a Somali Muslim background, told me that in the early 2000s, FGM was pinpointed by the government as
a rapidly developing crisis within East African Muslim communities and thus in need of being eradicated, as it was situated as a threat to migrant women’s health in particular. Part of the approach also entailed creating the impression of a quintessential suffering victim who experienced the procedure in the same way. Many government inquiries and policy papers focused on the stripping away of girls’ childhoods and their reproductive capacities, which were framed as key components of their womanhood. As a result, the government held ‘community consultations’ that were designed more to recruit community voices that would confirm what it already believed about FGC – that it was a barbaric, depraved practice from Muslim parts of Africa and the Middle East that reflected cultural values incommensurable with those of Australia. Reports prior to 1996 and current reports, continue to frame the practice as intimately tied to changing migration patterns to Australia. One report from a research unit at the University of Melbourne that looked at FGC within Australia’s North Yarra community, frames FGC as symptomatic of a broader invasion of strange migrant values into Australian territory.

The language around Australia as a site for FGC is significant:

As migration and resettlement patterns continue to evolve, regional Victoria has become home to sizeable communities from the 29 countries where FGC has traditionally been practiced. Approximately 35,000 people who live in Victoria were born in one of the 29 countries where FGC is traditionally practiced, and around 6% (1169 people) of these reside in regional areas. Present trends suggest that this figure will continue to grow (Costello et al 2013); over the period 2006 – 2011, the number of people living in regional Victoria who were born in countries where FGC is traditionally practiced doubled. Communities from countries where FGC is traditionally practiced are also growing in regional centres outside Victoria, in particular in New South Wales….Families from countries that traditionally practice FGC began settling in Australia in notable numbers in the late 1980s. Migration to regional and rural areas has increased rapidly over the last decade, with the support of both state and federal governments (Vaughan et al 2014).

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34 Other scholars have examined how FGC eradication and prevention policies have done little to address the concerns of communities themselves, and instead have been based upon existing notions around womanhood, childhood, and rites of passage (Guiné and Fuentes 2007, Vulpiani 2017)
35 I use FGC (female genital cutting) when I am not referring to the law itself, as this term has been accepted as less obscuring than FGM.
FGC is framed through a spatialization of victims. Victoria’s geography is now organized around who has experienced FGC and who has not. Communities plagued by FGC are rapidly expanding, thereby reframing FGC as a symptom of present and potentially future waves of migration. Other studies suggest that before legislation criminalizing the practice was passed, reports to the government framed it as a threat that was symptomatic of a broader migrant problem and that it posed a threat to Australian values (Rogers 2003, Laurence 2017, Matthews 2011). Salima recalled her memories of government intervention which took the form of aggressive educational awareness campaigns: “The law was created outlawing FGM first, and then they were looking for community engagement. My community, the Somali community, faced a lot of police intervention and fears that their children were going to be taken away after the law was passed. Since that law, the Somali community has been actively fighting to get rid of FGM, but again it was never understood within the different contexts it was practiced. For some families, it was an important rite of passage, and for some girls it was not necessarily a big deal.”

It was palpable that for Salima, as a caseworker, doing the work of early and forced marriage education, was not seamless and carried with it conflicting ideas about the empowerment of young adults who had recently resettled in Australia. Prevention was reproducing the discourses that animated FGM prevention and eradication, making particular communities sites of ‘savagery’ as Salima put it. An awareness raising forum I attended in Tempelstowe, Victoria organized by The Women’s Friendship Group of Manningham and Women’s Health East-Victoria, the subjects covered were FGM and early and forced marriage. The similarities in how both were discussed as ‘threats’ to Australian society, and as correlating with an increase in migration from Africa and the Middle East, respectively, were striking. Both FGM and forced marriage were discussed, by health practitioners, law enforcement, and even
some community leaders as “epidemics” in Australia’s migrant communities and as correlating with “waves of migrant communities,” with Australian citizen female children of immigrants as their ultimate victims. While there were moving stories that victims of both practices narrated to the audience, the forum was designed, as testimony tends to be in philanthropic settings, as a microcosm of what is an ostensibly universal experience of suffering among children in migrant families.

With the 2011 court rulings and the expanding discourse of forced marriage as a rapidly spreading moral panic in Western European contexts, coupled with the state’s concern with Muslim migrants, the stage was set for Parliamentary debates around criminalizing forced marriage in Australia. The legislative debates that ensued beginning in 2012 were based on ideas that centered on the limits of multiculturalism’s politics of recognition and the porousness of national borders both when it came to migrants entering and Australian citizens being taken out. The Lead up to Criminalization, Crisis, and Moral Anxieties around Forced Marriage

In this section, I explore how forced marriage as a culturally distinct expression of family violence becomes treated as a criminal issue, and how it comes to represent symptoms of migration from the Muslim world to Australian policymakers. For policymakers, forced marriage was seen not only as a social welfare issue, but as an issue of national identity and national security.
More recent history of legislative debates around forced marriage reveals that policymakers were less concerned with how coercion was experienced and actually affected the wellbeing of victims and how they saw their futures, than with how it offended Australian moral sensibilities around family, domesticity, marriage, and gender and sexuality. In a Parliamentary debate in 2012, MP Michael Keenan of the Liberal Party and Acting Shadow Minister of Justice, Customs, and Border Protection at the time, framed the issue as a threat to Australia’s status as a modern nation: “Clearly, in modern-day Australia, we have no place for this type of violence, intimidation and deprivation. As a community, we do not accept, under any circumstances, the crimes of slavery, trafficking and forced marriage. These forms of abuse have absolutely no place in Australia” (“House Debates,” 20 August 2012). MP Craig Kelly situated it as a problem produced through migration from the Middle East and South Asia, that in fact pose a threat to Australian citizen girls who were born in Australia: “Sadly, we have recently seen forced marriage arrive on our shores. There have been cases, apparently, where Australian girls have been taken overseas to countries where they have no legal protections and are forced to marry against their will. In many cases they are even forced to marry members of their own family. We have seen a recent ABC Four Corners program, titled ‘Without consent,’ which cites several cases of young girls living in Australia who were forced into unwanted marriages back in Pakistan” (Ibid). MP Teresa Gambaro of the Liberal Party, and Shadow Secretary for Citizenship and Settlement at the time, framed forced marriage as a problem of religious cultures: “it becomes difficult because many religious cultures, unfortunately see it as acceptable; and many cultures see the marriage of a 12- or 13-year old as acceptable. However, there is one underlying principle: It is not acceptable in this country” (Ibid). Nicola Roxon who introduced the forced
marriage amendment and who was Attorney General at the time, noted in a speech to Parliament in May 2012 why the introduction of this particular amendment was so critical and historic: “Marriage should be a happy event, entered into freely between consenting adults.” Here, Roxon’s words frame marriage as the ultimate ‘intimate event,’ the way the event of normative love is formed at the intersection of the autological subject and the genealogical society (Povinelli, 2006, 4). Roxon’s words also speak to Povinelli’s point that what makes us most human is our ability to root our “most intimate relations and governmental institutions, and economic relations on mutual and free recognition of the value of another person” (2006, 5). Here, situating one’s love for another within the institution of marriage is legitimated through the idea that free consenting adults are two life forms that have value, by virtue of their belief in the ideals and promises of heteronormative couplehood. Roxon went on to say, “Forced marriage places young people at risk, and can result in many harmful consequences including the loss of education, restriction of movement and autonomy, and emotional and physical abuse. Some critics have asked, ‘Won’t this just force this underground? I say to them that it is already underground and it cannot afford to stay that way. As Attorney-General it is my role to make it completely clear that in Australia, marriage must be entered into freely, without duress or constraint” (“House Debates 30 May 2012”). Legislators also saw the legislation as critical to deterring the abuse of spousal visas, and the entry of unwanted migrants to Australia.

In addition to these legislative debates, media reports framed forced marriage as an ‘epidemic’ that was overtaking Australia, drawing upon a particular geographic imaginary that saw Australian society as invaded by the practice even though statistics on its occurrence were cursory and incomprehensive. The subject of invasion was both society itself and state laws, making the response to forced marriage both legal and discursive. In an article titled “ ‘It is the
young flesh they want,’ ” published in June 2014 after the law’s passing, it is noted that “Girls as young as 12 or 13 are disappearing from schoolyards, packed off to the countries of their parents’ birth to wed men they have never met, while others are taken from their homes in southern Asia or the Middle East and brought into Australia to marry.” 36 Statistics are then cited from the National Children’s and Youth Law Centre which has located 250 cases of under-age marriage from 2012 to 2014, while others cite that at least 60 child wives live in southwestern Sydney.37

Following MP Nicola Roxon’s 2012 introduction of the forced marriage law, the Senate Legal and Constitutional Affairs Committee of Australia created an inquiry around the proposed amendments to the Criminal Code of 1995, including the proposed amendment around forced marriage. The response was rapid, and several local community and legal organizations sent submissions, including the Australian Immigrant and Refugee Women’s Alliance, the Victorian Immigrant and Refugee Women’s Coalition, the Australian Muslim Women’s Centre for Human Rights, which all recommended that forced marriage be treated as a civil offense rather than a criminal offense. The latter, they argued, risked alienating Muslim migrant communities who were being disproportionately targeted by the legislation. Specifically, there were fears that victims would not report because they did not want to subject their parents to criminal investigation; that disclosures would result in more students being surveilled at school, and that criminalization would undermine existing efforts within communities to address a range of coercive practices and patriarchal systems that put unfair burdens on women to maintain the


37 Ibid.
stability of the family. Despite the consensus that making forced marriage a criminal offense would do more harm than good, Parliament decided against it and passed the law in 2013. In doing so, it also defined what constitutes a ‘forced marriage,’ as the following:

For the purposes of this Division, a marriage is a forced marriage if, because of the use of coercion threat or deception, one party to the marriage (the victim) entered into the marriage without freely and fully consenting…A marriage (including a relationship or marriage mentioned in paragraph (a), (b) or (c)) is void, invalid, or not recognised by law, for any reason, including the following: (i) a party to the marriage has not freely or fully consented to the marriage (for example, because of natural, induced or age-related incapacity);[…]

In addition, the law explicitly substituted the language of “force or threats” in sections 271.2(1)(b) and (c) and 271.2(1A)(b) and (c) for “coercion, threat, or deception,” in order to account for more implicit forms of duress and psychological manipulation. In section 270.1A, coercion is defined explicitly as: “(a) force; (b) duress; (c) detention; (d) psychological oppression; (e) abuse of power; (f) taking advantage of a person’s vulnerability.”

Another key part of the legislation was that it was nested under the “Slavery, Slavery-like Conditions and People Trafficking” section of the 1995 Criminal Code. Doing so made it easier for some Parliamentarians to make the case for criminalizing forced marriage if it could be couched as part of a broader set of trafficking-related crimes, which were easily recognizable as high federal offenses. This was seen as feasible, given that many cases had an overseas component. Furthermore, forced marriage, according to several legislators, needed to be situated as part of a set of legislative reforms that could be under the jurisdiction of the Department of Trade and Foreign Affairs as well as the Department of Immigration and Border Protection given its overseas component.

While forced marriage legislation was unprecedented in its attempts to criminalize particular forms of intimate coercion, in 2015, a key amendment was passed to the legislation. The amendment stated that no one under the age of 16 is said to have the capacity to undertake
full and free consent, which further hone in on the question of consent. Therefore, a marriage would already be considered forced if one of the parties was under the age of 16. This was an important shift because while the *Marriage Act of 1961* did not allow the solemnization of a marriage involving anyone under the age of 16 to be married, it never explicitly said that anyone under the age of 16 being married was a form of coercion. In addition, while the *Marriage Act* did not consider foreign marriages legitimate, the forced marriage act did consider foreign marriages as marriages under the 2013 law, but as criminal ones because they were forced, not because they were illegitimate.

The passage of the 2013 law marked the beginning of a whole set of programs and initiatives designed to prevent forced marriage. The federal government had allotted over AUD$2 million to organizations dedicated to forced marriage prevention since 2015, and since the early 2000s has dedicated over AUD$150 million to human trafficking programs in general within both the legal sector and social service. This includes funding to: the Department of Foreign Affairs and Trade; the Department of Immigration and Border Protection; the Australian Institute of Criminology to conduct research on the practice; the Australian Federal Police’s Anti-Trafficking Unit and other specialist investigative teams around slavery issues; and the Australian Red Cross’s Support for Trafficked Persons Program (STPP) which provides housing, financial, and emotional support to victims of human trafficking and forced marriage, as well as to Anti-Slavery Australia and ACRATH for support services and prevention education.

The STPP was an important player in the emergent forced marriage sector, because it was the main refuge for victims of forced marriages and those who were at risk of being taken abroad. However, in being the primary federally-funded and created program, it also was inextricably tied to the criminal justice system. Entry into the STPP required victims to cooperate
with Australian Federal Police in order to receive support for 90 days, after which their support would end unless they continued to cooperate with Police in the pursuit of an investigation. The first 45 days of the STPP is a recovery and reflection period designed to enable the victim to stabilize their situation and make an informed decision about how they want to proceed with the investigation. The program is funded by the Federal Department of Families, Housing Community Services and Indigenous Affairs. Red Cross has been managing the Program since 2009. However, given that the infrastructure around forced marriage was just beginning to get off the ground in 2013, several key questions remained: should family violence organizations begin to hire specialists on forced marriage or should there be separate organizations and refuges designed specifically for victims of forced marriage?; should it continue to be considered a federal crime or should a civil protection order option also be included?; should criminalization be done away with all together? Was forced marriage the first of more upcoming legislation designed to discipline migrant communities into assimilation? 38 All in all, these questions were nested under a broader umbrella question of: what would it mean to tackle and prevent a problem, the scale, nature, and frequency of which little was known?

By 2015, that there were zero cases prosecuted under the law, but media reports of dwindling disclosures made to AFP and zero prosecutions, prompted the Australian legislature to think more closely about introducing particular stipulations about age within the 2013 amendment. Justice Minister Michael Keenan went on to introduce legislation that would make it clear that those under the age of 16 could never be presumed capable of consenting to a marriage, making anyone organizing a marriage for a 16-year-old, no matter how consent was

38 In 2017, a proposal to criminalize dowry abuse was proposed by Dr. Manjula O’Connor, a psychologist who specialized in domestic violence in CALD communities, and based in Melbourne. It was debated in Victoria State Parliament in 2018 and eventually decided against, but it did gain a lot of traction among policy makers and opened up several media investigations into dowry abuse, making it a more recognizable crime.
solicited, guilty of committing a federal crime. Those who committed this offense, according to Keenan’s proposed legislation, would incur penalties equal to slavery offenses. Debates on the amendment once again framed the practice as an epidemic, an ongoing national crisis. In November 2016, the Australian Parliament was debating whether or not to continue funding for ACRATH’s forced marriage prevention program to public schools throughout Australia. MP George Christensen of the Liberal Party gave a speech which made it clear that forced marriage prevention is about preventing anti-social behavior on the part of migrants than it is about seriously considering gender-based violence in Australia in general:

 [...] It is political correctness that prevents discussion about the fundamental cause of forced child brides, female genital mutilation and all of these other things that we are witnessing that are abhorrent here in this country and that are completely against our culture and our way of life. If we are fair dinkum about equality, we have to strip away that political correctness and be bold enough to come out and say that the Australian way of life is 100 per cent at odds with the way of life of radical Islam. We must be bold enough to say that we do not accept Sharia law in any way in this country. There is one set of laws in Australia, and Australian law applies to all Australians.

When immigrants come to Australia they are choosing to be subject to Australian law, and any other foreign religious or cultural baggage should be left at the door. We need to talk about how to ensure that that baggage is left at the door, and I believe the first step we need to take is to no longer accept immigration from countries where there is a high prevalence of radicalisation or violent terrorism. Opening the door to a free flow of people from these countries is an open invitation to those who are diametrically opposed to our culture and who despise us and our very way of life. We do not need to send out open invitations to those who seek to do us harm. I believe that those who do come to this country should be required to answer under oath a series of questions about their support or otherwise for concepts such as forced child marriages, female genital mutilation and other aspects of Sharia law and, if they support these practices, then they are free to seek refuge in other countries or the citizenship of other countries where such practices are permitted. (“House Debates 6 November 2016”).

Christensen here conflates forced and early marriage with female genital mutilation as part of a cluster of practices that signal the erosion of Australian culture by Muslim migrants. For Christensen, multiculturalism is evaluated less as a set of policies rooted in a desire for equality

39 “Underage Forced Marriage.”
and more as a code language through which to excuse abhorrent morals and cultural practices. These practices are seen not simply as practices Muslim migrants undertake in their daily private lives, but as part of a code of practices that are enshrined in Shari’a law which they use to operate as an almost insulated parallel society. Christensen’s logic leads him to propose a ban on Muslim immigrants, and to propose that those already here need to demonstrate their commitment to Australian values. This demonstration can no longer be veiled through ‘benign’ and romanticized public cultural performances. It has to be shown through an actual test of how they feel about forced child marriage and FGM, as well as Shari’a law. The forcing of children into marriage becomes spatialized once again—it gets associated with that which is outside of Australia—which in turn sees migrants as bringing a set of static cultural and religious beliefs to their new country of settlement. This mindset is similar to how institutions like the Substance Abuse Intelligence Desk (SAID), the Cross-Border Family Violence Offender Program and the Domestic Violence Information Sharing Intelligence Desk were specifically created in order to manage and regulate Indigenous movements in the cross-border region and to govern and discipline their behavior. In the profile of homicide cases that Janet Lloyd constructs, there is a pattern of ‘high mobility within and across the region’ among perpetrators (2014, 104). Another characteristic was that close male kin were deemed perpetrators, including fathers and male cousins (2014, 104). The concern with people’s unregulated mobility in Australia’s interior is a testament to the concern and fear that Indigenous communities pose a kind of domestic threat similar to how migrants also pose a threat if their socialities are not properly regulated.

**Conclusion: The Call to Response: Muslim Australian Communities address Family Violence**

How communities on the ground responded to the 2013 law revealed the extent to which the law itself was a product of top-down governance. Muslim communities who came from a
migrant background were also tackling forced marriage, but not in the ways that state and public health discourse had. Namely, organizations like the Australian Muslim Women’s Centre for Human Rights was looking at early and forced marriage as a product of state sanctioned violence against Muslim migrants but also as a result of Islamic religious institutions’ misuse of power within migrant communities. Namely, organizations like the Australian Muslim Women’s Centre for Human Rights viewed early and forced marriage both as the product of state sanctioned violence against Muslim migrants and the result of Islamic religious institutions’ misuse of power within migrant communities.

Examples included instances in which imams refused to grant divorces in the name of keeping the family together, even in situations of domestic violence and sexual abuse. On the other side of the spectrum, Islamic religious leadership has also been accused by women’s rights groups of aiding police in different surveillance programs framed as countering violent extremism programs, in exchange for financial support for their religious organizations. However, many women’s rights groups found it difficult to publicly advocate for better services and to even acknowledge forced marriage as a problem because of how it might inadvertently fuel stigmas attached to Muslim communities that they are intrinsically violent toward women. Rania, a Muslim Australian academic who had been informally advocating on behalf of women in her community, spoke to me about the challenging position people like her were put in because of their desire to both tackle Islamophobia but also help women who were being deprived of their basic rights because of the weaponization of local Islamic religious authorities.

I first met Rania at a “Speed Date a Muslim” event in Brunswick, at the Moroccan Delicacy shop. Speed Date a Muslim, despite its name, was not a dating platform for Muslims. It was rather a public event held once per month by Hanna Assafiri, owner of the Moroccan Delicacy shop.
Delicacy, and an anti-Islamophobia advocate who sought to bridge the divide and misunderstandings between ordinary Muslim Australians and non-Muslims who had what she called ‘misguided understandings’ of who Muslims were and how they were changing the social fabric of Australia. The “Speed Date a Muslim” forums orchestrated small conversation sessions within the café amongst both groups. Rania and I had been assigned to the same conversation group. We were discussing the role that Islam played in each of our lives. Rania’s family had fled from Syria in the 1970s to Australia and she herself was born in Syria but had grown up in Australia and had called Melbourne home for a long time. In our discussion, Rania expressed her commitment to developing new paradigms for Islam as a religious practice and did not see this effort as mutually exclusive from her broader anti-Islamophobia and social justice work. She was also pursuing her PhD in Middle East Studies at Deakin University, and was an active advocate for interfaith dialogue in Australia, having participated in several public panels about how progressive versions of Islam could work with progressive Christian and Jewish organizations toward social justice. Another key part of Rania’s work was building alliances between an organizations she founded called Muslims for Progressive Values (MPV) and Islamic religious leadership within Australia, especially in addressing family violence.

When we met for coffee at Deakin University’s Docklands campus, Rania told me about a forum she attended the day before at the Islamic Council of Victoria which aimed to create a Muslim Women’s Alliance in Australia and was led by the leader of Benevolence Australia. At the forum, domestic violence came up as a key issue. Rania said she wanted to bring up the need for more progressive interpretations of Islamic texts but instead focused on how important it was to help the Muslim community build a mutual understanding with other ethnic and religious communities. However, she felt there was a limit on what she could say, noting that “I didn’t
want to sound too offensive or political because people in these circles have a tendency to
demonize you and think you are not a champion of Muslims if you do ask for more progressive
forms of engagement.” She continued that it was difficult to address domestic violence because
participants would too quickly think that she was trying to demonize Muslims as dictated by
Islamic religious traditions and to highlight women’s oppression. I discussed the obstacles my
own project faced because it was looked at as a gateway to Orientalized descriptions of Muslim
women. Here, Rania explained that the often, the issue of domestic violence gets caught up in the
politics of Islamophobia—and that the struggle to address domestic violence has to be a struggle
against Islamophobia as well, rather than simply centered around short-term relief. Addressing
domestic violence in communities could not solely be the responsibility of the state or social
welfare—it had to be led by communities. For Rania, part of the solution required Muslim
Australian to demand that religious authorities change their views on what it meant to be a pious
spouse, and the meaning of family stability, while simultaneously challenging structural anti-
Muslim racism and Australian laws, policies, and media representations that saw Islam as the
cause of family violence (the state’s perspective) or the source of its solutions (religious
leadership’s perspective) in Australia. In this sense, Rania’s politics around family violence were
calling upon both the state and religious leadership to change their relationship to Islam. She
reiterated that while religious authorities policed the ways in which women reacted to situations
of domestic violence, the state was Muslim social behaviors and patterns.

Rania described her work helping women in her local community to escape abusive
marriages get Islamically-sanctioned divorces through bodies like the Islamic Council of
Victoria (ICV). For some of her family friends, it was important to have their divorces done
through Islamic law which in some iterations required the signing off of a religious authority,
including a sheikh. This needs to be preceded by the husband saying that he is the one who wants a divorce. She mentioned that she went with a woman to a Somali Sheikh in Victoria to help her get the divorce granted since the husband was not granting the divorce. The sheikh advised the woman to do a ‘khula’ which in Arabic means she would get the divorce but give up her mahr (or inheritance through marriage). Rania discussed how difficult it was for the woman to get an Australian divorce because her marriage happened abroad, and this is not recognized for the purposes of divorce by Australian courts. Religious authorities made it difficult to grant a religious divorce while the state refused to recognize certain marriages in the first place. Rania used this anecdote as a segue to discuss the politics of recognition in marriage in Australia and how the forced marriage law represents the double-speak in this recognition. She pointed to how conveniently the courts would recognize a marriage that was done abroad for the purposes of categorizing it as a forced marriage but not for the purposes of granting a divorce. Rania discussed how the law was being weaponized to criminalize Muslim Australians. She mentioned that the problem was that the law itself in Australia has always been based on an Anglo-centric framework and would never take into account how families operate outside of that framework. Rather than focus on criminal legislation, current domestic violence programs should learn about forced marriage and develop better services for victims rather than creating specialized units to target forced marriage itself, or create special units to deal with forced marriage in particular communities. Why not really integrate forced marriage into mainstream forms of violence prevention?” I was struck that Rania framed the state’s approach to forced marriage as in fact peculiar: the state deemed the entry into a coerced marriage as a moment that would trigger and commence abuse but the exiting from which would not, and that it was both the state and religious authorities who placed barriers toward women’s exiting of an abusive situation.
Rania discussed how she herself could see how the forced marriage policy could stigmatize her through the way it constructed the free, autonomous subject: “When I was 18, my mom mentioned a friend who had a son and asked if I wanted to meet him. I said I would but I felt that it was my own choice, but if a social service person looked at this, they would think I was vulnerable to a forced marriage.” It was an unfair risk assessment mechanism but it also was not based on actual community realities. Here, Rania focuses not only on how family violence prevention dismisses the realities of those whom it seeks to help, but also on how prevention categorizes communities and teaches them how to categorize themselves, thereby further consolidating the category of marriage as its own site of legal discussion and debate.

She immediately continued into a discussion of how the 2013 law can in fact be seen as a constitutional violation, and signals the policing of immigrant communities. Rania discussed the Julian Knight Law. In 1987, Julian Knight drove by a street in Clifton Hill, VIC and randomly shot motorists, causing 9 people to die and others to be injured in what became known as the Hoddle Street Massacre. In 2014, when Knight was up for parole, the Victorian Parliament created a specific law which placed a high number of restrictions on the conditions under which he would receive parole, making it virtually impossible. The motivation has to ensure Knight would never be allowed in public life or be granted parole. After appealing the decision, in 2017, Knight’s sentence remained when the High Court of Victoria deemed the 2014 law constitutional. However, several legal experts refuted the constitutionality of the law on the grounds of whether or not a law can be created to respond to one or a few extreme cases rather than a bigger societal issue? For Rania, the forced marriage law had to be understood as part of a wider set of legal trends that tended to be generated as a response to rare moments of imminent extreme violence, moments that questioned the very integrity of Australian notions of social
cohesion itself. Just as the Julian Knight law represented a moment when the law was directed at one particular individual or those few who might replicate what he did, the forced marriage law to Rania also represented a targeted attempt to deem a particular community threatening, and in fact, in need of being disciplined to be non-threatening. While she was not analogizing the two situations, she was pointing to a larger logic that shaped Australian legal approaches to safety and the perception of threat. These laws were born out of both a preventive and pre-emptive stance. They were preventative in that they were triggered by a set of very real incidents of extreme violence and brutality, making them not completely abstracted from an evidence-based model. However, they were also pre-emptive because they implicitly interpellated those who did not commit such acts, but who were from the same racial and ethnic communities as those who had done so, as holding the potential to commit such acts. However, in creating forced marriage as a legal category of criminality, the state also produced a set of assumptions about what type of behavior becomes more prone to perpetration and what type of behavior and comportment is more prone to victimization. These laws were also pre-emptive because they not only were formed in response to the particularities of the case at hand, but were also formed in relation to a set of cases that might take shape in similar ways.

Rania noted the label forced marriage was a racialized and gendered understanding of coercion in intimate relationships that too seamlessly mapped on to Middle Eastern and South Asian women. I brought up the question of why is it that when white Anglo women hesitate to cancel their weddings because of the amount of money they may have invested in it or because they do not want to disappoint their family members or friends, they are not labeled as coerced into marriage? Rania added, “If this had happened to an Indian women or Middle Eastern woman, it would clearly be a forced marriage. There is a message being sent that Anglo is right
and non-Anglo is wrong.” Here, Rania points to the moral evaluations being attached to particular groups’ experiences of coercion—the former is making a choice as an individual while the latter is being interpellated as part of a bigger group and set of values that does the forcing. The former has the benefit of agency while the latter has the liability of victimhood. In fact, in the wake of the amendment to the forced marriage law, and the release of the Royal Commission’s recommendations in 2016, as well as ongoing media coverage of child brides and the strengthening of extremist right wing groups within Parliament and beyond, Muslim Australian communities were put in a position where they had to once again answer for their communities. As scholar of Islamophobia Khaled Beydoun has noted with regard to Muslim Americans, they are consistently treated as collectively responsible for condemning acts of violence that a select few Muslims commit (2017, 146).

Rania’s perspectives shed light on the difficulties of transcending how Muslim Australian women and their families get read by the state, and how this reading hurts their ability to seek help, counsel, and guidance in situations they themselves have identified as violent and abusive. Women are stuck between a rock and a hard place, working everyday to tackle the misuse of power among religious authorities while maintaining their own paradigms of piety and community, which automatically get read as examples of religious and cultural oppression by the state.

Since the early 2000s, then, sentiments toward Muslim migrants were making it more difficult for communities to openly ask for support for their family violence prevention efforts because it would reinforce the dominant perception that Muslim communities are intrinsically violent toward women and hyper-patriarchal. Inderpal Grewal has argued it is the concept of patriarchy that liberal societies ‘outsource’ to the Third World in order to show that the latter are
operating in backward situations compared to the West (2013). Edward Said has also illustrated that notions of ‘barbaric’ Muslims serve to produce the idea of ‘enlightened’ Western liberals, a notion which tends to gain even more traction in particular historical moments (Said 1993).

At the urging of both Muslim Australian women advocates as well as the state which sought to promote more moderate versions of Islamic practice, several Islamic religious bodies in Victoria felt compelled to more deliberately include trainings for their imams on gender equality and family violence, and to publicly show that they were undertaking these initiatives. Australian Islamic religious leaders throughout

*Table of Contents, “Respect” Manual*

Victoria, including the Islamic Council of Victoria, Benevolence-Australia, and the Board of Imams-Victoria, engaged in a number of initiatives designed to show the Muslim Australian community that Islam did not condone the mistreatment of women, and that fostering gender equality would in fact be key to a more authentic adherence to Islam and a renewed spiritual awakening. In 2012, an Australian Muslim scholar from Queensland, Tariq Asadullah Syed gave an interview to *The Australian* that forced and child marriage were antithetical to Islam following an ABC *Four Corners* program which cited several cases of young girls living in

*Respect: A Guide for Faith Leaders and Communities*
Australia who were being forced into marriages in Pakistan ("Forced marriage banned under Islam"). However, the Imam said that forced marriage ultimately represented an aberration of cultural values. In a historic report titled "Respect: A Guide for Faith Leaders and Communities," which was sponsored by the City of Darebin and the Board of Imams-Victoria, Muslim religious leaders in Australia created a guide with city council members on how to address family violence in their communities. The cover page and the illustrations of women in headscarves were the only explicit ways of communicating that this report was intended for the Muslim community. There were many notable parts of the report. However, one of the most notable was the idea that violence against women occurs when there is gender inequality and that promoting gender equality is key to faith communities sharing the wisdom of spirituality ("Report page 16").

While the report was an important way for faith leaders to take a leading role in addressing violence against women, it ultimately reframed family violence as beginning with cultural and religious misinterpretations and ending with a reformation of social attitudes toward gender. The report focused on ending family violence in order to enhance spiritual connections and religious ethical and moral principles, thereby compartmentalizing family violence as a problem that both originates in culture and can be solved through culture. The report marks a shift in today’s multiculturalism policy, which increasingly puts the responsibility of social wellbeing in the hands of communities themselves. A media statement released by the Australian Muslim Collaborative also denounced domestic violence shortly thereafter the release of the report in 2017, stating:

Any promotion of violence is against the spirit and letter of Islam. Violence against women not only betrays the example of the Prophet Muhammad (peace be upon him) who deplored violence against women and other forms of mistreatment but also betrays the tireless efforts
of Australian Muslim religious leaders, health and community workers who all work towards the eradication of all forms of violence. Violence against women undermines the love, mercy, and mutual support that should define a Muslim marriage. Muslim men are required to take the Prophet as their role model and should therefore be active in campaigns and programs to prevent men’s violence against women. (“Media Statement”).

Thus, condemning violence against women was still framed as important in preserving certain religious and cultural traditions, and in fact situated it as part of a set of gendered normas key to preserving a stable family unit. It did not see family violence as part of a bigger problem of state-sanctioned violence toward migrant communities.

The emergence of forced marriage as a legally recognizable category of violence was intricately tied to the idea of cultural competence and assimilation as a way to integrate migrants into the social fabric; increased nationalist sentiments that resuscitate the idea of White Australia; the racialization and exclusion of Muslim migrants from the Australian polity, both literally and politically; already circulating global discourses of violence against women; and the ongoing legacies of family violence prevention as a mode of governing Indigenous communities.
Chapter 3: Sentinel Figures:
Constructing the Victim-Subject of Forced Marriage Prevention

Introduction

Forced marriage prevention, because it was still in the process of becoming a part of existing family violence prevention institutions, was still in the throes of determining what the experience of being a potential victim of coercion into marriage looked like. During my fieldwork, prevention workers were trying to create best practices for preventing forced marriages through developing a standardized mechanism to determine what the experience of being at risk of being forcibly married was. In the forced marriage sector, being at risk of a forced marriage already rendered one recognizable as a victim amongst direct service institutions. In other words, one did not have to have been taken overseas to be married to garner the intervention of direct service organizations; prevention was a form of intervention whose “quintessential” subject was still being generated. In this chapter, I will examine how the forced marriage prevention apparatus constructs the subject of imminent danger.

Through analyzing the discourses and practices that constitute professional training material on forced marriage, I show how the subject of this emerging category of violence comes into focus for caseworkers, educators, and advocates. I argue that forced marriage prevention training material is in the process of creating a quintessential victim subject who comes to be represented as a type based on a racialized and gendered understanding of recently resettled Muslim migrant communities. This subject’s victimhood came to signal the erosion of Australian values around childhood, kinship, and good citizenship. Thus, the victim subject that training material represents is a subject who can be knowable along two axes: (1) as at risk of suffering this particular type of violence; and (2) as, in her victimhood, posing a risk to values around childhood, kinship, and citizenship that are marked as distinctly Australian. In that sense, I show
that alongside the creation of the victim-subject, runs a parallel narrative that reinforces the values of Australian national identity. It is not as though practitioners consciously see the victim subject as the cause of the erosion of national values—rather, it is that they see the victim subject as an example of how values are not being properly conveyed to her migrant parents and family members. It is no coincidence that in most training material, the hypothetical subject that is usually mentioned is an Australian-born citizen girl whose parents migrated to Australia. In creating a victim figure, forced marriage prevention shows that social welfare does not intervene into the life of an a priori, objectively known individual subject; it also generates how that subject can be known through a set of representational and epistemic practices. This chapter is an examination of the dilemmas and thought processes through which representations of victimhood come to form for practitioners and stand in for ideals and values in excess of the individual victim-subject herself.

Forced marriage prevention work is invested in making the intimate family dynamics of Muslim migrant communities knowable in new ways. But this does not mean that these representations are based on analyses of actual individuals with whom practitioners have come into contact. Rather, the stories that are featured in training manuals are themselves amalgams—they pull from individual components of stories featured in news articles of young Muslim girls who were taken away overseas to be married and examples of what the Australian Attorney General’s “warning signs of a forced marriage,” published shortly after the passage of the 2013 law.

Ethnographically tracing how the victim subject is constructed reveals that while the forced marriage apparatus seeks to protect the immediate wellbeing of a potential victim, in the process, it is also learning how to read potential victims as metrics of the future of social
institutions bigger than themselves—namely, childhood, family, and citizenship. In this sense, forced marriage prevention does not apprehend the subject from nowhere; rather, its mode of knowing the victim subject is situated and by extension, also generative of who the victim subject is for prevention practitioners—it gives the impression that practitioners can know who the victim is before having met them. The position from which this apparatus knows the subject is also based on how it views the perpetration of the crime itself. Both pre-emptive and preventative of a particular form of violence.

It is how these truths about who is responsible, who victims are, and how this is experienced as violence, that I aim to explore in this dissertation—in sum, how forced marriage is produced as a category of violence and how its production is a form of pre-emptive social welfare. In that sense, the trainings I point to in this chapter, and the scenarios they work with are pre-emptive in that they are not based on actual cases but on select patterns of behavior that are taken from anecdotal evidence. The trainings themselves, beyond the scenarios, also become spaces where forced marriage becomes reconstructed as a threat to Australian society as a whole because it indicates Muslim migrants’ inability to assimilate. The trainings, however, are not based on purely imaginary narratives. They have taken from previous cases and did inspire discussion of actual cases practitioners have encountered. In that sense, they maintain a preventative disposition.

The subject who is at risk of being forcibly married is constructed through everyday conversations and trainings among practitioners about how to provide direct services, how to go about preventing imminent danger; as well as through advocacy material that attempts to garner public attention about the issue of forced marriage as a stain on Australian values and as a threshold for Australian multiculturalism. Thus, in constructing the potential victim subject, the
forced marriage sector also constructs what healthy family relationships, childhood, and citizenship should not look like and the moral limits of multiculturalism’s politics of recognition itself. In using the term, ‘citizenship,’ I refer to migrants’ chances of being fully integrated within the polity which is measured by their capacity to show good moral character (Schinkel 2010).

**Scenarios and Sentinel Subjects**

The 2013 law situates the violence of forced marriage as encapsulated by a set of bounded, consecutively ordered events that culminate in the subject giving her (coerced) consent into marriage. However, in prevention trainings, training material often present scenarios that depict coercion into marriage as a product of not only a set of consecutive events, but also of migrant families’ ongoing struggles to assimilate to Australian life, and to preserve familial culture and traditions. How to know when an individual was at risk of being coerced into a marriage meant that practitioners were taught to be on the lookout for these ‘cultural struggles.’ Both subjects—the at-risk subject and the migrant family serve as metrics for the future of Australian ways of life in the forced marriage apparatus. They serve the function of what I call ‘sentinel subjects’, which I define as figures who both in their victimhood and criminality signal an impending moral crisis around Australian values in the eyes of prevention practitioners and policymakers, and as rooted within a particular demographic of migrants that is racialized and gendered in different ways.

Frédéric Keck and Andrew Lakoff’s concept of the ‘sentinel device’ (2013) inspires the analytic of the sentinel subject. A sentinel device is a signal of an impending crisis and form of vulnerability that can affect multiple people and contexts. Keck and Lakoff propose the idea of sentinel devices in the context of environmental threats such as climate change, environmental
radiation, emerging disease, and toxic chemicals (Keck & Lakoff 2013). Their project is to invite a more thoughtful consideration of the potential for various living animals to be considered sentinel figures who can aid in identifying potential environmental threats. Such beings include birds who can show signs of an impending H5N1 virus, machines that can detect ongoing effects of radiation on animals, or mollusks who can identify industrial pollution in France. They distinguish the sentinel figure from that of the prophet or prognosticator. Whereas the prophet is a classical figure who interprets images of an impending future, the prognosticator gathers knowledge about the present to plan for what may happen in the future. However, the sentinel figure is different:

This figure presents a vigilant watchfulness that can aid in preparation for an uncertain, but potentially catastrophic future. The word derives from the Latin *sentire*, to feel or sense. Thus the figure of the sentinel is bound up with both the problem of perception and the question of whether the detection of danger can successfully ward off a coming crisis (Keck and Lakoff 2013).

For Keck and Lakoff, the sentinel figure is a virtuous one—one that has the potential to help humanity in its detection skills and watchful disposition. While this is quite distinct to how I use the idea of the sentinel figure in this chapter, the idea that a figure can embody and signal an impending crisis is productive. In this chapter, I borrow from the idea of the sentinel device but in order to show that human subjects, ‘figures’ when racialized and gendered in particular ways, can also come to be seen as signals of impending crisis. Rather than being valued for their capacity to help prevent it (as Keck and Lakoff use it), sentinel subjects can also matter in terms of how they are victims of the ‘crisis’ and its perpetrators. The sentinel subject is one I position as key to the logic of humanitarian reason at work in forced marriage prevention—it is a subject who is the victim of violence by virtue of what has happened to her but also by virtue of her race, gender, and family’s citizenship status, and thus in her presumed relationship of victimhood with her family signals something to the polity about the future of the nation-state. I will now turn to
how prevention trainings, specifically through scenario analysis, illustrate the power of the sentinel subject as a particular kind of figure. I then turn to how the sentinel subject as a signal of the nation state’s future can be read as part of a parabiopolitical apparatus (Faubion 2018), that is based on scenaristic modes of planning (that are racialized and gendered), at the heart of which lie a concern with the future of the Australian nation state. The ways in which these scenaristic modes of knowledge are preoccupied with the nation-state is in part a legacy of Australian settler colonial understandings of the future.

Because direct service workers and advocates were tasked with preventing a forced marriage rather than providing therapeutic support to those who had already experienced it, the sector was more concerned with the general environment in which coercive familial practices took place—understanding the domestic environment that put the subject as at risk of being coerced—the led up to the criminal act. Who was being protected through these trainings was a key question I thought about as I took the train ride from Melbourne to Morwell in November 2016 in regional Victoria, to attend a training led by Australian Catholic Religious Against Human Trafficking (ACRATH). The training was being administered by Alice from ACRATH for school teachers, caseworkers, youth workers, community leaders, and health practitioners. It training consisted of both a presentation on the forced marriage law, but also explained and solidified the definition of forced marriage as a readily identifiable event that occurs throughout Australia. The latter part of the training was a set of exercises in which practitioners would be given scenarios and they would have to identify what parts of the scenarios raised red flags. These red flags would help trainees identify along what lines that person was at risk of being coerced as well as what constituted the proper form of intervention to prevent the marriage from happening and thus ensure at the very least, the short-term safety of the victim.
Morwell is a part of the region of Gippsland in the LaTrobe Valley in Southeastern Victoria, which is one of 36 areas designated “Refugee Welcome Zones” in the state of Victoria as of March 2016. With a population of about 73,000 people, 79% of whom were born in Australia, and 62.7% of whom have both parents born in Australia, Morwell is one of several regional areas in which refugees are being resettled through government programs. Anglicare, a housing shelter for different vulnerable groups, had increasingly been hearing that secondary school students had been disclosing to their teachers that they felt at risk of being taken overseas to be married and some had even used the shelter’s services to just have a few weeks of separation from their families. As a result, the Morwell branch of Anglicare asked for a training session on forced marriage from ACRATH for local social service providers and teachers. I was eager to know what this first training would reveal about how forced marriage was being treated as a social and community issue.

I arrived at Anglicare, and saw that Alice, the head of ACRATH’s Forced Marriage program, was administering the training. Alice is in her fifties, identifies as white Catholic Australian and has been working with ACRATH for almost two decades. She was speaking about the warning signs of an ‘at-risk’ person to the audience of about 20 people, all of whom were women. They had been sitting in about 5 rows of tables, and her scenario piles and training literature stacked precisely in front of Alice as she presented the powerpoint, each slide giving us a more detailed glance as to what exactly it meant to be ‘forced’ into marriage. Alice enunciated

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41 Just a month before, I had met with Bridget of CMY for the first time, where I had gotten the sense that while she was still trying to figure out how to know what consent and coercion looked like, treating forced marriage as a cultural issue was off the table for her. She adamantly explained that doing so really took away from its gravity as a human rights and gender-based violence issue. I wondered if this training was also going to avoid treating it as a cultural issue especially since CMY was supposed to be organizing the training alongside ACRATH.

every word she spoke, and it was clear that she had given this presentation several times before. There was something very simple and direct about her delivery. I found myself nodding throughout, almost convinced that everything about forced marriage made sense as an objective truth. As she presented slides on the white board, there was a straightforward quality about her explanation of forced marriage that was persuasive—“Forced marriage is a marriage that is entered into without the individual’s full and free consent. It occurs in all cultures, not just one. It is against the law in Australia. It destroys the futures of young girls as it can lead to early pregnancy, domestic violence, and domestic servitude.” The unapologetic succinctness of the statements drew the audience in—much to their surprise forced marriage seemed to be much more straightforward than some had suspected. The questions that first propelled me into this project creeped up again as I focused in, trying hard not to be seduced by the conciseness of the clear-cut world that was being painted on the white board. How do you teach people to see that someone is at risk of being coerced so far before the actual event in question occurs? How to know when to call someone a potential victim? What does it do to call these practices un-Australian? After the overview Alice provided, the participants were asked to read the following story from the ACRATH Forced Marriage Educational Curriculum, a set of training material that ACRATH under Alice’s leadership, produced for secondary schools throughout Australia to use:

Ayla is a 17-year old high school student in Australia. Ayla’s teacher notices that Ayla seems depressed and has taken a lot of time off school for overseas travel. Her teacher also observes that Ayla’s family seem to be very strict and controlling. Ayla always has someone with her outside school hours and the teacher has heard from Ayla’s classmates that she isn’t allowed to go out with friends without a family member going with her. When the teacher asks Ayla if she is okay, Ayla says that her parents took her to visit relatives overseas. When they arrived, her parents told Ayla that she would only be able to go back to Australia if she agreed to marry her cousin, whom she had never met. With no passport or money, Ayla was forced to marry her cousin overseas so that she could return to Australia. Ayla’s parents have also told her that, when she turns 18, she will have to sign migration papers for her cousin so that he can come to Australia to live with her. Ayla tells her teacher that she feels like a slave and never wanted to marry her cousin. Ayla says that she feels trapped and is scared about what might happen if she tries to leave. Ayla asks her teacher for help. Ayla’s teacher contacts the AFP for help. Although Ayla does not want her parents or ‘husband’ to be
prosecuted, the AFP is able to help her access support, including safe accommodation, financial support, legal advice and counselling. As a result of this assistance, Ayla is able to work towards establishing the future she wants for herself.

Alice continued that Ayla was an Australian citizen, a child, and that her case shows “It’s happening in Australia.” A nurse raised her hand and asked, “Is it really happening in Australia? How often? I never thought this would be happening in Australia.” Alice replied that they did not have any statistics but that practitioners knew it was happening. Bridget, the Center for Multicultural Youth’s Forced Marriage Program Director interjected: “Communities tell us that it’s happening so we have to believe them.” These were both responses common in many trainings I attended. Despite the uncertainty around statistical evidence for the frequency of forced marriage, there was a marked shift that took place in the conversation—the shift from a discussion of the specific circumstances of Ayla to that of what questions and concerns the story evoked for practitioners in the room. Ayla’s story evoked a set of concerns in excess of itself. *Who* the potential victim was seemed to matter less than *what* they represented. Practitioners were presented the scenario as is without any reference to Ayla’s broader life context. They were not given any more details about her relationship with her family outside of the discussions about

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**Hannah Arendt** addresses the difficulties of distinguishing between “who” people are versus “what” they are, the challenges of developing a grammar that adequately captures the complexities and essences of the individual. This can certainly be said to apply to the space of family violence prevention and its practitioners who oftentimes had difficulty expressing who their clients were. She writes in the chapter on “Action” in *The Human Condition*:

> The manifestation of who the speaker and doer unexchangeably is, though it is plainly visible, retains a curious intangibility that confounds all efforts toward unequivocal verbal expression. The moment we want to say *who* somebody is, our very vocabulary leads us astray into saying *what* he is; we get entangled in a description of qualities he necessarily shares with others like him; we begin to describe a type or a "character" in the old meaning of the word, with the result that his specific uniqueness escapes us. This frustration has the closest affinity with the well-known philosophic impossibility to arrive at a definition of man, all definitions being determinations or interpretations of *what* man is, of qualities, therefore, which he could possibly share with other living beings, whereas his specific difference would be found in a determination of what kind of a "who" he is (Arendt 1958, 181).

Along similar lines, Lisa Stevenson has written about how Inuit youth in Canada are seen as at-risk for suicide in the same ways through rendering their lives in one-dimensional ways, which have homogenizing effects and produce the figure of the young suicidal Inuit person. (Stevenson 2014, 85-86).
marriage. The only information that was relevant and necessary to understanding Ayla as an at-risk subject and the proper intervention, was all the information presented in the scenario. What is also important in this scenario is that it is only Ayla’s teacher who assesses her situation—it is her teacher who makes the judgment that her family is strict and controlling. We do not learn much about Ayla’s understanding of her family relations except for her declaration that she feels like a slave. The scenario in fact is almost a one-to-one reflection of the official warning signs that someone is at risk of a forced marriage, according to the government-produced forced marriage pack for social service agencies. The warning signs in this scenario are the following:

- Ayla’s teacher notices that Ayla seems depressed and has taken a lot of time off school for overseas travel.
- Her teacher also observes that Ayla’s family seem to be very strict and controlling.
- Ayla always has someone with her outside school hours and the teacher has heard from Ayla’s classmates that she isn’t allowed to go out with friends without a family member going with her.
- When the teacher asks Ayla if she is okay, Ayla says that her parents took her to visit relatives overseas.

These particular warning signs, the attendees concluded, mapped on to the following warning signs:

- the person's family has a lot of control over the person's life which doesn't seem normal or necessary (for example, the person is never allowed out or always has to have somebody else from the family with them)
- the person displays signs of depression, self-harming, social isolation and substance abuse
- the person seems scared or nervous about an upcoming family holiday overseas
- the person is unable to make significant decisions about their future without consultation or agreement from their parents or others.

Attendees identified these warning signs out loud after reading the scenario and discussed remedies for Ayla that centered on removing her from her family situation and finding her temporary housing, while assigning her to a caseworker who could help her develop a short and long-term safety plan. However, the conversation once again quickly drifted into a discussion of disbelief as to the extent to which this practice was happening in Australia. Caseworkers brought up how they saw the practice happening in particular among Afghan communities and a school teacher brought up that she had suspicions about it among recently arrived refugees at her school.
One participant noted that families do not know that this “is the law in Australia,” and that this behavior could be explained “as a coping mechanism that parents use when they see their children becoming Westernized.” Thus, in addition to the details of the scenario itself, forced marriage itself was being tied to migrant communities, the experience of migration, and a particular relationship to Australian law, as well as a struggle to socially integrate.

Thus, the training revealed that engaging with scenarios results not simply in an engagement with the details of the case that was presented, but in engaging in other imaginative work that associates this practice with particular migrant communities. This requires both decontextualizing the details of the story—seeing Ayla’s family’s practices as coercive and therefore as always having been that way—and in universalizing the details of the story—situating the story as representative of the realities of numerous potential individuals and families who come from migrant families. This typologizing is particularly sinister because, on the surface, it privileges the specific identity of the person—we are in fact speaking about Ayla in this case. This identity is supposed to be plausible, though it is not taken from any identifiable person’s story—at least it has not been disclosed that way. The universalizing language of this training is once again not unique to forced marriage prevention, but it is distinct in how it situates extended family relations as knowable through these signs, which is very different from how domestic violence prevention for example makes conjugal couples’ family relations knowable. Ayla is to be treated as a unique case that presents specific challenges different from any other case, but is also supposed to be representative of certain patterns of family violence and control that victims of forced marriage encounter.

There are two concepts at play in the scenario related to Ayla—the figure and the simulation. The scenario itself is needless to say not based on a real person to whom these events
transpired, but to a hypothetical person. However, as a collection of scenarios, these stories are designed to give a sense of the realities that female youth experience, treating them like figures rather than actual people. In her analysis of Danish schools who are using integration programs for Muslim immigrants, Reva Jaffe-Walter provides a useful analysis of how Muslim youth come to be treated as ‘figures’ rather than multi-dimensional subjects. She writes that “Figured identities are abstracted and distilled notions of identity—cultural stereotypes—that carry with them a set of specific narratives, expectations of behavior, and charters for action. A ‘figured world’ is defined as ‘a socially and culturally constructed realm of interpretation in which particular characters and actors are recognized, significance is assigned to certain acts and particular outcomes are valued above others’ (Holland et al. 1998: 52)” (Jaffe-Walter 2016, 4).

In scenarios, the human turns into a character, and particular interactions she has with her family are recognized and valued over others. Jaffe-Walter argues that students were not recognized in terms of their identities and experiences (2016, 5). While this is no doubt true, this contention also assumes knowing more about students’ identities and experiences would prevent social welfare from treating them like figures. Forced marriage prevention itself is unique in terms of the extent to which it is concerned with the deep details and intimate socialities of migrants—it is an example of how social welfare develops in-depth knowledge about communities, and moves closer to a politics of deep cultural recognition. However, I contend that social welfare’s deeper investment in the micro-dynamics of communities can still produce knowledge that renders the subject as a figure. In that sense, I offer a slightly different iteration of Jaffe-Walter’s idea of ‘figured identities’, and instead find the term ‘figured subjects’ more fitting because it reflects and recognizes the fact that in technologies of social welfare, like scenarios, individuals are not only being interpellated as one-dimensional identities, but also as people who live in culturally
specific lifeworlds under a set of power dynamics. Figured subjects can be produced through deeper forms of knowledge that become the telos of multicultural policy agendas striving for less superficial forms of recognition. What Étienne Balibar has called the double-bind of multiculturalism lends itself to the figuration of the subject, but not always in one-dimensional ways. Balibar writes:

> Institutions reduce the multiplicity or complexity of identifications. But do they suppress that multiplicity in such a way as to constitute one single identity?...This is ‘normally’ impossible, even though it is, just as ‘normally,’ required. There is a double-bind here. This is where the basis of the problem of ‘multicultural’ society lies: not simply in the plurality of the state, but in the oscillation for each individual between the two equally impossible extremes of absolutely simply identity and the infinite dispersal of identities across multiple social relationships (Balibar 2002, 67).

Here, Balibar is pointing to how multiculturalism actually oscillates between seeing the individual as an identity or as wholly distributed. The attendees pointed to the presence of Ayla’s family members in different aspects of her everyday life as a point of departure for understanding how “people like Ayla” are “all around us,” as one attendee noted. Here, the Ayla scenario is presented as a tool to do prevention better, and ends up taking on a universalizing function that can be used to identify other potentially problematic cases. Key to producing Ayla is a knowable figure is the environment in which she resides. Ayla’s story, then, was treated in terms of a set of relevant signals to case workers. In fact, it also triggered case workers to think back to their previous cases, which were obviously real ones, to determine what red flags they may have missed previously. The scenarios then, despite their being designed to better interject into the future rely on the excavation of components of past client stories in order to determine other aspects of Ayla’s family situation. For example, one participant who is now a community advocate, noted that she had a client who mentioned her parents wanted her to get engaged because they had suspected she was dating someone outside of her ethnicity. While the case with Ayla did not mention a relationship with someone else as a reason for her parents’ decisions, the
participants drew from her life for why cases like Ayla might occur as a plausible reason. An actual case, if even temporarily, becomes a stand-in for the hypothetical case. The actual and the hypothetical bleed together—it is unclear when the hypothetical ends and the actual begins.

The idea of the simulacrum is helpful to understanding the hypothetical subject laid out in these scenarios. According to Jean Baudrillaud, simulacra are copies that portray things that had no original form. According to Wolny (2017), Baudrillaud argues that human experience is a simulation of reality—centered around simulacra. These simulacra are simply mediations or representations of reality—they are actually not based in reality and discard reality as a relevant factor to human experience. In Australia’s forced marriage sector, it is the representation of violence that victims and their families are seen to be living in—the simulations that come to count as reality. Those who guard these representations—prevention workers, advocates, and policymakers are—become invested in the details of these representations but not in the realities themselves.

**Towards a Parabiopolitical Regime**

The creation of the victim subject as a sentinel figure (subject) is part of what may be emerging as a parabiopolitical regime. Parabiopolitics is concerned with the metrics of knowledge and the preservation of security, health, and wellbeing, but it differs in a key way, namely through replacing the “the statistical problematics of the population with the scenaristic problematics of the case” (Faubion 2018, 2). When Alice discusses the figures of the cousin and father who represent ‘unknown risks,’ to Ayla, she uses this scenario to problematize family dynamics as operating in a social environment that always already exists within an orbit of potential threat. Similarly, participants discussed Ayla as a victim not because she actually was taken overseas, but because of the peculiar ways that her family played a daily role in her life.
Her victimhood was organized around what training participants viewed as the parents’ threatening behavior toward Ayla. The social environment that is set up in the scenario is one component of how training material becomes concerned with how the threatened subject forms.

In their concern with risk, the hypothetical quality of these trainings suggest a form of scenaristic planning that exemplify what James Faubion calls a parabiopolitical sophiology (2018), which is a helpful analytic in its concern with scenario formation. Faubion cautions theories of ‘scenaristic governmentality’ to avoid assuming that the logic that undergirds it works with the best case/worst case dichotomy (6). This is apt, since many scenario planning exercises cannot develop a metrics around predicting what sorts of outcomes correlate with what sorts of inputs. As Limor Samimian-Darash writes within the context of Israeli government scenario planning exercises, there are multiple dispositifs of governance, some more invested in calculating precise risk factors and probabilities, and others more concerned with accounting for the uncertain and the unknown—finding ways to make the unknowable slightly more graspable (2016, 361). And yet, whether or not we call the creation of scenarios in forced marriage prevention risk assessment or planning for uncertainty, it is true that the sector’s attempts to conceptualize the future, operate with particular realities in mind. This is in a sense similar to Samimian-Darash’s analysis that, “the conceptualization of the future engenders uncertainty.” Many of the scenarios that are put forth in forced marriage prevention manuals are supposed to represent potentially real situations. However, the scenarios themselves only lay out what will

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45 As Limor Samimian-Darash notes in her analysis of Israeli scenario-based exercises among government ministries and institutions, scenario planning is not about predicting a specific outcome or a worst-case event, but rather plausible events: “Moreover, although the scenario is based on a pre-selected, well-designed event, I argue that once practiced, it is actualized as a multiplicity of subevents, or incidents, that the various participants sometimes enact with unexpected consequences. With this technology, the Israeli preparedness system is directed neither toward producing specific responses nor toward discovering the best solutions for an unknown future. Rather, the technology generates uncertainty through its execution, from which new problems are extracted” (Samimian-Darash 2016, 360).
happen to the victim herself. Australian society is never explicitly mentioned as the higher order victim in these hypothetical cases—and in fact would never be mentioned because these trainings represent what family violence prevention in Australia and in other liberal contexts, call a ‘victim-centered approach’ to social services. What Australia will look like if Ayla gets married is not a deliberate object of knowledge. However, the larger collection of stories from which Ayla’s and other scenarios appear are part of a set of training material for school teachers, students, and other practitioners, which link forced marriage prevention to Australian values around healthy family relationships and personhood. These values are part of the “The Nine Values of Australian Schooling” and include: a fair go; the freedom that Australian citizenship affords the subject; integrity which means acting morally and ethically; treating others with respect; and care and compassion. Thus, Ayla’s story is not simply a story about how to facilitate her wellbeing—it is a story that also establishes a set of correlations—which social orbits, figures, and behaviors signal a potential breakdown in the family and by extension, national values.

In fact, scenarios in general can be thought of as carefully curated plausibilities of what has happened in the past, what is happening, and what could happen to the immediate subject at hand. They thus, make three temporalities—the past, present, and future, their object of concern. They are thus not non-fiction, nor are they simply symbolic or allegorical. They refuse the verisimilitude—the excess of detail independent of the plot—to lend the scene a sense of reality. As Faubion points out in his analysis of professional scenario planners in Greece:

Scenarios may be lively and imagistically vivid (for many professional scenarists, they should only be; liveliness sells), but they are not marked by evidential surplus or superfluity. *They are evidentially circumspect [emphasis added by me].* Their master trope is not hyperbole. It is instead the trope that Kenneth Burke (1969) argues dominates all ‘scientific’ tropology—metonymy, the distillation of a whole into one of its parts. Information-theoretically, metonymization is a device of the reduction of complexity and (in the “purer” sciences) a near or complete dissolution of it. In principle and in fact, however,
scenarists do not and cannot go so far. Their scenarios instead rest with a hazy metonymization…. One can agree with Luhmann that we all belong within an ecology of ignorance, but beside the calculus of risk the scenario planners’ coping with the incorrigibility of uncertainty must be placed. The logic of such management is not in its fundament assertoric, but instead modal—the logic of “could,” “would,” and “might be.” (2018, 12).

So what does framing training material as a form of scenaristic planning and a form of parabiopolitics tell us? I want to suggest that the mobilization of hypothetical stories in the forced marriage sector serves as a powerful way to reshape humanitarian reason’s object of anxiety and moral sentiment (Fassin 2012) from the wellbeing of the victim herself to national values around childhood, kinship, and good citizenship. As Ilana Feldman and Miriam Ticktin have pointed out, humanitarian apparatuses are usually implemented in the name of a broader imaginary (whether it is ‘humanity’ or ‘the planet’) that roots from a sense that this broader imaginary is under threat (Feldman and Ticktin 2010). However, how what is under threat gets signaled by the suffering victim has been less explored.

**Making the Future More Knowable: Legacies of Settler Colonialism**

These scenario planning devices can be seen as part of a settler colonial logic (Smith 2012) of cultivating certainty in accounting for the uncertainty of governing subaltern subjects. Mark Rifkin defines these logics as “the social, ideological, and institutional processes through which the authority of the settler state…is enacted” (Rifkin 2011, 343). Eva Mackey’s analysis of the Canadian settler jurisprudence around Indigenous land rights is instructive here. Mackey argues that settler jurisprudence and settler colonial ‘structures of feeling’ pivot on assumptions about settler entitlement, which includes being entitled to a sense of certainty about what happens to their land, property, and “the future of settler society itself” (2014, 237). In Mackey’s study, farmers who opposed Indigenous land rights claims argued that the economic uncertainty that they might confront was too much to bear, and they went on to organize protests stating that
their cultures and communities were at risk (2014, 238, Mackey 2002). As settlers are ‘thrown into a state of vertigo’ at the prospect of land rights treaties with Indigenous communities, something else is brought to light—the idea that ‘In settler nations, one ‘pernicious aspect of colonial power is that it shapes perceptions of reality,’ and in doing so, creates an illusion of the deep “permanency and inevitability” of existing power relations (Waziyatawin 2012, 72), an illusion or fantasy of certainty, of the predestined nature of ‘settler futurity’ (Tuck & Yang 2012, 1)” (2014, 239). Mackey and other scholars of settler colonialism have shown that accounting for potential risk or uncertainty is key to maintaining the status quos of settler colonial ideas that the settler state is in an apocalyptic state of exceptional risk (Hurley 2017, 762, Ishiguro 2016, Simpson 2016, Stevenson 2014 46).

This ‘future’ is one that is also constructed vis-à-vis other geopolitical actors. In her discussion of the Mabo v. Queensland court ruling in 1992, in which the High Court of Australia recognized native title for the first time, Elizabeth Povinelli points to how the decision to embrace the outcome was situated as a kind of signal that the Australian state had a future for itself among the developed nations of the world. Rather than a serious engagement and concern with what it would mean to strive for social equality and stop the dispossession of Indigenous peoples, the state was concerned with what not granting native title would mean for who Australia was, and what ‘values’ it stood for. Povinelli writes:

At stake is its future. Will the historical significance of the Australian nation be that it bore an impotent Western humanism, a barren liberal democracy, the only ‘white’ nation on earth

46 For Stevenson, uncertainty can be an alternative way of knowing the Other (2014, 15), and thus signals a potential alternative epistemic frame that stands in opposition to settler colonial discourses that seek to capture uncertainty, rather than understand how uncertainty operates in the sustenance of social life itself. She also situates the management of uncertainty—the development of risk assessment in suicide prevention—as a form of modern bureaucratic procedure as a way to absolve the state of responsibility for maintaining care and meaningful relationships with Inuit subjects (2014, 79). Rather than see risk as a way to mitigate charges of liability or reduce the future social and economic burden on the state, I see the desire to manage uncertainty in forced marriage prevention as less tactical or surgical and more actuarial—as a way to keep settler structures of feeling and thus particular ideas of Australia’s settler future alive.
unable to produce wealth and status—‘the good life’—for its citizens? Will it bear the shame of embracing forms of abhorrent social practices that lie outside civil decency or of discriminating against mere cultural difference? (2002, 182).

Thus, in granting land rights to Indigenous people, the Australian nation secures its future as a progressive and decent society that would not be so inhumane as to refuse native title, which becomes a symbol for Australian first worldness. Similarly, the Australian commitment to prevent forced marriage needs to be seen within a broader geopolitical shift led by first-world nations that unequivocally stands against child brides and child marriage, as part of the evolution of liberal democracies to realize the promise of human rights as laid out by various conventions and global discourses around violence against women (See Chapter 2).

Back at the training in Morwell, Alice’s explanation of what familial dynamics were typical in forced marriage cases demonstrated that in fact, there were certain ‘types’ of familial conditions that correlated to coercion into marriage, ones that are marked by an inability to adapt to new cultural and social circumstances, a failure of assimilation:

That’s the problem—the real fear a lot of families have around this issue—the westernization of their children. First generation children who are taken offshore for a forced marriage have, I guess, become more articulate than their parents and former generations. So, in a way it makes parents more vulnerable to the fact this child won’t consent.

Here, it is westernization and the dissonance between first generation children and their parents that leads to parents’ decisions to govern and discipline their children in particular ways. Alice’s explanation goes on to highlight that there are certain components of forced marriage stories that are formulaic:

Another figure that has a lot of control that does not get a lot of air play [in discussions on forced marriage] is ‘the cousin’ who is going to take the girl away. In some situations, it’s the older brother, but the older male in the family is the one who is going to be taking her offshore to be married. And there is an incredible bond between the father and the cousin. And the reality of the situation is that the girls are married to another first cousin because they want to strengthen that immediate family and extended family.
Here, Alice points to kinship vectors and power dynamics that she sees as universal to forced marriage cases. Alice discussed this following the scenario analysis, thereby including this explanation as part of the ‘world-building’ effort of forced marriage prevention. It is here that race and gender come together to produce the victim subject as part of a particular set of kinship relations. Various extended family members, such as the cousin and his relation to the victim subject’s father is a key kinship vector that is supposed to tell practitioners about the young girl’s risk of coercion. Thus, it is not simply that a victim subject is constructed—it is her whole world and social orbit that also gets constructed within the scenarios themselves and the way that practitioners describe the scenarios to their audience.

Constructing the potential victims then, is also about typologizing her relationships with kin members, and where those kin members fit within her social orbit. While training manuals are particularly enunciated technologies through which the ‘type’ or the ‘figure’ comes into focus, since they are meant to provide hypothetical examples, these trainings are designed to help practitioners determine when they should disclose a suspicion to the AFP about imminent danger or to help practitioners understand the broader environment which the victim-subject inhabits. I have mentioned that while the scenario by design is meant to focus on the victim’s needs and specific situation, in practice, the scenario and the environment in which it takes place is reinscribed within a broader set of concerns about Australian social values.

The sentinel subject and the breakdown of Australian values

In this section, I explore how Australian social values are signified within training literature and settings through the worlding practices of scenarios—how they generate the social orbit and community in which victims reside. Alice went on to present the scenario of Ani,
which is told from the perspective of her friend, and had the practitioners read the story to themselves:

Ani and I have been close friends since primary school. We tell each other everything. That is, until recently.

I had noticed that Ani seemed to be going through a bad time. She was taking time off school and I knew she wasn’t sick. She had always been a good student but she wasn’t doing her homework and was actually failing assessments. This wasn’t like her at all. She was losing weight; I could see that her clothes were getting baggy.

I tried to talk to Ani about my observations and concerns but she just shut down. I suggested that she should talk to her mum if she was worried about something, but she just hung her head.

Ani and her family were so close. Close in a different way to my family. I guess in her culture having strict parents is part of the deal, and I got that. Ani’s family thought that being strict and having really high expectations showed the way they loved Ani and her brothers and sisters.

My concern for Ani’s wellbeing began to grow when I noticed that Ani was taking less interest in her personal hygiene and grooming. She had always been so fussy. When I mentioned that something seemed wrong, Ani just exploded. She told me to mind my own business and she left me standing there with my mouth wide open.

Later that night Ani contacted me by text. She had a sneaky pre-paid phone that she hid from her family, as they didn’t approve of having mobiles. In her text she told me that she thought her parents were planning something for her: something bad. I texted back that we really needed to talk about this and we should meet a bit earlier in the Library before school.

I couldn’t believe it when Ani arrived. She had obviously been crying; she told her parents she didn’t feel well. She was physically shaking and she had dark circles under her eyes. We sat down, and as I held Ani’s trembling hand, she told me she suspected her parents were planning to make her get married.

I was gob-smacked as Ani and I were only 15! I tried not to show how upset I was; I just sat there and listened. Ani was to go with her older cousin on an overseas trip; we knew that. Now, however, Ani had put the pieces together and she feared that her overseas trip was actually an excuse to marry her to an older man over there.

Ani was so upset that her parents, whom she loved so much and who loved her so much, could possibly do this. She knew that they still had friends with whom they had regular contact in their home town. She didn’t know what to think.

She told me that she had shared her fears and suspicions with her grandma, with whom she had always had a special bond. Her grandma had started sobbing herself, telling Ani not to say anything to anyone…that her parents loved her, that she must do as she was told, that she could never disobey her parents.
She then went on to tell Ani that if any of the plans went wrong that she would die of the shame of it all. Ani was afraid for her beloved grandmother’s health; she had a weak heart and was on so much medication.

Ani thought about her mum and dad who had sacrificed everything to come to Australia to give their family a chance at a good life. She felt totally trapped by the circumstances, but she did not want to be forced to get married so young. Ani begged me to keep her confidence and I nodded my agreement, but felt a sick feeling growing.

I couldn’t stop thinking about Ani’s predicament. I knew that our friendship had always rested on the trust that we shared. But I also knew that I could not sit by and just let this happen to her. I realised that I had to tell someone who could help with the situation; I had to find a trusted adult who would have the knowledge to help Ani deal with this situation. The person would have to understand the impossible family situation that Ani was facing if this wasn’t handled right. I knew that I had to act quickly but sensibly because who knew when Ani’s grandma might let her parents know that she was aware of what was going to happen.

Alice asked the participants to think about what vulnerabilities Ani faces during the time period before she is actually taken away overseas to be married. She gathered participants’ responses and noted: “She is a young female, has an unfinished education. She’s got decreased social networks whatever decision she makes so she can’t stand up and argue against it…Her health is at risk. She is losing weight and has no interest in food.” After an attendee asked what would happen if Ani was taken overseas, Alice responded: “There is the risk of interrupted studies, suffering, losing weight, her physical and mental health are at risk. The new husband and cousin both represent unknown risks to her physical safety and we don’t know whether they are good, loving, kind men. They might be but they also might not be, so that’s a big risk.” She continued that if a student discloses that they feel at risk to a teacher, they may be victimized and shamed by their family: “That’s a real thing—honor-based violence is real and is a real problem in Australia too.” Here, Ani’s risk-levels are both deemed measurable and are correlated to the male figures in her life, who are seen as carriers of ‘unknown risks’ to her physical safety. And in the end, Ani is also depicted as an example of how honor-based violence poses a threat to Australia in general.
Alice undertook a particular reading of how Ani’s family ‘figures’ embody risk and how they increase Ani’s risk of suffering. They are both the known and the unknown—we know they are members of the potential victim’s family, yet we do not know how and if they will coerce her into a marriage, yet we also know that they put her at more risk. It is in the space of the unknown that training participants inserted their own readings of what could happen next to Ani. One participant noted that as Ani’s friend, she would see if she could turn to Ani’s grandma for help in convincing Ani’s parents to not go through with the marriage. Another interjected that this could backfire since Ani’s grandma seemed to be aligned with the parents’ point of view and might prompt the grandmother to alert the parents that Ani was collaborating with her friend not to go through with the marriage. Another participant mentioned that no matter how understanding the family seemed, it was always a mistake to involve the extended family members in a plan to do away with the marriage—family mediation was out of the question especially when it came to their role as caseworkers. Up until now, the participants had been discussing Ani’s case on its own terms, with little reference to Australian society. However, in summing up the participants’ analyses, Alice continued that the interruption of Ani’s life, and the possibility of a forced marriage is “unacceptable in Australia. It is happening in Australia. In these types of cases, the cousin and the brother are important figures because they are concerned about the girl’s honor which is how a lot of these cases begin.”

Here, Alice is referring to the problem of honor-based violence, a racially, geographically, and gendered category of violence that in recent years has been tied to discourses of national security, Muslim migration, and geographic imaginaries of the MENA and South Asian regions as cites of hyper-patriarchal violence. In a 2011 article, Lila Abu-Lughod traces a genealogy of the category ‘honor crime’ and ‘honor-based violence.’ She argues that this
category is produced as one of ‘spectacular cultural violence’, animated by popular fantasy and
does more to obscure the actual experiences of violence that women from the MENA and South
Asia region experience, than revealing their conditions of possibility. The idea of the honor
crime does political work to forge particular feminist solidarities and adherence to a set of value
systems that set themselves apart from those in the ‘Third World.’ More importantly, it relies on
an explanation of culture and values to describe violence against women. Abu Lughod writes:

Honor crimes, in other words, do not occur outside these modern institutions of the state and the
international community. To a great extent, the construction of the honor crime gives legitimacy and resilience not just to all the mechanisms of regulation, surveillance, discipline, and punishment that Foucault and others have taught us to understand as intrinsic to modern state power but to the specific forms and forums of transnational governance, whether neoliberal, humanitarian, or military, that are so characteristic of the contemporary global world. Blaming culture means not just flattening and fixing cultures, stripping moral systems of their complexity, homogenizing human experiences within communities, and occluding political and social interventions of the most modern kind, but ignoring the dynamism of historical and political transformations of women, families, and everyday social and cultural life and experience (2011, 44).

Alice’s summing up of participants’ perspectives that forced marriage is a form of honor-based violence that constitute a ‘problem’ in Australia point to how Ani represents not only a suffering subject, but a threat to the Australian moral order itself. After hearing Alice’s explanation, I realized that learning the signs of an imminent forced marriage also meant being confronted with the notion that Australia as a society was being threatened by suspect practices through these cases. Practitioners then, through these trainings, were also being trained to understand the gravity of the problem as both widespread in Australia, as recent due to migration, but also as identifiable and preventable. In forced marriage prevention, violence amongst family is situated as a threat to the wellbeing of families themselves, as an ideological epidemic to the Australian population, and as a threat to the values and morals of Australian society, proper. As Miriam Ticktin has recently written, in addition to biosecurity’s usual targets such as pathogens, viruses,
and even ill people, ideas can also be understood as “invasive others” (Ticktin 2017, xxii), and that these ideas can also be controlled similar technologies, logics and policies (2017, xxii).

There are multiple ‘figures’ Alice evoked in her training. From the figure of the teenage adolescent girl to the cousin, to the older brother, to the good friend, multiple ‘types’ are seen as vectors of risk—people whose relation to the victim are embodied warnings of the future of the victim. The victim subject then becomes a sentinel figure herself—someone whose risk of coercion into marriage is a signal of the state of Australian moral values in general. In this training literature, it is these ‘figures’ who are inherently deemed a problem by virtue of the fact that they are her kin and have a say in her life. It is through these trainings that the victim subject as a sentinel figure was getting standardized and sedimented as a form of common sense (Stoler 1995).

Spotting the signs of forced marriage was based on a set of embodied qualities, a congealed set of qualities, struggles, dilemmas, and familial relations that could be recognized in any one person. Alice is not consciously thinking about the importance of promoting “Australian values” around childhood and citizenship. She is also at the forefront of developing a standardized way, sanctioned by the state, to identify the threat of victimhood, which has the potential to inflict unintended consequences. The training in Morwell, then, entailed learning how to identify when a case became morally clear and required intervention, rather than when an individual was experiencing a set of pressures, dilemmas, confusions, or fears, within their families and without.

The Child as a Sentinel Subject

In training workshops, there was a moral clarity around cases involving female young adult citizens under the age of 18 whose families identified as Muslim and recently resettled as
migrants and refugees. The moral clarity that surrounds this discussion manifested in a sense of urgency on the part of caseworkers and advocates about the need to preserve the precarious childhoods of adolescent female youth that were seen to be at risk of spiraling into premature adulthood and thus a loss of innocence. Miriam Ticktin’s analysis of innocence as a social construct puts into focus how fears about disrupted childhoods do more to distinguish between those deemed criminal (the corrupted adult) and those deemed as morally pure (the innocent child). She notes that in more recent Judeo-Christian understandings, innocence is deployed as an ethico-moral term, defined as a “freedom from” particular forms of cunning, guilt, and sin on a supposedly pure personhood. As such, innocence is often seen as a state of “moral and epistemic purity” or even ignorance (Ticktin 2017, 578). I point this out to say that the suffering subject as someone at risk of losing the innocence of childhood is also a subject who is made morally recognizable (Ticktin 2011) and thus worthy of the attention of the forced marriage prevention apparatus, but whose marriage at that age is seen as threatening to the polity’s story of itself. While Ticktin argues that those deemed not innocent are seen as corrupt, full of sin, and criminal (2017, 579), I show how the forced marriage prevention also sees the child who has been deprived of her innocence as a signal of both a familial environment that is criminal and corrupt, and of the erosion of national values around what innocence is supposed to look like. This requires an understanding of how liberalism constructs the relationship between parent and child.

The idea of protecting children from their parents is a fairly new phenomenon, as a key part of Western liberal theory was that children were the property of their parents and that parents could do as they saw fit to discipline and care for their children. In Australia in the 18th century, children in Indigenous communities whom settlers deemed abused and abandoned were
forcibly removed from their homes and given to white Anglo families or placed in orphanages. The Stolen Generations, as they came to be known, constituted the first instance of children in Australia whose parents were seen to be unfit or negligent. Furthermore, the idea of the child as an asexual being or a being that needs to control particular sexual desires during particular intervals of her life is a distinct logic of modernity, and emerges only after the Victorian era, as has been explored in depth by scholars of queer studies (Egan and Hawkes 2010, 2013; Robinson 2011). But the child whose future is an object of state paranoia is no longer just the Indigenous child—it is also now the Muslim Australian citizen child. But, the lines along which that child’s future is in question in forced marriage prevention is rooted within a white heteronormative understanding of marriage and what the power dynamics of it are imagined to be—this understanding of marriage is premised primarily on the conjugal heterosexual couple, reproductive futurism (Edelman 2004), on a dichotomous gendered division of care work, sexual servitude, and private property. According to Marc Edelman, reproductive futurism believes that the future depends on preserving the child, which he calls “the fantasmic beneficiary of every political intervention.” This in turn requires heteronormative reproduction, thus not only stigmatizing non-reproductive bodies and the queer subject, but other subjects who violate the potential for the child’s flourishing and thus the flourishing of the future.

Thus far, I have shown how the biopolitical project of forced marriage prevention constructs the subject at risk, the potential victim as a figure. Now, I will show how this particular type—the minor reflects a particular preoccupation of prevention discourse. It is not just any child that is of concern to the forced marriage sector. Rather, it is the adolescent Muslim Australian female citizen who is mentioned most frequently within advocacy literature, training material, and news articles. She is seen to be particularly at risk of being forcibly married
overseas by her non-citizen family members. As a sentinel subject, the child who has been coerced into marriage, signals the erosion of fundamental values around childhood and kinship relations.

It is clear that the child living in a state of risk is not seen as problematic because her own welfare is at stake—the child rather, signals something beyond itself. Barbara Nelson’s genealogy of child abuse as a social problem in the US is instructive here. Nelson notes that the ideal of a ‘protected childhood’ emerges in a context in which cruelty to children becomes disturbing when it is compared to the ‘modern’ image of childhood as a space of protection and sheltering (Nelson 1986, 5). Belief in a protected childhood was the product of three forces—natural rights ideology, commitment to civic education, and the increasing number of bourgeois families immediately following the Civil War period (1986, 6).

The first examples of child protection services that had a legal requirement to protect children from abuse and neglect emerged in the late 19th century mainly in the form of philanthropic organizations. Called the ‘child rescue movement,’ these shifts occurred initially in the US and the UK, and were looked to by Australia who was also developing its child welfare framework. This included the establishment of the New York Society for the Prevention of Cruelty to Children (NYSPCC) in 1874 which was the first child protection agency in the world. In the UK, there was resistance to creating child protection agencies because it was seen as constituting undue interference into private family relations and as invasive. However, in 1889, the British National Society for the Prevention of Cruelty to Children was established following the model of local child protection societies. This was followed by the Prevention of Cruelty to Children Act in 1889.
Similar societies were formed in Australia in the late 1800s such as the New South Wales Society for the Prevention of Cruelty to Children in 1890 and its counterpart in Victoria 1894. They were responsible for investigating and reporting instances of child abuse and neglect, and were non-government and voluntary organizations. By the end of the 1800s, there were several laws that protected children from physical violence in most states. Boarding out children remained the preferred method of intervention. But, in the 1950s, this was replaced by out-of-home care or institutionalized care, which eventually evolved into smaller group care. In the 1960s, the idea of ‘battered child syndrome,’ marked a key shift in the approach to child welfare—rather than being developed by survivors and community groups, the issues that children faced were now being determined by medical professionals and researchers. In doing so, the welfare of the child now signaled the state of not simply the wellbeing of the population itself (in the biopolitical sense), but also of how committed the nation-state was to a particular set of values47, since child welfare was now framed as an issue on par with human health and welfare.

Ongoing research led to media coverage and public conversations about child abuse, which led the Commonwealth and state governments to make it a priority. Each state then developed welfare departments in the 1960s and the shift was made from voluntary organizations to government-based child protection services:

New families were emerging that varied from traditional family structures, including more families with single parents and families where parents had divorced or remarried. This broadened the scope of families in the child welfare system and added to the complexities of providing child protection services where risks of abuse and or neglect were identified (Liddell, 1993). Definitions of what constituted child abuse and neglect also greatly expanded throughout the period. By the late 1980s, definitions in each state included emotional abuse, neglect, sexual abuse and physical abuse. The focus of child abuse and neglect moved beyond just young children and included all young people up to the age of 18 (Lonne et al., 2009) (Australian Institute of Family Studies).

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47 This is most notable in the Nelson Mandela quote, which is often used in social service settings, “There can be no keener revelation of a society’s soul than the way in which it treats its children.”
Eventually, the US’s influence led to the creation of mandatory reporting laws of child abuse and neglect in most Australian states in the 1970s and 80s. In Victoria, child protection took a somewhat different route in that it maintained its community component for much longer than other states, and allowed government involvement much later, with the late 1980s culminating in full government control (“History of Child Protection Services,” Australian Institute of Family Studies).

A campaign around the death of 2 year old boy, Daniel Valerio, at the hands of his stepfather, Paul Alton, in 1989 begun by *The Herald Sun* newspaper forced the Victorian state government to change the *1989 Children and Young Persons Act* which made it mandatory for professionals like teachers and police to notify state child protective services if they suspected the child was being physically or sexually abused:

[Professionally developed aids, guides, and checklists] assisted child protection workers in determining if abuse and neglect had occurred, the risk of further harm, and whether the child should be removed from the family home. The focus on professionalising child protection services also saw most states move to a more legalistic approach to child abuse and neglect…Government funding for child protection and non-government family support services was also significantly reduced, which meant that support for families suffering from social problems was limited (Tomison, 2001). Child protection systems became the sole point of contact for families at risk of abuse and neglect, which increasingly made it difficult for departments to meet demand (“History of Child Protection Services”).

In the late 1990s, there were critiqued that the child protective services system was putting low-risk families under unnecessary investigations and ignoring high risk families. This resulted in the attempt to bring together both statutory child protection services and independent family support services, repositioning the former as one component of multiple options for children and families to turn to. The goal was for the two to work more collaboratively, however in practice that has been much more difficult to achieve, since information across CPS and support services have not been properly integrated nor have cases been properly coordinated. In the 1990s, child emotional abuse was also recognized as a form of abuse in its own right with specific effects on
children. In the 2000s, intimate partner violence was seen as a form of family violence and emotional abuse because of how it could psychologically affect children who were witness to it. Exposure to domestic violence has been situated as a reason for mandatory reporting in NSW and Tasmania (CFCA, 2014, https://aifs.gov.au/cfca/publications/history-child-protection-services).

Thus, child protection has been transformed in how it has been framed as a biopolitical concern that also signals the moral commitments of the nation-state, and in more contemporary times. Children’s wellbeing has, as a result, become the responsibility of not only the government, but of multiple public servants, who are now mandatory reporters. Children have become the metric for the nation-state’s commitment to the security of its own future. Children as sacred figures who deserve protection because of the moral logics they represent (Robbins 2017, Robinson 2011) is also a discourse put forward by global institutions, such as the United Nations whose Convention on the Rights of the Child marked a turning point in how children were seen as the original subject and bearers of fundamental human rights. International NGO coalitions such as Girls Not Brides, and other humanitarian organizations such as Save the Children, and WarChild International have all been dedicated to protecting the safety and wellbeing of children across the world. What these conventions have in common is that they believe all children universally, by virtue of being children, lack the capacity for agency in making key decisions for their livelihoods. Liisa Malkki’s exploration of what she calls the "infantilization of peace" argues that UNICEF and other UN institutions, in emphasizing children as the bearers of wisdom, truth, and innocence, the ability to see things with a sense of purity for what they are, already paint them as potential victims of violence and as those figures who have the capacity to destroy or generate the future. This discourse ends up leaving no room
for the possibility that children can act as informed subjects (Malkki 2010, 70-71). In the case of forced marriage legislation in Australia, the assumption is that those under the age of 18 are necessarily coerced if they get married, leaving no room for the possibilities of several cases in which minors have expressly noted that they wanted to sponsor the visas of extended family members so they could seek refuge in Australia.

According to historian K. Ward, in the eighteenth century, Western liberal societies saw children and adolescents as malleable, subjects with potential that held significance for societal fates. Civic leaders believed that children, unlike adults, held the capacity to be trained or tailored to fit social norms, which social welfare and juvenile systems were designed to reinforce. The development of the child was key to social welfare, and the parental state (2012, 19). It was the rise of industrialization and capitalist structures of power—that created the child as a subject of concern; the social welfare of the child, especially in the child’s relationship with their family, became a litmus test of the strength of the social welfare of the state. In Ward’s summary of Philippe Ariès’s genealogy of the category of childhood in European societies and the parental state, he writes:

The key novelty of the seventeenth and eighteenth centuries, he suggests, is not the formal appreciation of childhood as a stage of human development, but the cultural and institutional significance of the child relative to parents, families, and society. In particular, cultural conceptions of children as clay-like souls, the unsettled futures of family and society, and adult sensitivity to civic responsibility in raising children moved eighteenth-and nineteenth century parents, and, in time, the parental state, to become more deliberately and coercively engaged with issues of child-welfare and juvenile social control (2012, 22).

In this sense, the child’s development as a signal of the future has been a part of the future-making projects of liberal states for a long time. However, what is particularly of interest is how the Australian state sees particular children as always already at risk of particular aberrations to their proper development, and thus to the future of the polity. In the following section, I examine what practitioners articulate is being threatened exactly. I argue that forced
marriage signals a threat to particular understandings of subject development—namely the imagined linear progression from childhood to adulthood and the social contract. In her development of the concept of ‘racial innocence,’ Robin Bernstein describes a dynamic within which childhood enables different political positions for and against interracial marriage in the mid-nineteenth century US to seem natural, inevitable, and thus justified. Childhood, as a socially constructed imaginary, becomes an affective abstraction around which contestations over race and right pivot (Bernstein 2011, 2). Part of the construction of this imaginary can be traced back to the colonial period, and Christian salvation narratives in which children were seen as inherently imbued with the potential to be both sinful and sexual. There was a marked shift in the 18th and 19th century in which social contract theorists such as John Locke and Jean-Jacques Rousseau\(^{48}\) framed children as uncorrupted, innocent, pure, and equipped inherently with the capacity to save sinful adults into heaven. The weaving together of childhood and innocence together so that childhood was innocence itself is finalized in the mid-nineteenth century: “The doctrine of original sin receded, replaced by a doctrine of original innocence” (2011, 4).

Bernstein writes that oftentimes, political positions around interracial marriage in the US were done in the name of “protecting children who did not yet exist” (1). There is a situating of children as a representation of where the polity is and where it is going. I argue that forced marriage prevention positions the adolescent Muslim female citizen as a sentinel subject for the Australian polity, and does little to actually address the welfare, needs, and stated goals of this demographic themselves.

\(^{48}\) According to historian Stanley N. Katz, Rousseau’s idea of the child was one that had to be nurtured, cultivated, and appreciated so its best qualities could be brought to the forefront and its potential realized. This was in contrast with Christian frameworks around parenting during the same period which focused on the need for children to submit to parental wisdom in order to get salvation (Nelson 1986, 6).
As noted in the historical context chapter, the first cases that were litigated around consent in marriage had to do with two Australian citizen minors, both under the age of 18.⁴⁹ All of the cases that have been deemed almost worthy of a federal prosecution have involved children, since consent—in a 2015 amendment to the 2013 law—was deemed impossible if any one of the parties marrying was under the age of 16, those legally classified as minors. Finally, most news stories that publicized cases involved girls ages 16 or under, and thus children who were under the jurisdiction of Child Protection Services (CPS). However, it is unclear if the actual number of reported forced marriages or reportings of fear of a forced marriage involve people under the age of 18, since there is no aggregated data collected on that as of yet. However, according to staff members of various direct service organizations, reportings seemed to primarily come from adult women (over the age of 18) rather than children, the reasons for which are not transparent. Practitioners I spoke with hypothesized that ‘minors’ were less likely to disclose they felt in danger out of fear of being separated from their parents, while others guessed that those under the age of 18 did not know that what they were experiencing was a form of coercion, while others opined that this demographic were not able to disclose clandestinely even if they wanted to because their everyday use of phones, social media, and the internet were under the firm grip and watch of their parents and extended family members. Practitioners would sometimes use age as a defining boundary line that distinguished one type of victim from another—those under 18 were not only not capable of consenting to marriage; they also could not possibly know that they were being coerced, whereas those over 18 could. Those under 18 were unequivocally controlled by their parents whereas others were not, or at least not the same ways.

⁴⁹ See the cases, Madley v. Madley (2011) and Kreet v. Sampir (2011)
What counted as a healthy childhood figured into Parliamentary debates about the forced marriage law prior to its passing. After the government put out calls for submissions for an inquiry into the feasibility of the law, many organizations submitted examples, which had already made media headlines,50 of Muslim families in the suburbs of Sydney and Melbourne who had their children under the age of 16 married off to much older men overseas. As the media continued to publicize these and other incidents of child overseas marriage after the law’s passage in 2013, members of Parliament began debating whether or not to create a provision in the law that would declare that a person under the age of 16 is, by virtue of their age, not capable of understanding the nature and effects of marriage, and that the marriage of such a person would automatically be considered forced. In November 2015, this exact amendment to the 2013 law went into effect. Section 270.7A of the Criminal Code notes:

(1) A marriage is a forced marriage if one party to the marriage (the victim ) entered into the marriage without freely and fully consenting:
   (a) because of the use of coercion, threat or deception; or
   (b) because the party was incapable of understanding the nature and effect of the marriage ceremony.

The 2015 amendment notes:

(4) For the purposes of proving an offence against this Division or Division 271, a person under 16 years of age is presumed, unless the contrary is proved, to be incapable of understanding the nature and effect of a marriage ceremony.

Note: A defendant bears a legal burden in relation to proving the contrary (see section 13.4).

50 See the following news stories, which emphasize the fact that forced marriage is happening in Australia: Forced Marriage is Happening in Australia and We Need to Do Something About It ; Putting an End to Forced Marriage in Australia ; The Slave Trade in Our Own Backyard ; Most Girls at Risk of Being Married Against Their Will Are Falling through the Gaps ; Experts Warn Child Bride Cases Tip of Iceberg ; Forced Marriage Cases Increasing ; Child Brides: Underage Girls Forced to Marry in Australia ; It Happens Here: Underage Forced Marriage in Suburban Australia ; Federal Labour Vows to Crack Down on Child Brides and Forced Marriage ; Report Details Abuse of Forced Marriage Victims Living in Australia.
The amendment in effect declared that coercion did not have to be proved—that it was self-evident if the person who was in the marriage was under 16 years old.\(^\text{51}\)

The law, then, is in some sense performative, in that it seeks to bring into being the criminal and victim subjects it has already prefigured within its language. It is undergirded by long-held ideas about the child as a sentinel subject of the liberal project (which includes heteronormative conjugal couplehood, reproductive futurism, and the nation-state itself). Now occupied by the Muslim female minor (under 18), the various components of this sentinel subject (those signal-sending components of her subjectivity) can now be rendered knowable. This includes the intimate details of her family life. Scenarios and the way they are analyzed by practitioners mark a new way of making the Muslim female minor’s subjectivity knowable, making it part of a distinctly parabiopolitical regime of knowledge that sees scnearistic planning as a way to pre-empt violence through risk assessment. This mode of pre-empting violence is once again, a part of the distinctly sentinel positionality attributed to Muslim female youth and their intimate family dynamics within a broader political landscape that looks at forced migration with suspicion.

For prevention workers, forced marriage prevention was primarily focused on the marriage of a minor overseas. Scenarios hardly ever involved adults (people aged 18 or over). When scenarios with minors were presented, the discussion never centered on whether or not the marriage was forced—it was assumed that because the protagonist was in high school, there was

\(^{51}\) How this law reconciles with the *Marriage Act of 1961*’s provision that if a party to a marriage under the age of 18 could get approval by a judge if both parents consent has yet to be worked out. Part II (Sections 10-21) address marriageable age. According to section 11, 18 years old constitutes marriageable age. Section 12 goes on to state that a person who has not yet attained 18 years old, but has attained 16 years of age, may apply to a Judge or magistrate in any State or territory for an order which authorizes them to marry a particular person of marriageable age. The Judge can approve the order if the circumstances are exceptional and justify the order. (Also see section 95-Subsections 1-2).
no question about the fact that there was coercion involved. There were also scenarios in which
the protagonist’s coercion was clear-cut; either she vocalized in plain terms that she did not want
to be married or she was being physically dragged to the airport, or given an ultimatum by her
parents that if she did not travel overseas, they would denounce her and possibly kill her. While
elements of these scenarios have certainly been a part of real stories that have been highlighted in
the news, there are also situations in which when the young person’s desires end and coercion by
family begins is not as clear cut. This is especially true of situations involving marriages
designed to sponsor spousal visas.\footnote{The Australian Prospective Marriage Visa is a temporary fiancée visa for unmarried partners wishing to
migrate to Australia. The visa is valid for 9 months only, during which time the person must marry their Australian
sponsor. The two people must have met (as adults) the intended spouse in person and know him or her. This must be
the case even if: It is an arranged marriage; The person and the sponsor met as children and the marriage was
arranged before they turned 18 years of age; or They met on the Internet (exchanging photographs is not proof
enough that they have met in person); and They are required to meet Australia's health and character requirements.
Full work rights are granted for the duration of the Prospective Marriage Visa. Once the two are married, the
sponsored person will be eligible to apply for permanent residence through a Spouse Visa.} For example, Fereshta, an Afghan Australian in her mid-
twenties who identified as Hazara (an ethno-racial group in Afghanistan) whose parents migrated
from Afghanistan when she was around thirteen years old, and who currently lives in the Narre
Warren suburb of Melbourne, noted that many of her cousins and family friends who were
female would agree to marry cousins or uncles back in Afghanistan in order to sponsor them for
spousal visas. The spousal visa was a way they could escape persecution for being a part of an
ethnic minority that was racialized by the Pashtun majority (Chiovenda 2014, Ibrahimi 2017,
Lange et al 2007). Some of those family members had attempted to reach Australia via boat but
were unsuccessful due to Australian border policy’s rerouting of maritime arrivals away from
Australia or their more recent moves to detain anyone who entered via boat on Manus or Nauru.

Ideals around a healthy childhood also centered on one’s identity as an Australian-born
citizen. Back in Morwell, Bridget and Alice both discussed why forced marriage was so
disruptive to the developmental process and why some parents think it is okay. Alice acknowledged the good intentions of parents, and the love that family members have for their sons and daughters. She went on to say:

That’s where it’s hard working cross-culturally because you don’t want to be working in that space with the assumption that you know better. But it is hard, as Bridget was saying—you are working with a culture that has for many generations had different roles for women and you have an Australian 16-year old girl citizen who is expected to do these roles and their family are not necessarily evil, but they believe their daughter should be a mother by 20 and it is joyful, and so there is that disconnect.

While Alice acknowledges that parents are not inherently mal-intentioned, she also sees victims as having been deprived of a particular trajectory of adulthood that should not include motherhood by the age of 20, which connotes a corruption of the freedoms of choice that Australian citizenship affords. Marrying at the age of 16 is not something Australian girl citizens should be expected to do as it represents a fundamental cultural difference about the role of women in society. Reducing these ‘good intentions’ to a disconnect in value systems prioritizes a particular trajectory of childhood and adulthood. Which cultural values around childhood Alice finds problematic remain vague, but she also speaks with a certainty that the notion that a minor could enter a marriage stands contrary to being an adult Australian citizen. There is also an assumption that entering a marriage necessarily means taking on certain domestic duties and subjecting oneself to certain gender power dynamics. There is no room in this assumption for different configurations of kinship and marriage that are not based in or may not take the form of heteronormative couplehood and that involve different relations of care. In this sense, the victim subject as a universally recognizable one re-emerges here. Alice is concerned with what underage marriage signals about these ideals rather than the circumstances of the individual herself. There is no room to ask why marriage became a viable option in the first place for a particular family. Alice continued:
Parents choose to marry off their daughters based on a ‘genuine belief (“not an evil or cruel belief”) that it will make their daughter happy. It’s out of the best intentions, and a lot of the time, in families, it’s just a way of thinking about things and a value system that is so foreign to many of our value systems, and we need to be acutely aware of that.” Such value systems are seen as well-intentioned, tied to a particular culture, but also threatening in that they deprive a young Australian citizen of a ‘normal’ adulthood.

It is the underage female citizen who is the figure at risk here, and the adult migrant parent who does not understand what sorts of privileges and rights an Australian citizen should never be deprived of. In that sense, the migrant parent is the one who is the threat not only to the wellbeing of their specific young girl daughter, but also to the parameters of Australian citizenship itself. There is an implication that one’s subjectivity as a citizen originates in childhood, and that the erosion of that childhood is morally unsanctionable in Australia.

The fear around Muslim citizen girls being married young is not that they will be subject to the unequal demands of a heteronormative understanding of marriage; it is that they will be subject to the unequal demands of a heteronormative understanding of marriage too young. Here, the sexualized child produces a moral crisis for the state, but the institution of marriage itself does not. While multiculturalism aims to expand who it includes as part of the project of Australian nationhood—children of CALD communities—it still requires them to assimilate into dominant heteronormative institutions, such as marriage. As José Esteban Muñoz notes in his critique of Edelman, which child around whom the future is generated is the white child: “The future is only the stuff of some kids. Racialized kids, queer kids, are not the sovereign princes of futurity. Although Edelman does indicate that the future of the child as futurity is different from the future of actual children, his framing nonetheless accepts and reproduces this monolithic figure of the child that is indeed always already white” (2009, Muñoz 95). Muñoz continues to say that it is important not to relinquish “futurity to heteronormative white reproductive futurity” (2009, 95). The child who enters into this institution too early reflects a corruption of innocence,
which has historically been marked by the white European child. What is being protected, then, is also whiteness via the paradigm of innocence. Here, I employ Claudia Castañeda’s conceptualization of the child as a figure as an anchor for my discussion of the child as a type:

In this project, figuration provides a way of accounting for the means through which the child is brought into being as a figure, as well as the bodies and worlds that this figure generates through a plurality of forms…I suggest that each figuration of the child not only condense particular material-semiotic practices, but also brings a particular version of the world into being. The child then, is a key figure in the ways that adults produce the world. To understand the child in terms of figuration locates the child in a wide nexus of linked transformative trajectories that point to the uses of its mutability…The condition of childhood therefore finds its value in potentiality. At the same time, the form that the child’s potentiality takes is consistently framed as a normative one, in relation to which failure is always possible. Just as the child’s potential for physical growth must be ensured by specific means, so too the child’s socialization and enculturation must be secured. The vast range of psychological theories, government policies, and social welfare programs directed at procuring the child’s proper development indicate the pervasiveness of this teleological model of the child across biological, social, and cultural domains (Castañeda 2002, 4).

In the forced marriage sector, it is children that are the vehicles through which Australian society can continue to be reinstabilted in the image of liberalism’s ideals. It is through the child that crises about the state of liberalism get contested, debated, and reinforced. In forced marriage prevention, it is the Muslim female child who is the site of a corrupted trajectory to liberal autological subjectivity. What is key here is that in declaring the child as at risk of this corruption, Australia is brought into being as a coherent set of values and a coherent identity.

Throughout my fieldwork, with the exception of the forced marriage capacity building coordinator at Australian Red Cross, pointing out that it was possible for someone under the age of 18 to choose to marry another person much older than they were or that not every single instance of marriage falls neatly into a consented union or a coerced union, was virtually impossible to raise. The idea of consenting to a marriage under the age of 18 was a possibility that practitioners were hesitant to discuss. During my fieldwork, one of the first cases of forced marriage that the Commonwealth government decided to prosecute emerged. It was the case of a
Bosnian imam in Noble Park (a suburb southeast of Melbourne) who had solemnized the marriage of a Burmese girl (who was thought to be 14 years old) and an older man (thought to be 34 years old \(^{53}\)), after her mother had allegedly coerced her into the marriage. What made the case particularly infamous and publicized was that there was a video recording of the imam solemnizing the marriage which quickly circulated through several media outlets. The girl can be heard saying that she agrees to the marriage after the imam explains her duties as a wife. In the video the imam is recorded as saying the following before he officially formalizes the marriage, in response to the question on the part of the bride: “What happens if each of these people come?” The Imam replies, “Who?” The bride responds: “Child protection.” The imam responds, “You say [that] you love him. You can say, ‘I love this person.’ No one can stop you to see him. They can’t put you in jail because you didn’t do anything.” The case, because of the presence of video footage, received national media attention, with several op-eds claiming that the case showed the backward traditions that were becoming more common in Australia. One article’s headline read: “Third World Melbourne: Imam Guilty on Child Bride.” Headlines like these situated underage marriage as not only a failure of the child protection system or of misguided or negligent parenting—this marriage was also a sign of Australia’s imminent future as an underdeveloped and backward society due to the importation of ‘Third World’ traditions. The federal government attempted to prosecute the Imam and the husband, Mohammad Shakir, under the 2013 forced marriage law. However, due to the Commonwealth Prosecution’s inability to prove that the Imam was the party who coerced the girl’s consent, the AFP decided to charge the imam with solemnizing an invalid marriage, because it was known that the girl was under the

\(^{53}\) The Commonwealth Prosecution Services ultimately could not verify the age of the girl which precluded them from charging the Imam under the 2013 law, especially since coercion (outside of establishing the girl’s age as under the age of 16) was not provable in this case.
age of 18 and thus was in violation of Australia’s *Marriage Act of 1961*. CPS did not prosecute the case under the forced marriage law because it was not clear who coerced the girl into giving her consent. Since the burden of proof is on the prosecution, it was not clear who was to be charged with the offense of coercion, and CPS could not make an air tight case. There were multiple accounts that it was her mother, and the Imam. If coercion could not be established, Shakir’s role as a party to ‘a forced marriage’ could also not be properly established.

Mohammad Shakir was charged with marrying someone of an unmarriageable age, a violation of Section 95, Subsection S-1 of the *1961 Marriage Act*, since it was determined that Shakir knew the victim was aged 15 or under. Ultimately, the imam and Shakir were convicted for violating provisions of the *1961 Marriage Act* and were each sentenced to 2 months and 18 months in prison, respectively. Discussion of the case emerged in almost every forced marriage forum I attended from late 2016 until the end of my fieldwork in late 2017. Practitioners were taken aback that even despite video evidence, the imam had not been prosecuted under the law, but they nevertheless saw the case as a key moment in that the option of prosecuting under the 2013 law was entertained, thus sending a public message that forced and early marriage were not acceptable in Australia. When news of Shakir’s conviction came through in September 2017, I was forwarded several emails by practitioners celebrating the outcome. Lori, my contact at the Australian Red Cross, was hosting a series of workshops designed to equip cultural community workers and liaisons from various countries (Afghanistan, India, Pakistan, South Sudan, and Myanmar) with the tools to help their communities better understand the reasons why families saw marrying their family members off as a go-to solution for various economic and citizenship-

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54 However, Imam Omerdic was convicted and sentenced to two months’ imprisonment but released immediately with a two-year recognisance order. Shakir was released in a fortnight due to good behaviour, and was then moved to a detention center. He is not going to be deported however.
related problems they were confronting. I was sitting in on these workshops as a notetaker and was interested in understanding how cultural community workers saw marriage functioning as a pathway for access to certain entitlements and benefits within their communities. The Noble Park case came up in conversation among community workers when Lori was introducing the legal definition of forced marriage. The meeting was organized by Lori as part of her work as a capacity building coordinator for local migrant communities around forced marriage, as part of the Australian Red Cross’s forced marriage prevention program. Community workers sat around rectangular tables structured in a u-shape in the Red Cross’s Dandenong office. We all could see each other’s reactions as we listened to Lori’s presentation. But things felt like a classroom of students attending a lecture. Lori spoke with a sense of confidence yet simultaneous uncertainty that belied a belief that defining forced marriage inevitably did not capture the realities of the people affected most. However, after presenting the definition, she raised the issue of a recent case of an imam in Noble Park who had solemnized the marriage of a female minor from Burma to a 36-year old Burmese man. Community leaders began to discuss the Noble Park case in the context of the legal definition of a forced marriage. I attended this workshop as a notetaker and was struck by the fact that this was one of a few moments when community leaders had disagreements about why consent did not actually happen. They discussed what the legal definition of consent meant as well as how the law itself reflected the government’s concerns with more than simply the wellbeing of the 14-year old victim:

Lori: [Reading from the language of the federal law off a powerpoint slide]: “A marriage is forced if because of the use of coercion, threat or deception, one individual is not able to give consent to the marriage. It includes marriages that are registered in a foreign country/under foreign laws and registered in Australia with a celebrant or religious marriages. Perpetrators include those: a) forcing the marriage; b) agreeing to the marriage (‘usually the husband’); and c) performing the marriage. They can be prosecuted.”
It could be a pastor, a mullah. Has anyone heard about the case in Noble Park? It marked the first case tried under the 2013 law, and he was charged with marrying someone who was not of age.

[I went on to clarify that the imam was initially charged under the 2013 law, but in the end, he was charged and convicted under the 1961 Marriage Act. At the time of the workshop, the ‘husband’ (Shakir) was being charged under the 1961 Marriage Act as well, but had initially been charged with sexual penetration of a minor under Victoria state criminal law. These charges were dropped after he pled guilty, leaving Shakir charged with a violation of the 1961 federal law. This is why Shakir’s trial took place in Victoria County Court, rather than the Melbourne Magistrates’ Court, where the Imam’s case took place.]

Aliya [CC worker from Myanmar]: That marriage was not forced. That man (the husband) is from our community. The girl is from our community.

Lori: But how old was she?

Hakim [CC worker from Afghanistan]: She was very young.

Aliya: She did want to be married.

Hakim: How does she know? She does not have the ability to consent.

Shabnam [CC worker from Afghanistan]: Even 19-year-olds in the Muslim community, or 18 year-olds—they cannot speak up even though they are of age. Some are happy with their marriages, but some are not.

Lemah [CC worker from Afghanistan]: Sometimes, the girl wants to just escape, so she forces herself to get married to someone—that is also a form of giving up consent. This happens quite a bit. She ends up giving herself up in order to escape her current family situation.

Lori: In terms of penalties, there could be a penalty of 7 years – if it’s not a minor, then it could be 4 years. There is a penalty of 7 years imprisonment in the case of an aggravated offence. The husband might also be charged under the forced marriage law. In the Noble Park case, the imam lost his license [to practice].

Aliya: This is one of those cases, where the Court is trying to send a message to the community. The court should not focus on doing that—it should instead just address the legal aspect of it. The judges want to pass on a message to the community.

Hakim: Judges have a responsibility to implement the legal requirement of the law anyway.

Nooria: They fined him, they put him in jail, and they did that.

Hakim: Yeah, but they need to do what they are bound to do.

The group paused, and began to look at each other in an interval of awkward silence. Hakim sighed and laid back in his chair. He was frustrated that the idea that consent is not possible when one is under 18, was not being accepted as common sense by Aliya. Aliya’s friend, Yasser, who was also from Myanmar, kept nodding his head ‘no,’ during the conversation but did not interject. There was a palpable tension in the room, and Aliya repeated, “We do not know the whole story. There is a lot more to this than what is being reported,” her voice trailing off.

55 This refers to “cultural community” worker.
Aliya’s claim that the girl did want to pursue the marriage, that she did understand the nature and effects of the ceremony, and that her alleged choice was being misappropriated into an exercise in legal precedence-setting was not received well by the group. While one worker acknowledged that one can be over the age of 18 and still not have the capacity to consent, it was unquestionable that being under the age of 18 translated into an incapacity to consent to and understand a marriage. What was not discussed and which was not highlighted in news stories was that according to court documents around Shakir’s conviction, the marriage seemed to have been in part a result of a situation in which in which the girl and Shakir were living in the same house as her mother and other asylum seekers from Myanmar, with Shakir on a temporary bridging visa as he awaited the outcome of his asylum claim. Whether the girl and Shakir decided to enter the marriage so that she could sponsor a permanent resident spousal visa for him when she turned 18 or because of an emotional connection they wanted to pursue within the bounds of marriage, none of these configurations were seen as possibilities by the law or by prevention workers and community workers. Both scenarios violated dominant ideas of consent—these reasons were not accepted as something the gravity of which a minor could understand. Since age of consent was correlated to a particular normative idea of what consent looked like, it made it impossible for prevention workers to think about a scenario in which this was at the very least, a situation that was not entirely coercive. The definitive boundaries of consent in and of itself are being generated within this space through appeals to the law, and to an acceptance that childhood is inherently a period where complicated choices cannot be made.

Neither the community workers nor the courts could actually determine whether or not the girl truly consented. There is, however, embedded in this conversation an assumption that the truth of consent could be reached and made knowable through the very capacity to identify that
the girl was a child—that it is possible to know if and when someone truly consents to a marriage, and that making consent increasingly knowable is also a way of determining who in society is deemed criminal. Neither the community workers nor Lori nor even the hundreds of articles that were released on this case could determine if the girl actually consented to marriage. What is more telling, however, is how anxieties over the nature of consent say more about the norms of childhood and adulthood that social welfare and the legal system want to instantiate and reinforce, than the actual specific reality and experience of the declared victim in this case.

While a violation of the *Marriage Act* is also considered a federal crime, which makes the victim not only the individual who is injured by coercion, but also society at large, in the judges’ decisions for both Omerdic and Shakir, there is an emphasis on how both contributed to the destruction of the girl’s childhood. Judge Hannan, in her sentencing of Shakir wrote: “In this case, the law is designed to protect our children, including from themselves and the follies of immature decision making. What you did was legally wrong and morally indefensible. The victim was entitled to a childhood you took from her” (*Sentence, Director of Public Prosecutions v Shakir*, 21 Sept. 2017).

How to read consent in this situation gets even more complicated when the context of the case is broadened. The limits of the definition of marriage also came into focus in this discussion—while some community workers saw sexual intimacy as a key part of the marital union, others like Aliya later noted that she had heard the girl was trying to leave an unstable family situation with her mother. The defense’s claim in court, for example, was that the victim had been experiencing difficulties with her stepfather and her mother at home, and that Shakir saw himself as ‘rescuing the [girl] and becoming the supportive figure in her life’ while he was living as a boarder in the same house as her. The other element that often did not get discussed in
public forums is that Shakir was an asylum seeker from Myanmar, and was living in Australia on a bridging visa, which is a temporary visa that allows one to reside in Australia while their asylum claim is being evaluated by the Department of Immigration and Border Protection. Upon being sentenced, it was noted that Shakir’s bridging visa would be revoked and he would be returned to immigration detention in Australia. In a meeting of the Victorian Forced Marriage Network, practitioners discussed the importance of the message that the Court had sent in revoking Shakir’s bridging visa. They went on to say that immigration consequences for those who take part in child marriage should be harsher and clearly spelled out. They also called for a tightening of the requirements around spousal visas so that those under the age of 18 could not apply for a spousal visa on behalf of their groom. It is difficult to determine which aspects of the defense’s and prosecution’s claims are true, and whether or not Aliya’s assessment of the case is based on sound evidence. I also have not spoken to any of the parties in this case so it is hard to comment on what the girl’s lived experience of violence, coercion or suffering was. However, this case is worth analyzing because it demonstrates how universal understandings of consent make impossible more complicated narratives about why and how marriage is mobilized for different pragmatic and affective ends. The case shows the following consequences of universalizing consent: (1) how cases that are of interest to the forced marriage sector end up generating purified and universal understandings of what childhood, and therefore consent itself does or does not look like (one in which the ability to make an informed decision about one’s welfare or one’s sense of self is impossible under the age of 18); (2) what the definition of marriage necessarily is (one of sexual obligations, one of gendered domination and control); and (3) what it means to be a well-developed child (one who is better off with an abusive parent than with an older man) and a citizen who is obeying the rules of Australia (one who does not sponsor
an older man, and who does not view marriage as a strategy for care and material support). Thus, in this discussion and in training workshops, the focus is less on actual victim realities, and more on the standards, ideals, and imaginaries of childhood, citizenship, and consent and coercion within the context of familial relations, that are being worked out, and sedimented as common sense. In doing so, trainings and community discussions show that discussions of forced marriage are also discussions about which ways of making kin are acceptable and which are criminal, based on a set of correlations between childhood and innocence, adulthood and domination, and citizenship and consent.

The point in highlighting the ambiguity of the Noble Park case is not to say that laws protecting minors from violence are misguided. Rather, it is to point out what becomes the focus, in practice, of law enforcement and social services when it comes to the purported victim’s welfare. There was, for example, minimal evidence to suggest that the victim in the case was provided with follow up rehabilitation services by an agency or that she now lives separately from her mother who was said to have encouraged this marriage. If consent given is ‘true’ by any one single definition, the dominant cultural queue is to view this consent as an aberration in the child’s development, a result of misguided and even irresponsible parenting, a prioritizing of cultural values over human rights. These narrow explanations make it difficult for the forced marriage sector to understand why underage marriages actually happen and the gravity of the decisions placed on certain female kin to ensure the welfare of their extended family members. In other words, the possibility that an adolescent girl under the age of 18 would participate in a marital contract in order to help her family forge new transnational relations that the institution of marriage itself might afford, or see it as a mode of care for another family member, is an impossible narrative in this sector. But even if this were the case, is this something that
practitioners could know? Rather than focus on practitioner and state policymakers’ shortcomings when it comes to understanding consent, I wish to focus on how consent is made knowable and how it is rendered an object of knowability. Through the Noble Park example, I situate consent as a site of problematization among policymakers and practitioners. The state, through the apparatus of the law, is deploying the figure of the child (who again, is seen as not having the capacity to meaningfully consent due to the fact that they are not a fully reasoning subject) as a sentinel subject who by virtue of her Muslimness and womanhood is vulnerable in different ways to particular expressions of the violation of consent. This subject, in her vulnerability and potential victimhood, also signals the impending erosion of national values.

In this case and throughout the prevention sector, consent is the centripetal concept around which violence is often judged. However, among many young adult women I met who were newly learning about forced marriage prevention education, their understanding of overseas marriage and how they engaged with it was not captured by the binary of consent versus coercion. At a training around forced marriage called “Tell Someone” at a high school administered by Victoria State Police, a question that several students, both adolescent girls and boys, asked after the presentation was how to approach a situation in which they wanted to sponsor a visa for a cousin or extended family member who was stuck in Afghanistan or Iraq. The police officer administering the trainings’ standard answer was that they could tell the AFP who could help them to annul the marriage and that the visa could also be canceled by DFAT. However, what went unnoticed was the casualness with which the idea of sponsoring a visa was such a key part of student life.

In the sector, however, the complexity of these decisions would be easily dismissed; there was little room to consider how marriage is being used to achieve political freedom, and
economic stability for migrant families (Mahdavi 2015) Janet Carsten’s argues that the dichotomy between the relational practices of Western societies as individualized and those of non-Western societies as relational is a false one (2004). Here, migrants look to marriage as a form of relief in numerous ways, and they implicate their children with varying consequences. Their actions are not simply shaped by a sense of subjugation to family expectations and cultural values, nor are they shaped by the desire for atomistic freedom. Rather, a more sober analysis would contend that they are looking to create a viable future, to maintain the sense that there is something that can be done in the midst of uncertainty.

There is thus, little room to consider how kinship relations can also be actively made and remade especially in the wake of displacement. As David Schneider has shown in his critique of “The Genealogical Unity of Mankind,” moving beyond the idea that biological kinship ties work the same way universally (1984) is important to understanding how and why particular types of marriages are undertaken. Here John Borneman’s idea of kinship as “the structure of belonging patterns to realize specific kinds of everyday relations” (1992, 30), is quite useful as is Lamia Karim’s argument that kinship is “always in excess of moral and jural obligations and consanguineal and affinal ties” (2001, 101). Distinct from other forms of family violence prevention, forced marriage prevention is deliberate in how it pinpoints the subject of prevention,

56 John Borneman examines how kin relations play out in West Germany and East Germany as a provocation on how modes of caring and being cared for are profoundly shaped by deliberations over citizenship, the law, and deeper political histories of migration and discrimination. While domesticity and marriage are still very present in this narrative, this vignette shows how persons creatively reinvent and extend these forms of affiliation and belonging within the polity and amongst each other, thereby reorganizing social structure and developing new forms of relatedness, within a time when certain forms of mobility and sexual identity were not legible within a divided Germany (2001, 43).

57 However, I depart from Karim’s argument that kinship practices are centered on the production of a specific kind of self or sense of self within a social formation—for my interlocutors, kinship practices were key to forming particular relationalities and particular material futures for themselves and their families, rather than the self itself as an end goal.
the adolescent girl citizen, as particularly at threat of being pulled into the desires and precarities of other family members, who live abroad.

The state’s preoccupation with such potential marriages signals its upholding in a liberal imaginary that sees not only marriage itself but also the familial conditions – the power dynamics of kin relations themselves--as a way to determine if migrants are becoming good Australians. This was most definitively exemplified when Minister of Immigration Peter Dutton proposed a bill to Parliament that would include a set of questions on the Australian citizenship test designed to test migrants’ beliefs around religious freedom and gender equality, and purportedly Australian values around human rights. In April 2017, Prime Minister Malcolm Turnbull declared that any new arrivals to Australia had to prize “Australian values” and who their commitment to the nation. In addition, those migrants who had a documented history of family violence could be wholly barred from citizenship, and would have to demonstrate they had integrated into Australian society through joining community organizations, and showing evidence that they were employed and that their children were in school.

Turnbull’s stated motivations for reforming the test was to ‘put Australian values at the heart of citizenship processes and requirements. Membership of the Australian family is a privilege and should be afforded to those who support our values, respect our laws, and want to work hard by integrating and contributing to an even better Australia.’ Immigration Minister at the time, Peter Dutton, noted that applicants had to view citizenship as “a big prize.” He continued, “Our country shouldn’t be embarrassed to say we want great people to call Australia home. We want people who abide by our laws and our values and we should expect nothing less.” (ABC News). Thereafter, he noted that in order to assess migrants’ commitment to
Australian values, questions would be included on respect for women and children, with a specific focus on child marriage, female genital mutilation, and domestic violence.

Many studies have shown how marriage itself becomes the litmus test for whether or not women are properly performing and inhabiting their citizenship (Basu 2016, Bonifacio 2009, Carsten 2004, Rademaker 2017, Studer 2001, Waitt 2015). Here, marriage practices become a test for how social integration of migrants is working.

Conclusion

In this chapter, I have aimed to show how forced marriage prevention operates not only through the way it provides services, but also in how it establishes who it is providing services for and why these services are important. Through tracing the processes through which practitioners attempted to develop a shared language and framework around prevention, I put into focus how the work of prevention is also the work of producing truth, or what anthropologists have called world-making (Povinelli 2001, Rapp 2015, Tsing 2018). Turning to the ‘worlds’ humans construct brings into focus the ways in which particular truths, facts, and forms of common sense are established within a delimited environment in order to allow for its everyday functioning and a modicum of stability. These ethnographic vignettes reveal that forced marriage prevention as an emergent sector, was also producing a particular truth regime. By emergent, I mean it was a complex apparatus that was not always based on rational, linear, and reproducible modes of governance (Kimbell and Bailey 2018, 218) and included “pre-figurative experiments” to establish the problem it sought to intervene in (Jaffé-Walter 2019, 450). According to Foucault, a truth regime is the configuration of domains where what counts as true and false constitute practices that can be regulated and made salient. A truth regime is that which legislates and guards that which can move from suspicion to fact, but in doing so determines
what signs and indications count as legible (Foucault 1991). I argue that forced marriage prevention renders the subject at risk through producing a truth regime that communicates to practitioners and the state about the state of Australian values around the social integration of migrants. This truth regime constitutes the set of tools that are designed to measure, assess, and ultimately know who migrants and their families are, where they fit within pre-established social norms around proper personhood in the polity, and when these behaviors are signals of a larger deviation in normative socialities. While many analyses have shown how such ‘deviations’ among migrants have been deemed problematic in media and popular representations (Ahmed 2016, Aswad and Bilge 1996, Bayoumi 2009, Freznosa-Flot et al 2017, Jaffe 2016, Naber 2012, Shukla and Suleyman 2019), this chapter showed how these ‘deviations’ are deemed problematic enough to used as the fundamental building blocks of scenarios of typical forced marriage cases.

In the case of forced marriage prevention, the specific details and contexts of a particular case matter less than what the case on its surface communicates about how migrants understand what it means to raise a healthy, independent child who can reap the full benefits of citizenship in Australia. Because these stories are based on little more than an aggregated set of qualities that are selected from individual practitioner stories, they are a loosely held together colloid of sorts—a kind of congealment of select events, emotions, intimacies, and dynamics. The scenarios are what have created the evidence of forced marriage as a social problem to a larger extent than the substance of actual cases themselves.

The creation of forced marriage as a morally unambiguous issue buttressed by these figures, works in service to the reproduction of the liberal settler imaginary—specifically its imaginaries around personhood, consent, and by extension, citizenship. The state of the victim subject is deeply imbued with affective investments, insofar as it signals something awry with
how migrants are integrating into Australian society. However, that is not to say that practitioners do not care about the individuals they help. They have dedicated their labor and time to care for victims and many like the teachers whom I will discuss in the next chapter, are deeply invested in the welfare of their specific students and thus approach the issue from a thoughtful and critical lens; as well as other specialists who would work to develop spaces where community leaders could discuss what their priorities were. Nevertheless, the system in which practitioners operate—one which demands that they turn forced marriage into a knowable and definable form of violence marked first and foremost by culture—treats victims in terms of what they represent rather than who they are.

Subtending these scenarios is an imaginary of settler colonial Australia as an ongoing project, and which forced and underage marriage threatens to turn ‘upside down.’ It is through presenting corrupted examples of the Muslim migrant family life that the state, through these scenarios, can reify what it imagines as normative Australian settler colonial understandings of the relationship between childhood, adulthood, and citizenship. And so, what does it look like to assess the risk of a forced marriage when who you are caring for is not always clear but what they represent is? The next chapter will examine what it means to learn to assess another’s risk of violence, in a context where prevention is the new form of intervention.
Chapter 4: Reluctant Actuaries: Epistemic and Ethical Dilemmas in Forced Marriage Risk Assessment

Introduction

“But how? How do we know that they are being forced into it? How do we know they are being forced to marry? How can you tell?” The teacher’s voice became increasingly exasperated as she posed the questions to Bridget and Alice, forced marriage program coordinators for CMY and ACRATH respectively, and who had been tasked with carrying out trainings for secondary schools across Australia. Alice responded, “Are they docile?” The teacher looked up, taken aback, and responded, “Docile? What does that have to do with any of this?” Alice looked up, struggling to find the words to respond.

How to make coercion knowable was a source of confusion and frustration for school staff and advocates working in state-funded forced marriage prevention initiatives in Australia. In August 2017, I attended a training on preventing forced marriages for school teachers and nurses at a secondary school (high school) in Noble Park, a suburb in the state of Victoria with a high density of recently resettled Muslim refugees. The training was administered by the Centre for Multicultural Youth (CMY) and Australian Catholic Religious Against the Trafficking of Humans (ACRATH). As I attended forced marriage trainings for secondary school teachers and nurses, I found that in Victoria, what it meant to prevent the practice was still being worked out.

The training at Noble Park was one of many trainings that CMY, ACRATH, and several other social service organizations carried out by request at secondary schools. The trainings were based on a special curriculum which the federal government contracted ACRATH to develop called “My Rights, My Future.” School staff at Noble Park had suspected that some of their Australian citizen female students were being coerced into traveling to their parents’ home
countries in Afghanistan, Iraq, Lebanon, Pakistan, and Myanmar in order to marry extended male family members or family friends. The Noble Park teacher’s frustration that she could not with certainty identify that her student was about to be a victim, exemplified the anxieties of many teachers, nurses, and school administrators throughout Victoria, who were expected to disclose their suspicions to social services, child protective services, and law enforcement. In fact, many school staff members were not aware that ‘forced marriage’ was a category of violence when the trainings began, nor that it had been deemed a federal-level crime since 2013.

A common theme around which staff anxieties cohered was not having enough concrete information upon which to responsibly disclose their suspicions to the appropriate agency, especially given that upon disclosure, a student’s family would be investigated by the Australian Federal Police, and she would be separated from them and placed in a government-run support program. If her parents were not yet citizens, their visa status could also be subject to further scrutiny and potentially jeopardized. As a result, many teachers, school nurses, and administrators were reluctant to disclose any suspicions unless they had concrete evidence, such as a student explicitly telling them that they feared being taken abroad for a marriage. The fact that most students about whom staff had suspicions came from Muslim families, made the act of disclosure much more contentious given the structural racism and discrimination they and their families had already been experiencing. Thus, school staff’s worries were marked by two extremes: failing to prevent a forced marriage from taking place or contributing to their students’ ongoing struggles with systemic discrimination through subjecting their families to investigation by law enforcement.

As the training continued, the Noble Park teachers expressed how difficult it was to determine coercion. In fact, they questioned the very use of the term ‘forced marriage.’ Before
the training, Bridget and Alice had expressed that they were perplexed as to why the school principal questioned their use of the term in prior email correspondence. They concluded that the principal’s hesitation reflected an inability to grasp the gravity of this form of violence. At the training itself, the principal addressed her take on the term at the outset. She said that several students told her that they consented to marriages their parents were organizing because they wanted to help their extended family members back home, who were trying to flee war, political turmoil, or persecution, through a spousal visa. This was the case for students who had cousins and uncles who identified as Hazara, a historically persecuted minority in Afghanistan or as Rohingya, a minority Muslim population in Myanmar. Other extended family were seeking to escape the ongoing military fallout of civil war in Syria and Iraq. Some Afghan students had family members who had already escaped Taliban and ISIS-fueled violence in Afghanistan and found themselves once again trying to escape the poor living conditions as refugees in Pakistan and Iran. Some students saw a spousal visa as a good option given that their family members or friends knew of the difficulties of trying to make the journey to Europe or to claim refugee status through the UNHCR, which was marked by long wait times and a low rate of resettlement. While, since 2013, Australia had tightened its borders in response to asylum seekers arriving through maritime routes from the Middle East and South Asia, many began to look to spousal visas as another mechanism for entry. The marriage of young Australian citizen girls to extended family members was on some level part of what migration scholars have described as migratory practices that subvert state attempts to control and regulate them (Moulier Boutang 1993), as a way to reappropriate control over mobility and rights (Mezzadra and Neilson 2013, Scheel 2018).
However, an understanding of students and their family members as caught within an immobilizing web of border regimes did not play a significant role in how school staff or prevention workers approached the work of prevention. The principal continued that despite these students’ expressed desires to help their family members, their outward demeanor did correlate to the Australian government’s official warning signs that someone was at risk of a ‘forced’ marriage. The dissonance between what her students vocalized and their outward disposition prompted the principal to request the ACRATH-CMY training. One teacher interjected that she would overhear her colleagues worriedly talking about students whom they suspected were being taken overseas on the pretense of a family holiday. Another teacher responded, “We are mindful of what we will and will not disclose because we know how it works…These girls never blatantly told us that they were being forced.” Another teacher mentioned that some of the students are recently resettled refugees and are thinking about the responsibilities they have to their families, including the need to sponsor other family members from their home countries to come to Australia through a spousal visa. She said, “Besides, some of the girls are 20 years old even though they are in high school, and want to get married. Some of the girls see marriage as a form of liberation, and as a means to widen their family membership in order to be eligible for increased government payments.” She continued, “There really is no stereotype to reflect each girl’s situation.” The training at Noble Park provoked several questions, which constitute the point of departure for this article. First, why is it that teachers saw non-disclosure as a more viable option even when they suspected their students were being forced into marriages? And second, what do these contestations over non-disclosure reveal about the epistemic practices that undergird social welfare for migrant communities in contemporary Australia?
While Alice was attempting to figure out the embodied experience of coercion, a category which teachers were not convinced captured the reality of their students’ family dynamics, the school staff teachers were more concerned about the structural barriers that conditioned this consent, including the financial burdens placed on recently resettled families and the geopolitical inequalities that brought families to Australia in the first place. For the teachers at Noble Park Secondary School and direct case workers and advocates like Bridget and Alice, trying to determine the conditions under which girls granted consent ended up being a constellation of unresolved disagreements about the multiple stages at which consent could have been communicated, and which mattered most in understanding the full breadth of the role of family and marriage in people’s lives. While the teachers were quite concerned with the long-term and structural conditions that led to girls’ agreeing to get married, Bridget and Alice were more concerned with preventing an actual marriage from taking place. As Alice addressed the teachers’ concern by noting, “My main concern is the age gap—there are issues of power and control that permeate that. There are many risks to being in a relationship like that—there are real consequences.” While Bridget and Alice mobilized multiple cultural tropes to explain these marriages, the teachers were reluctant to use these tropes, and as a result, were not particularly certain if consent was wholly violated in the first place. While the teachers had solicited Bridget and Alice to provide them the training because they were concerned with the number of marriages they saw were taking place among their students, how their consent was being violated was not fully transparent.

Here, teachers and nurses were questioning the very discursive framing of what they were seeing among their students. The reluctance to call this ‘forced marriage,’ was an intense site of conflict between the school staff and Bridget and Alice. Following the training, the principal of
the school never returned any of Bridget’s calls and never followed up to receive further information or further trainings. There was a fundamental disconnect between the staff and the trainings—a disconnect, I suggest, around how the realities of what they were witnessing were being framed. There were fundamental dichotomies that staff had difficulty accepting—that between consent and coercion, between desire and obligation, and between the individual and the family. The school staff’s reluctance to do risk assessment in the way the social service sector had imagined marked a rare moment in my fieldwork when public servants anchored their concerns within the stated dilemmas of the students themselves. There was an attunement—as imperfect as it was—to how students experienced the demands of being an ethical kin member and how these ethical attachments were constituted and reconstituted through the migration and resettlement journey what they saw as an ongoing process. For staff at Noble Park, it was hard to say if students were coerced if they themselves articulated that they wanted to help a family member attain a spousal visa; it was difficult to determine if a student was suppressing her own desire out of familial obligation if the student’s sense of personhood was in part defined by how ethical of a kin member she was (Faubion 2001). It is not that any of these questions were resolved, and I did not know the students the teachers referred to so I cannot comment on how accurately the teachers’ framings reflected the complexities of their students’ lifeworlds. Rather, the point I draw attention to is that the teachers were aware that the discursive and epistemic frame of forced marriage prevention could not possibly account for these stories which went outside the bounds of institutional narratives. Ultimately, the school staff at Noble Park left the training wanting to think more closely about how to get their students to create a future in which marriage was not necessarily the end goal. I turn now to a group of teachers and nurses who reconciled their uncertainties through seeing suspected potential victims as racialized gendered
subjects who were at risk of a wider spectrum of violences if not forced marriage. Like the teachers at Noble Park, these teachers also struggled with how to know this form of violence.

**The Gravity of Disclosure**

To many school employees, disclosing a suspicion of forced marriage carried serious consequences for both staff and students. Staff feared they would be accused of racism by their students’ families, while students and families feared further surveillance by the AFP and state police which had already had a history of surveilling and policing Muslim Australian migrant communities in the suburbs of Melbourne (Akbarzadeh 2013, Poynting and Briskman 2018). In 2011, a study was released by the University of Toronto which noted that the Australian government had responded to terrorism through ‘legislative activism’ at a level that exceeded the amount of laws released by the US, the UK, and Canada (El Matrah 2018). The 2017/18 federal budget had also allocated AUD$9.3 million to Countering Violent Extremism programs which targeted Muslim communities and were met with much critique by community leaders and activists. Many school staff members were aware of the criticism surrounding these programs, and knew how easily their students’ family members would be scrutinized as not only perpetrators of the forced marriage bill but could also be interrogated for other forms of religiously extreme activity. Given that calling CPS and the AFP could inscribe these students and their families into the criminal justice system, school staff felt an extra burden of ensuring that their disclosures were based on concrete evidence rather than an intuition or a ‘hunch’ that something was in disarray. The decision not to disclose was, therefore, based on ethical anxieties about racializing and criminalizing their students’ families. It is not, then, that school staff did not have faith in the power of warning signs to make an imminent forced marriage knowable; rather they doubted that they possessed the level of intimate knowledge required to make a final
judgment about risk. A refusal to disclose was also then, a refusal to tether their students to the criminal justice system.

In this chapter, I argue that the epistemic demands of forced marriage risk assessment raise numerous ethical questions for educators that they resolve by (1) choosing non-disclosure as an ethic of care and (2) considering their student as still at-risk for other culturally-marked forms of gender-based violence. In this case, I do not lend care the morally clear and positive connotations that tend to accompany most definitions. Rather, I take Lisa Stevenson’s definition of care (2014) as particularly deft at capturing situations that can be both beneficial and violent toward their intended subjects. Care, according to Stevenson is “the way someone comes to matter and the corresponding ethics of attending to the other who matters” (2014, 3). How someone comes to matter does not always include the specificities of their lives and all that makes them human—people can come to matter in superficial ways as well, and the corresponding ethic of care can remain at a surface level even if it stems from good intentions.

While staff are reluctant to make definitive conclusions that an imminent forced marriage is on the horizon, they still value the government’s official warning signs and risk assessment protocol as capable of discerning an imminent forced marriage. They also still see family violence prevention specialists as experts in discerning the risk of violence. Thus, while school staff did not see the trainings as resolving their doubts, they did see them as a space where they could openly think through their suspicions and intuitions about their students, and the many other forms of culturally-sanctioned violence their students might be experiencing. Thus, forced marriage prevention trainings, while not resulting in more disclosures to authorities, did have a productive power. While the introduction of the forced marriage risk assessment protocol by practitioners to school staff did not result in its intended usage—to identify a potential forced
marriage—it did do something in excess of itself. It served as a signal, an alert to teachers that their students might be suffering in other ways that required other forms intervention. School staff refused their designated roles as assessors of student risk. However, they did use the trainings to think about the many other ways their students might be victims of other forms of gender-based violence. While their refusal to enter their students within the criminal justice system were well intentioned, they did end up reinscribing them within racialized and gendered logics of Muslim womanhood and migrant difference, thereby effacing the structural and intimate violences some may actually experience in school, at home, and in Australia’s increasingly Islamophobic political and social climate. School staff’s decisions not to disclose are conditioned by a family violence prevention system that increasingly demands rapid judgments about the intimate family dynamics of culturally marked ‘others.’ Refusal of their designated roles as actuaries of violence and decision to instead educate their students about their risk of other forms of cultural violence, marks an act of care that attempts to inoculate itself from the racist and essentialized logics of forced marriage risk assessment, but in fact falls into its same reductive logics. An ethnographic perspective on school staff dilemmas shows the impossible choices that often confront the public sector when already calcified ideas of migrant criminality and Muslim womanhood meet increasingly intertwined criminal justice and social welfare systems.

**Risk Assessment as an Epistemic Mode**

After the forced marriage law’s passage, looking for potential warning signs (prevention) became synonymous with intervention, as the law was inherently concerned with the immediate events and breakdown in family relations that occurred immediately before entry into marriage.
Caseworkers and educators were tasked with identifying at-risk populations and reporting suspicions to federal law enforcement who would then undergo their own interventive protocols.

The development of specific risk assessment mechanisms for forced marriage was a combination of original signs and those adapted from the family violence common risk assessment framework (CRAF). The warning signs that overlapped included:

- the person is never allowed outside
- the person displays signs of depression, self-harm, isolation, substance abuse
- the person displays suicidal thoughts or tendencies
- the person suffers from anxiety

Aside from these signs, however, the two frameworks were quite distinct. Warning signs included in the forced marriage risk assessment framework that were not in the CRAF included:

- The person’s older brother or sister stopped going to school or were married early.
- The person’s family has a lot of control over the person’s life. The family must accompany them to social functions.
- The person expresses that they are scared about an upcoming holiday overseas.
- The person cannot make decisions about their own life.
- The person does not have control over their income.
- There is evidence of family disputes or conflicts, domestic violence, abuse or children running away from home (“Forced Marriage” Department of Home Affairs).

Forced marriage warning signs are distinct from family violence warning signs because they are designed to identify the imminence of one singular event rather than the imminence of a pattern of abusive behavior. Ironically, however, compared to the CRAF, forced marriage warning signs are actually less focused on the person’s physical and emotional disposition in the present.

Rather, they are focused on how the person’s outward demeanor is connected to her relationship
with her family. For school staff, being able to responsibly judge if a person’s family members controlled her mobility and finances, for example, demanded an intimate understanding of that family’s dynamics and how the individual had experienced control and freedom within that family configuration, in the past. The imminence of forced marriage as an event, then, was supposed to be knowable based on both what was readily visible to the ‘bystander’ and family dynamics that were invisible in the school environment.

The institutionalization of an official risk assessment protocol for forced marriage reflects the increasingly pre-emptive approach that animates family violence prevention. Part of this is due to the fact that since the early 2000s, family violence within “CALD” communities has gone from being framed as another iteration of domestic violence that demands state intervention to a national crisis that requires both the state and the community to identify potential victims and hold perpetrators accountable. School teachers and administrators, as well as state and federal law enforcement, caseworkers, and advocates have been called upon by the state to learn how to identify a potential victim and their risk of suffering various types of family violence, institutionalizing the idea of the bystander effect. However, in the case of forced marriage prevention, asking the public to engage in risk assessment was much more complicated than it seemed because of how much risk assessment relied on a capacity to predict ‘crime events.’ Because the 2013 law prohibiting forced marriage was concerned with preventing the event of marriage itself, determining if someone was at risk of this form of violence meant both identifying a non-normative behavioral pattern that suggested one was being subject to abusive or controlling behavior, and talk of a possible marriage on the horizon. Preventing a forced marriage was not about preventing a family’s ongoing abuse of an individual—rather it was about preventing the event of a coerced marriage from taking place. Policymakers used the
rationale that if a coerced marriage could be prevented, the coerced party (who tended to be a teenage (16-18 years old) female) could be spared of a lifetime of physical, emotional, and sexual abuse. To the contrary, school staff felt that forced marriage risk assessment was arbitrary because the behavioral patterns they were asked to identify could be connected to a range of violences a student was experiencing. What made these behaviors signals of an imminent forced marriage, short of a student’s mentioning of an overseas family holiday, was unclear for some staff members. Thus, assessing risk meant both determining the imminence of a particular event, and linking that imminence to a particular pattern of outward behavior, a kind of actuarial praxis that school staff felt hesitant to take on.

**Refusing the Actuarial**

The actuary is a figure that has been explored in various disciplines, mainly in economics and population sciences. This is mostly due to the fact that actuarial sciences are a legacy of the American slavery system and the birth of Eugenics (Glenn 2003, Lawrie 2013). They remain a key part of contemporary biopolitical projects in North America and beyond. According to Brian Glenn, “Actuaries rate risks in many different ways, depending on the stories they tell about which characteristics are important, and which are not” (Glenn 2003, 131). He continues, “Almost every aspect of the insurance industry is predicated on stories first, then numbers” (136)—privileging the actuarial over the statistical. While the forced marriage prevention landscape cannot be equated to the political economy of the insurance industry, the work of risk assessment operates according to similar overarching logics. Those tasked with assessing risk are always told stories in trainings to guide their work; in fact, no reliable statistics on forced marriage occurrences in Australia have been developed in Australia, as it is said to go underreported. Thus, developing disaggregated data based on area of residence, gender identity,
and other identifying variable continues to be a gap in knowledge that was a source of anxiety for many prevention practitioners, who felt that they were often trying to prevent a practice that constituted an ‘unknown known.’

Research on the socio-cultural life of actuarial logics tends to focus on biosecurity (Caduff 2014, Collier 2004, Collier and Lakoff 2008, Lakoff 2008) national security (Samimian-Darash 2016, Faubion 2018), and political economy and financial markets (Ho 2009, LiPuma 2017, Roitman 2013). However, actuarial logics are also present within the domain of social welfare and public health. I take as instructive Nikolas Rose’s understanding of contemporary biopolitics as a risk politics. According to Rose, “Risk here denotes a variety of ways of thinking and acting, involving calculations about probable futures in the present followed by interventions into the present in order to control that potential future” (2001, 7). In contemporary biopolitical projects, there are actuarial or epidemiological strategies for managing high-risk groups through preventative intervention (2001, 7). It is important here to note that forced marriage prevention has not yet developed a mode of risk assessment that can be applied to the population, but is in the very midst of outsourcing this work to public servants while a more institutionalized and universalized risk assessment protocol and intervention model is developed, making it less epidemiological, thus, the focus on the scenaristics of the case. Both are forms of ‘veridiction’ as James Faubion has put it (2018), that are proper to biopolitical projects which seek to know and secure the health of the population. While the use of statistical analyses is key to both actuarial and epidemiological modes, forced marriage prevention is actuarial not because of its use of statistics (which it does not employ) or other numeric or algorithmic technologies, but because of its focus on determining individual risk based on how much an individual’s demeanor and family situation matches the official signs, which have been previously set up in stories.
Here, I suggest that public servants like school staff are being trained in an actuarial approach to prevention which, while depicted as a science, actually relies on a combination of intuitive practices and previously established official narrative forms that are arguably racialized and gendered in potentially dangerous ways.

In forced marriage prevention trainings, even if they did not agree with risk assessment’s approach, school staff were awoken to the gravity of making a disclosure—the consequences of telling the AFP or CPS that a student was at-risk would be life-changing for a family. The gravity of such a disclosure also awoke staff to how much they did not know about their students’ individual situations. At the same time, the trainings awoke the teachers to the potential knowability of their students’ situations, and prompted them to create alternative ways to try to make the unknowable slightly more knowable. Their attempts to prognosticate the future, as much as they produce uncertainty (Samimian-Darash 2016) also produce concrete truths that they adhere to in determining what to do next, even if that next step is choosing not to disclose to authorities. As Maximillian Viatori has pointed out, a gap in knowledge within policy and advocacy initiatives often gets coded as uncertainty which then becomes the means through which authority decides to undertake particular actions (2019, 335). It is through this uncertainty that school staff produce and act upon other truths about Muslim female students’ susceptibility to gender-based violence.

**Non-Disclosure as a Fraught Ethic of Care**

Studies of care within social service settings have mainly examined modes of active intervention into the biological or social life of a suffering subject or community. Medical practitioners and social service workers are seen to be undertaking acts of care when they take actions that alter the physical, emotional, or psychological state of their patients or clients so as
to facilitate their wellbeing (according to the logics of wellbeing at play in a given context). Literature examining biomedical approaches in care environments and among patients with health conditions that make them socially vulnerable has shown how disclosing the risk of further danger is an act of care (Clark 2000, Heyman et al 2013).

Research on humanitarianism and therapeutic biopolitical regimes has illustrated how these acts of care, while well-intentioned, can be part of violent apparatuses that both rely upon and actively reproduce the structural inequalities that put the subjects of care in these positions of vulnerability in the first place (Buch 2018, Butt 2002, Fassin 2012, García 2010, Giordano 2014, Kleinman et al 1997, Mulla 2014, Redfield 2013, Ticktin 2011). In social science, calls to repoliticize care in the name of addressing structural inequalities has called for a reapprehension of the root causes of suffering, with a focus on histories of marginalization (Caldwell 2016, Goldade 2009, Okie 2007, Sargent and Larchanché 2007, Tronto 1993). While these renderings of care move away from humanitarianism’s focus on addressing immediate suffering, they still situate the act of caring as morally positive, or as apparatuses of care that act upon another’s life undergirded by a moral commitment to their wellbeing.

I propose an alternative understanding of care that begins with Stevenson’s definition (2014) and allows room for capturing different modes of engagement and detachment that occur within this regime of violence prevention, and that have both positive and negative consequences. Treating care as a practice of making one matter to particular regimes of governance can capture situations in which care reproduces certain forms of systemic violence (Heidbrink 2016, Mulla 2014, Ticktin 2011) especially when it seems to be inching closer to its goals of protection, commensurability, and hope (Livingston 2010, Vogt 2018), while preventing other forms.
Non-disclosure can be read as occupying this middle space. Non-disclosure, I argue, constitutes what anthropologist Matei Candea has called a mode of detachment and engagement (2010, 243). While in Western liberal theory, detachment is associated with coldness and lack of care, engagement is presented as its antithesis and its antidote (Candea 2010, 243). However, Candea asks what would it mean to consider “cultivated detachment as an ethical orientation”? (2010, 244), not wholly disconnected from care, and as a way to capture the complexities of relationships? (2010, 244). For the staff members whom I observed, having to conduct risk assessment was a high stakes endeavor; they were tasked with making absolute moral judgments about their students’ families and intimate lifeworlds. Educators felt these judgments could only stem from an engaged and intimate understanding of a student’s everyday life, to which they did not have access. Rather, they chose to sustain their ongoing relationships with students, which some forced marriage advocates like Bridget and Alice perceived as a moral failure to properly care. School staff occupied the space between engagement and detachment, action and inaction. Non-disclosure was a care-based action unto itself, a choice marked by refusal yet in pursuit of an alternative. However, the alternative to disclosure, refusal, was a way of helping students is also not necessarily morally clear, or always productive of optimal outcomes. This rereading of school staff’s non-disclosure is not meant to situate educators as redemptive subjects; in fact, this rereading of care is not rooted in the idea that if one cares in the alternative way that school staff have done, they have necessarily ‘done good.’ Through focusing on staff’s non-disclosure and their search for an alternative, I highlight non-action as a practice of care that both removes students’ families from the criminal justice system but still ends up producing new forms of discursive violence.
Logics of Criminality and Muslim Migranthood

As noted in chapter two, Muslim migrants have been situated by the state as particularly in need of assimilation through modes of both explicit and implicit policing that seek to turn them into more ‘governable’ subjects (Hage 2011). At the federal, state, and local level, government has dedicated an unprecedented amount of funding to anti-extremism efforts, family violence prevention efforts specifically dedicated for Muslim religious leaders, and communities, and the expansion of Muslim-led community empowerment programs that tackle issues of gender equality and family violence. For example, in 2011, a study was released by the University of Toronto which noted that the Australian government had responded to terrorism through ‘legislative activism’ at a level that exceeded the amount of laws released by the US, the UK, and Canada (El Matrah 2018).

The 2017/18 federal budget allocated AUD$9.3 million to CVE programs for that financial year, with that amount dropping to AUD$6.1 million. The 2018/19 federal budget allocated AUD$158 million for what used to be the attorney-general’s National Security and Criminal Justice program. However, the line item dedicated to CVE, which previously funded grants to community and grassroots organizations, was removed. The push to address what has come to be known as violent extremism among Muslim youth in the West was premised on a whole truth-telling apparatus about who Muslim immigrants were, how susceptible they were to culturally-sanctioned violence, and how this could translate into terrorist violence and the general jeopardizing of public safety. In Australia, several initiatives around countering violent extremism have been designed not only to deradicalize youth, but have actively involved their family members and community members in the language and framework of national security, public safety, and countering violent extremism, including the government funded Countering
Violent Extremism Program, and the Multicultural Community Liaison Officer Program in Victoria and New South Wales.

For the staff at Noble Park and other school administrators, disclosing a suspicion of an imminent forced marriage to CPS or to the Australian Federal Police, the two main bodies tasked with investigating potential cases, was not a straightforward execution of one’s duty of care as a mandatory reporter. Rather, disclosing a suspicion carried serious consequences for teachers and students. Teachers feared they would be accused of racism by their students’ families, while students and families feared further surveillance by the AFP and state police who had already been unfairly surveilling Muslim Australian immigrant communities.

In Parliamentary debates in 2012, several MPs framed forced marriage as a social problem endemic to certain ethnic and migrant communities. MP Craig Kelly of the Liberal Party cited a case of a 17-year old girl from Sydney who was taken to Lebanon for an arranged marriage. The girl then called the Australian Federal Police to put a stop to her passport, and prevent her from boarding the plane. Kelly’s response to the story was the following:

[...] We in this Parliament need to send a very clear and unambiguous statement with this bill. Forced marriage, the forcing of a young girl into a marriage she has not consented to, is not just another multicultural practice. Forced marriages are completely abhorrent to our Australian way of life and must not be accepted. We must also look at education programs to make sure that new migrants are fully informed of our laws here in Australia, which provide that a forced marriage is considered a criminal offence” (“House Debates,” 20 Aug 2012).

What is particularly interesting about Kelly’s response is that it labels overseas marriages involving minor females a criminal offense before the criminalization bill was passed.

Furthermore, Luke Simpkins of the Liberal Party noted the threat of forced marriage to the integrity of the institution of marriage itself:

[...] There does seem to be a disturbing culture amongst certain ethnic communities, who feel that, to have a marriage, you have to bring someone from the old country over here. The sad part is the fact that the parties to the marriage have never met….For the protection of people both in Australia and overseas, sending a clear message about what is acceptable,
regardless of any cultural excuses, through this sort of legislation is, in principle, the right way forward (“House Debates,” 20 Aug. 2012).

**Remobilizing Uncertainty**

In 2017, I attended a forced marriage prevention training in Hume in northern Victoria, for school nurses that Bridget was administering on behalf of CMY. At the training, Bridget explained some of the warning signs to the nurses. The nurses and teachers were quite taken by the training administered by Bridget. They kept repeating the phrase, “I can’t believe this is happening in Australia.” They began to retrospectively contemplate situations in which they may have missed the signs or willingly refused to disclose any suspicions to CPS or the AFP. One nurse pointed to how, looking back, she could see how some of her students may have been at risk of being taken overseas. And yet, she ended by saying “But I couldn’t be sure. I did not have enough evidence.” Another nurse exclaimed that she was “finally connecting the dots”:

> At Roxburgh Park [a nearby high school], there is a lot of inter-cousin marriage. People were suspicious because they saw one girl was engaged and was talking about a trip overseas; these young girls, who are also a product of inter-cousin marriage, their parents don’t want to put them in special-ed because it is shameful and makes them less marriageable but the nurses said they really need to be in special ed.

Another nurse interjected that at Hume secondary school teachers organized a Sexual Assault Prevention program in which they discussed a number of practices they believed their students, some of whom were recent migrants, were subject to within their families. Topics included the harmful effects of marrying first cousins; the importance of consent within marriage and sex; and why the display of one’s bed sheet on one’s wedding night to family members (a test of one’s virginity) was a violation of individual sexual freedom. She continued, “We need to destabilize the girl’s idea that she gets from her family that ‘A doctor in Iraq will tell me whether or not I’m still a virgin by looking at the sheet.’ The other nurses quickly began to discuss the prevalence of inter-cousin marriage among their students. This cluster of comments and conversations emerged
quickly and consecutively and eventually took on a rhythm of their own, that they ended up constituting a majority of the discussion in the training.

Spotting the signs of a forced marriage raised dilemmas around what constituted enough evidence for a disclosure. One nurse mentioned that disclosing without enough concrete evidence would paint her as a racist in the eyes of her students and their families. Such a disclosure could result in an even more dangerous situation for a student—she could be taken abroad even sooner if her parents found out that a teacher was suspicious, or she may be removed from the school entirely and subject to other forms of abuse and accused of airing her family’s private affairs. However, teachers expressed that they did feel empowered by the very knowledge that there existed a list of official government warning signs. The warning signs confirmed to them at the very least that the programs they had developed to address other culturally specific forms of violence were sound and based on a shared understanding that Muslim migrant girls needed these specialized programs. School staff went on to discuss honor-based violence in general, signaling that forced marriage was part of a cluster of cultural practices that could be better addressed through education rather than disclosures to the criminal justice system.

So quickly did the discussion of forced marriage shift into a discussion of harmful cultural practices. In an attempt to reorient the teachers’ attention once again to forced marriage, to take seriously the fact that the warning signs were designed to correlate to this specific form of violence, Bridget noted, “You know, it’s not just about one warning sign. You have to look at it as a whole. You know your students. Also, this is not limited to one culture. We have seen cases from girls from Syria, Egypt, Lebanon, Fiji, and the UK.” Bridget perceived the nurses’ discussion of virginity tests and inter-cousin marriage as a sign that they associated forced
marriage to one culture. However, what Bridget left unaddressed was what it was about forced marriage’s risk assessment protocol that triggered such a seamless association with other types of ‘culturally sanctioned’ abuse? Why did the nurses move so quickly to a discussion about the nature of gender, sexuality, and marriage politics in their students’ family situations? Here, I read the tension between Bridget’s interjection and the nurses’ claims as a tension between ‘color-blind liberalism,’ and vigilant multiculturalism. “Color-blind liberalism” is a disposition unique to schools in the West in which teachers and other school staff do not see students through race explicitly, but through their cultural and national identities, which then shape how they distribute attention and resources, while at the same time professing to treat ‘everyone the same.’ As Jaffe-Walter notes, “Color-blind liberalism fails to account for the implicit ways race and racial hierarchies continue to influence how young people are positioned in relation to resources in schools and the ways notions of ‘ideal’ and ‘problematic’ students continue to be defined along national and racial lines” (Jaffe-Walter 2016, 35). Vigilant multiculturalism is the idea of seeing the subject’s actions and her decisions through the lens of belief systems, values, and stagnant notions of tradition. Angela Jenks’ analysis of the openings and obfuscations of cultural competency trainings in the biomedical sphere is helpful in this instance. She argues that cultural competency trainings can at times veer too much to the side of universalisms under the guise of ‘openmindedness’ or a desire to not let cultural background overdetermine the individual’s situation: “Cultural competence education, while designed to address socially produced health disparities, can ultimately reinforce a depoliticized understanding of cultural difference” (Jenks 2011, 212).  

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58 Here, I want to qualify that cultural competence in biomedicine is different from cultural competence in social welfare. The cultural beliefs that are at stake are seen to have more bearing on people’s socio-economic problems rather than on the progression of a disease or illness.
As Jenks also points out, however, biomedicine in general lends itself to essentialisms. For example, diagnosis focuses on deviations from what is deemed normal and ‘culture’ is a factor that can be used to explain or account for the deviation. The idea that evidence-based medicine can continue to standardize as a mode of better care, in itself is conducive to essentialized renderings of culture (2011, 221). Along similar lines, it is worth considering how multiculturalism’s logics coupled with those of forced marriage prevention lend themselves to essentialized notions of culture. In this instance, school staff locate the cause of forced marriage behavioral patterns and events, therefore situated forced marriage as preventable through reforming belief systems. In a context that encourages the recognition of different value systems and beliefs that inhere within supposedly coherent ‘communities,’ culture emerges as an easy way to explain individual behaviors that do not do ‘enough’ to prevent or remove oneself from those behavioral patterns and events. However, culture, in this case, can also be used as a way to avoid addressing racism and structural inequality. As Jenks notes: “Exploring cultural competence ‘hurts less’ than exploring racism because it ultimately requires providers to recognize variation and difference but not inequality” (2011, 228).

The fact that this discussion followed a rather skeptical and uneasy engagement with the official warning signs suggests that the nurses saw the signs as more than a set of precise metrics to objectively make sense of a student’s life world. Discussing and learning about the warning signs was not only a way for teachers to better assess if a student was at risk of experiencing a forced marriage. In fact, the nurses hardly ever used the signs to report a case, which Bridget informed me of as we left the training. This particular group of nurses had already had exposure to forced marriage prevention education, but they just had not disclosed any cases. Yet, they were creating afterschool programs that addressed culturally specific forms of violence among
their students. For these nurses, the signs were not a good technology of risk assessment and they could easily become racialized. However, the nurses used the signs and forced marriage trainings as a launching pad for other awareness-raising programs around abuse. These programs, while motivated by a desire to avoid putting students and their families into the hands of the criminal justice system, also fell into the same traps of racialized cultural essentialisms. In this sense, nurses enacted an ethic of care through attending to a particular cohort of students as ‘at-risk’ subjects who needed other kinds of program-based support, but ended up representing their family lives as overdetermined by culture as a stagnant set of traditions, beliefs, and value systems.

Thus, the power of official risk assessment protocol and prevention trainings lied primarily in the fact that they existed. Their existence confirmed to nurses an already sedimented ‘social fact’ about a student’s subjectivity as a female kin member from a Muslim migrant family. The nurses noted that simply knowing that a student’s family members played a role in her everyday decisions was not enough to report suspicion of coercion to authorities. However, the mere fact that there were in place official government-sanctioned warning signs confirmed to the nurses that their concerns about their students’ susceptibility to gender-based violence were well-founded. Here, the existence of expert knowledge on culturally distinctive forms of violence confirmed to nurses that their suspicions of the pressures exerted by culture on Muslim female students’ lives was sound. Their subsequent move to create alternative spaces in which to address other culturally sanctioned forms of violence reified student subjectivities as overdetermined by internal familial and community dynamics. In addition, holding their students as subjects ‘at-risk’ of suffering a spectrum of violences is one strategy they use to compensate
for the fact that the specificities of their students’ lives are rendered unknowable by forced marriage risk assessment protocol.

To Bridget, the nurses’ demeanor and uncertainty translated into a lack of engagement and by extension, care. Bridget, the Forced Marriage Program Coordinator at CMY, in particular, tried to maintain a professional composure, but would end up feeling incensed when she discussed the fact that schools were not reporting forced marriage among their students to CMY at the rates she expected. She once said to me after a training she conducted, “This is ridiculous. It just baffles my mind. We know the rates are high. We know that this is a problem, and yet no one is saying anything!” Bridget’s exclamation—*We know this is a problem*— stayed with me, mostly because there had been no study conducted either before or after the passage of the law on the rates of forced marriage incidents amongst migrant-led organizations and/or community groups. The only statistics that were available were the number of calls made to the AFP around forced marriage (see Chapter 1) and the number of cases that caseworkers and child protection officers had noticed prior to 2012 (see Chapter 1). However, the phrase, “We know it’s a problem” was continually repeated by caseworkers and advocates on multiple occasions. Forced marriage was consistently called into being through emphasizing its ‘hidden-ness.’ It was as though the inability to see it lent credibility to its urgency. While there was a tacit acceptance that forced marriage was a societal problem (despite there being little evidence), it was more difficult for teachers and educators to see their school environments as a microcosm of that problem.

School staff at Hume had expressed that even if they had reported their concern that a student was at risk, eventually their students could be at risk of further danger from their family members if they did eventually leave a domestic violence shelter or the ARC’s STPP. Some
students may not want a teacher to disclose, because they may have already been negotiating with their parents. Some practitioners told me that some of their clients were already in the throes of developing a plan or an agreement with their parents around postponing a potential marriage. Bridget, however, felt more certain about the efficacy of the referral process. She also acknowledged that suspicions were not evidence. However, she tended to see disclosure as a way to verify or debunk one’s suspicions, rather than as a way to further surveil, and at times needlessly interrogate the victim and her family. She noted to teachers, “Ultimately, you guys know your students. If you’re unsure but you think something is off, just make the call to CMY. Just make the call!” She continued explaining to me, “Did you get the sense that were so blasé? I just don’t understand why there were no disclosures and no calls to us. It seems like they don’t really care. I don’t understand why they are working in a sector that requires human services, when they seem to just not want to even consider these things seriously.” In her exclamations, Bridget was trying to bridge the tension between forced marriage as a national problem versus forced marriage as an everyday one—to convince school staff that the national crisis was manifesting right there in their backyard. Properly caring for Bridget meant accepting that there was an identifiable and knowable problem, a trend and pattern. It also meant an understanding that referring a case signaled a desire to get one’s questions or unresolved dilemmas answered, rather than automatically entering the student into the criminal justice system. The dissonance between Bridget and school staff’s imaginaries of the prevention system resulted in different models of what counted as proper care for students and which forms could be injurious.

Refusals Around Disclosure

A few weeks later, I met Trevor, the head of student services at Roxburgh College, a secondary school serving grades 9 through 12. Located close to Hume, also in a northern suburb
of Melbourne, Roxburgh Park was home to a large Muslim migrant community, including Lebanese, Turkish, and more recently Iraqi refugees. He consistently showed a willingness to listen to students without actively asking about intimate family details. He had a good rapport with his students and valued the impact of his role as head of student services. Throughout our meeting, students popped into his office at least ten times. He would greet them in Arabic, after which they asked him quick questions about their classes, an after school meeting, how to get a form signed. Trevor was able to answer each question consecutively with ease, a quickness that conveyed he knew what each student expected from him. He asked students how they and their families were doing, prompting the students to take a seat in his office, and have a quick catch-up about their plans for the week, classes, and upcoming extracurricular activities.

I asked Trevor if forced marriage was an already-identified problem at Roxburgh Park College. He replied that some students had disclosed over the past few years, but that he tends to wait until a student explicitly tells him that they are engaged and going overseas, before taking any action. Even then, he has followed the guidance of students. There were instances in which a female student had asked Trevor to talk to her mother and father and explain that marrying her off to a man who was ten years older than her was detrimental to her future, and that it would deprive her of future professional and educational opportunities. He mentioned the story of a student who a few years ago had been taken to Turkey over break multiple times. This had raised concerns for Trevor and the school administrators, but they never reported anything because they did not feel that they had enough evidence to know for sure that a marriage was imminent and that it would be worth AFP getting involved in the family’s life. Trevor said that December, the month we met, was a concerning time for school administrators because families were starting to
go on holiday and young girls were more likely to be forced to marry in their parents’ homeland while overseas.

While a student discussing an overseas trip was a key warning sign, Trevor felt uncomfortable reading that as a tell-all red flag. For Trevor, a student talking about an overseas trip did not automatically signal an impending forced marriage. He noted, “Really what we try to do is ask questions of the students about why they are going, what they are planning to do, rather than ask ‘Are you going to get married when you go there?’ And then we really try to get the administration aware and have them ask the right questions. The one thing you don’t want to do is alienate families, and you do not want to have teachers act as investigators.” He added that oftentimes, teachers are quite nosy, and they want to know all the details of a student’s intimate family life: “I’ve had to warn a few teachers, ‘Do not act as investigators because then you may be compromising a real investigation that needs to take place by other authorities.’” For Trevor, the central question was whether or not to follow up on a suspicion, and what was at stake in doing so. I read in Trevor’s cautionary words and disposition, a call to avoid entering a situation where one’s intuition around coercion becomes the starting point for the standardizing and universalizing apparatus of state intervention to take effect. For Trevor, there is a line between watchful care and careful surveillance. In other words, the business of determining potential coercion will bring up too many moral ambiguities that teachers and school administrators feel they are in no position to handle. The specificity of forced marriage matters here. Trevor, as all school staff, is a mandatory reporter, meaning that he has a requirement under state law, to report if he has a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type” (“Mandatory Reporting”).
However, because forced marriage prevention called on teachers to identify on imminent event—entry into marriage—it was difficult to determine if this event was indeed part of a previously established pattern of harm or a signal of future harm to come. While forced marriage prevention was concerned with how parents controlled their children, that in itself, was not enough to warrant a report to Child Protective Services. Therefore, it was hard to report to CPS that parents were abusive if all that was known was that they may have orchestrated this marriage. This indicates how forced marriage prevention relies on event-based interpretations that are not realistically graspable to those tasked with making such interpretations. If teachers were now being called upon to both know and intervene in intimate family matters in ways they were not before, was there a line between caring for students and surveilling them? He responded that teachers tend to investigate their students’ lives too much. Teachers should just do what they can to ensure the best interests of the child, but that they had to show they were culturally sensitive to parents: “You need to recognize that different cultural frameworks are at play here.”

There was also a fear among teachers, according to Trevor, that when female students are coerced into marriage, they are more likely to be married off to their first or second cousins, prompting fears that any offspring would be born with disabilities. Trevor perceived this as a legitimate fear as he had seen cases of this happening in the past, but at the same time, he also treated it as a fundamental difference between mainstream society and migrant cultures, a difference that was so crucial, it did not need to be understood by school staff. He added that when he told his wife about suspicions of inter-cousin marriage, she replied, “That’s something I will never understand,” to which he replied, “It’s their culture.”

For Trevor, not reporting cases was both an enactment of cultural sensitivity based on a monolithic understanding of who students were as cultural subjects, and a way to avoid an
unsustainable precedent of having teachers intervene and surveil the intimate lives of their students, to engage in speculative policing (Jaffe-Walter 2019). At the same time, he did feel the need to create some kind of meaningful architecture of knowledge within which to house the intuitions and suspicions that perhaps some other familial turmoil was taking place. This part of my conversation reveals that often, discussions about forced marriage, turned into discussions about migrant difference as a whole set of socialities and kinship configurations that were deemed strange, alien, and concerning. For school staff, intuitions about forced marriage were also intuitions about broader cultural dissonances and presumed incommensurability.

Trevor’s moral anxieties around risk assessment result in both a strong reluctance to report suspicions to authorities, and an increased attunement to students as shaped by an essentialized idea of culture. He refused to take on the role of the state-sanctioned assessor, of the person who can both make a solid conclusion about where his students fit within a spectrum of risk and coercion that he could then disclose to authorities. Trevor admitted that he repeatedly encountered situations of concern with his students, but seeks to avoid putting himself in a position to judge whether and how all the details of the situation matter, to the criminal justice and social welfare systems. I read in Trevor’s cautionary words and disposition, a call to avoid entering a situation where one’s intuition around coercion become the starting point for making further assessments, where watchful care can quickly turn into careful surveillance.

Through my conversation with Trevor and observing the trainings in both Hume and Noble Park, it became clear that in fact the opposite was true—school staff were attempting to engage in their students’ lives as much as possible within the confines of the school environment, being careful not to engage in modes of watchful care that came across as policing or too inquisitive. Reading school staff’s decisions as simply a disengaged mode of looking away does
not capture how their responses are conditioned by the emergent knowledge-building infrastructure of forced marriage prevention. Here, I return to the term ‘reluctant actuaries.’ School staff, while open to learning about risk assessment, did not utilize it to make a final determination about a student’s risk of coercion, because it could not actually help them identify an imminent event, which was what direct service organizations were asking for referrals for. Some questioned the very definitional pillars of forced marriage as a category of violence, including the nature of coercion, consent, and how the institution of marriage itself functioned in their students’ lives as ways to transgress and subvert the restrictive power of global border regimes. Staff found other ways of making the unknowable knowable, ways that had the potential to be equally problematic. Understanding the broad spectrum of school staff reactions reveals that the response to student wellbeing is never purely a moral or altruistic mode of care (Malkki 2015). Rather, such a response could also be based on the best outcome of an irreconcilable epistemic dilemma.

*Making Forced Marriage a Knowable Problem*

And so, to know that something is a problem was never based solely on statistics, nor solely on people’s suspicions, nor on just community leaders vocalizing it as such. Rather, to know something is a problem is a constellation of scenaristic, intuitive, and testimonial practices. This construction of forced marriage as a problem based on these subjective practices could have potentially serious and harmful effects on students and their relationships to their families. What does it mean to prevent an act that has been deemed criminal but which cannot be identified? What school staff were grappling with, then, was how disclosing a suspicion could not only harm individual students, but how such disclosures constituted a representational practice—a reification of the slowly sedimenting fact of forced marriage as a social problem.
Organizing migrant-targeted social welfare around cultural knowledge becomes an impossible task when judgments require a melding together of intimate social dynamics and the individual’s outward demeanor. On the one hand, school staff felt that sound judgment might be possible about the event of forced marriage if they knew the intimate relationalities and power dynamics between a student and her family. On the other hand, all school staff had access to were student’s disposition and conversations at school. The decision among teachers not to disclose is in part produced by the dissonance that exists between: (1) one’s suspicions that their student is exhibiting abnormal behavior and (2) the expectations of risk assessment, which demands an understanding of the student’s relationship with her family as a route to determining the imminence of an event. This dissonance produces anxieties around how to responsibly disclose a suspicion to authorities, and ultimately makes disclosure a non-option.

Not knowing how to know students’ risk of a forced marriage also raised the question of ‘how culture matters’ in a social welfare system where cultural sensitivity for CALD communities is a key ethical pillar. Cultural sensitivity is an ethic borne out of inclusionary intentions, but it often results in either overly presumptuous interventions or no action at all, resulting in exclusionary outcomes for migrants. When combined with the discourse of migrant criminality and Muslims as socially backward, cultural sensitivity puts school staff in contentious moral and epistemic terrain, making it harder for them to attend to their students’ wellbeing. School staff’s disclosures are increasingly entangled within multiple systems—the criminal justice system, which includes federal and state law enforcement, family violence prevention, and child protective services. As a result, staff have to learn and navigate definitions of violence, culture, and risk that are already sedimented within these systems. At the same time, they are asked to treat their students with discretion, to observe particular boundaries, and to not
get too intensely involved in their students’ intimate family dynamics. Assessing risk becomes a tricky endeavor that can then lead to alternative routes of caring. However, these modes of care still get bogged down by long-standing misconceptions of Muslim womanhood, culture, and structural inequality. On the one hand, knowing forced marriage as a cultural practice breeds a paralyzing sensitivity among school staff, one that results in the inadvertent disregard of genuinely dangerous situations. On the other hand, it also prompts school staff to treat their students as always already at risk of culturally specific forms of violence. By looking at school staff through this ethnographic lens, we can move beyond understandings that reproduce white professionals in social welfare as simply disguised racists or those who obliviously perpetrate neocolonial relations (Kowal 2015, 12). Rather, we can appreciate that school staff are also entangled within a flawed prevention system that itself is steeped in the policy and public discourse on Muslim migrants as always already potentially criminal and Muslim women as always already potential victims of their communities.

As family violence prevention in Australia has become even more invested in producing culturally sensitive services in response to increased migration, it has also developed various state-funded research apparatuses that claim to better identify and understand the needs of different cultural communities. However, in doing so, it has systematized and operationalized cultural difference as constituted by an essential set of group and individual behavior and dispositions that can be observed by anyone, anywhere. This is not to say that a deeper understanding of individuals would produce an alternative and necessarily better outcome. Deep knowledge can also produce harm in social service settings (Giordano 2014, Jenks 2009, Mulla 2014, Stevenson 2014). The category CALD currently functions as a signal of difference that gets seamlessly plugged into policy reports and best practice guides around violence prevention.
CALD as a common-sense category is rooted within an already sedimented matrix of what constitute Australia’s national limits of tolerance (Povinelli 2002, 28) and what constitute acceptable forms of cultural expression in the public and private space. That is not to say that prevention specialists and school officials do not have genuine commitments to their students who are at risk of experiencing gender-based violence. Staff are trying to bring their students into the fold of recognition, but their attempts fall short because of the way that Australian multiculturalism instrumentalizes personhood—one’s cultural background is simply a means to better understand where a community stands in terms of their penchant for morally unsanctionable practices (Hage 2000, 2011). What on the surface felt like a new opportunity for school personnel to have a nuanced understanding of their students’ lives, was, in the end, plagued by the modes of recognition that essentialized understandings of the Other demand.

Watchful Care

Forced marriage is not the only site where risk assessment and its policing powers are being outsourced to multiple actors in the community. Since 2008, family violence prevention services have been addressing coercion within families as potentially resolvable through equipping community leaders who regularly interface with ‘at-risk’ populations with the tools to spot the signs of violence, and various forms of psychological coercion. For example, hairdressers have recently been recruited to undergo a training program in Melbourne by Eastern Domestic Violence Services (EDVOS), after seeing the success of a similar program in Canada and in the US. In a recent news article, a hairdresser owner was quoted as saying the following regarding the potential signs: “‘Especially if they’re on the phone or they come in a bit shaky, you know, ‘I want to do this but my husband won’t let me do that.’” The three hour workshop, which is funded by the Victoria state government, is designed to empower hairdressers to refer
clients to domestic violence or family violence services, when they have a hunch that their clients are suffering. Executive Director of EDVOS, Jenny Jackson recently said: “It’s not just black eyes and broken ribs, it’s emotional, financial, spiritual and psychological abuse. It also includes sexual assault.” Another hairdresser, Michelle Shank, notes, “It’s about your clients knowing they can talk to you about anything and you’re not going to ever say anything to anyone…From the moment someone sits in the chair I can tell whether a client is having a good day or a bad day.” Another hairdresser, Gayle Emmett expresses in the interview that she hopes that hairdressers will become mandatory reporters of domestic violence, which means they would be legally obligated to report to authorities any sense they have that a client is experiencing domestic violence. She said that clients were spending a lot of time at the salon, which facilitated a more meaningful connection between hairdressers and clients more than was the case for other professionals or customer service professionals: “ ‘You know the client, you know how they’re feeling, you can read their moods, and of course they talk to you. You become sometimes the person that they speak to, even sometimes above the family.’ ” (“Beauty Professionals Receive Training”). For now, hairdressers will only be required to suggest referral services for clients they suspect are victims, and to listen to their challenges. The call to spot the signs has also extended to real estate agents and property managers. In Victoria’s 2016 Royal Commission Report into Family Violence, it was reported that 39 applications for the reduction of a fixed term lease agreement due to an intervention order were made between 2013 and 2014 (Royal Commission Report 2016, 66, 74). It eventually prompted the Real Estate Institute of Victoria (REIV) to create a new training program for property managers, on how to spot the signs of family violence. The REIV will focus specifically on family violence and its goal is to make property managers aware of the signs. REIV Vice President Leah Calnan noted in a recent
article, “‘When you go to an inspection and see that there’s a hole in the wall – not necessarily just assuming that it happened because a child threw a ball – that maybe it could be something else.’” (Clegg 2018).

The commencement of domestic violence referral training for clients marks an important moment in family violence reform because it is expanding who in the community counts as: (1) intimately entangled enough in the lives of others that they can make sound judgments about their wellbeing; (2) has the right type of attunement and knowledge about another; and (3) has the obligation to identify and report a victim of family or domestic violence. Built into this shifting ethos of watchful care lies a radical potential—namely the idea of community-building and community-care that is not wholly reliant on the state. According to Angela Garcia, watchful care is a concept that emerges as a kind of alternative to forms of institutionalized care that reproduce moralizing discourses of criminality and disempowering discourses of illness and that continuously fall short of sustainably helping her interlocutors, heroin addicts in New Mexico’s Española Valley (2010). Garcia writes:

The notion of ‘watchfulness’ is somewhat vague, but to me it suggests an ethics of community and a form of care. To remain watchful with one another—not over or against the other—is to offset forms of alienation that accompany addiction and to insist on the persistence of certain intimate ties. It is a practice that opens up the possibility of being-together, which, in the end, is the very heart of social commensurability. In the midst of loss, insecurity, and abandonment, the healing potential of social commensurability, of keeping watch with one another, remains vital (2010, 182).

This concept is borne out of a locally situated potential alternative response to conventional therapeutic and criminal justice approaches to addiction. However, the idea of watching with is a concept undergirded by notions of criminality and looking out for one another that have gained traction in social welfare spaces. The attention to community and making the subject of violence the responsibility of the community raises several questions around how the subject of violence is called to present herself and what about her is subject to the community’s attunement and
attention. Who is the community who watches and looks out for the subject? What intimacies and forms of trust are assumed between the subject and that community, and in what ways will this watchful care be distinct from familial ties that also at times purport to involve the subject as an agent and that claim a watching with rather than a watching over or against?

Watchful care, in the context of family violence prevention in Australia, carries much potential. A looking out for and with the other is already a part of the ethos of prevention’s new orientation in Australia. But, a key missing component is its inability to navigate through the seemingly incommensurable—the call to take the Other’s subjectivity and to take difference seriously has not been heeded. Thus, the persistence of intimate ties and knowledge about the other is emphasized only in terms of how the Other is experiencing pressure or suffering through universalized frameworks. The watchful care of risk assessment is one that relies on a kind of artificial commensurability—an assumption that we can look out for each other because we operate within the same epistemological horizon, and because we make things knowable in the same way. I argue that this idea of watchful care falls short in these spaces because despite its seemingly universal appeal, the frameworks used to assess what the subject wants are actually based on liberalism’s particular paradigms of autonomy and social constraint. The prevention system is also so rooted within existing frameworks around cultural competence that sees culture as a way to explain risk, and thereby can only imagine a removal of the victim subject from the cultural environment (read ‘family’) in which she is experiencing these pressures.

As anthropological studies have shown, institutionalized attempts at care and service for marginalized others have fallen profoundly short of taking difference seriously. Australia had, in recent years, become more invested in producing tailored responses to family violence disclosures by those who fall into “culturally and linguistically diverse” (CALD) communities,
which mainly connoted non-Anglo, non-European communities (Previously this category was titled people of a “non-English speaking background” (NESB)). On the one hand, this meant taking seriously how their cultural backgrounds affected their understanding of family, gender roles within a family, what types of violence they were willing to disclose to service providers, and the tactics by which they had been manipulated. However, most of the ways in which victim ‘difference’ was embraced in the family violence sector was in terms of how victims were misguided in their understandings of gender roles and family, and how the tactics being used to abuse them—such as the weaponization of concepts like honor and shame, and reputation threats around returning a dowry—were outside of ‘typical’ disclosures. Practitioners were trained to attune to victims’ or potential victims’ difference in terms of how their cultures deviated from normative understandings of the experience of violence, so that their disclosures and narratives could be reinscribed within this normative framework. There was no room, then, for practitioners to present and document victim stories as ones of both violence and love, coercion and consent, doubt and certainty, stories in which: someone did not see their parents’ actions as violent but a result of the pressures of migration, but did not want to enter the marriage; in which they saw their parents’ actions as violent but did choose to enter the marriage; or in which they entered the marriage with a sense of uncertainty but wanted to see if something meaningful could come out of the relationship; and many other configurations, were deemed impossible in the sector, or at least in public settings where practitioners would exchange information and stories.

Coercion in and of itself generates an epistemic puzzle of sorts—it is not something that is easily assessable and measurable, and so it creates questions about how to know that it might be imminent, and how to know that perhaps it has already happened. The demand to identify coercion, familial manipulation and deception, as a crime or form of violence worthy of further
interrogation is, I suggest, one consequence of a broader shift in family violence policy—that is, the increasingly pre-emptive nature of family violence prevention in Australia at large. The epistemology of pre-emption is, according to Brian Massumi, one of uncertainty—not simply because of a lack of knowledge, but also because the threat has not yet fully formed or even emerged (2016, 9). Pre-emption operates on an affective register, in a proliferative way that contributes to the reflex production of the specific being of the threat. In other words, the fear of the event itself generates its possibility—its potentiality to occur is always at play, and always imminent (2016, 13). In this sense, pre-emption lends itself to the sorts of epistemic puzzles the school staff I observed, confronted. Familial relations get pre-emptively evaluated and are profoundly shaped by a racialized and gendered logic. While Massumi gives the impression that any thing can be constructed as a threat, he ignores already sedimented racialized logics that unevenly distribute which subjects/bodies are subject to pre-emptive logics. Were the female Muslim students always already at risk? Were the warning signs simply a formal and legitimized mechanism through which those already sedimented ideas about the violence of Muslim womanhood and migranthood could find an expression? In other words, school staff find themselves confronting an impossible dilemma: either disclose a suspicion which will automatically place one within the criminal justice system or do not disclose and get judged by the sector as failing to protect young girls from sexual, reproductive, and other types of emotional violence, thus failing to pre-empt violence.

There are very real attachments that practitioners, school officials, and community liaisons have toward facilitating a better life for people experiencing gender-based violence. Moments where practitioners truly try to understand the context of another are not always moments of resistance to this pre-emptive logic. But, these moments can be seen as a sincere
attempt to bring the Other back into the fold of recognition, but ones that still fall short because of how beholden these forms of recognition are to Australian multiculturalism’s instrumentalization of personhood. hat on the surface felt like a new opportunity for school staff to have a nuanced understanding of their students’ lifeworlds, was, in the end, plagued by the modes of recognition that essentialized and universalized understandings of the Other demand.
Chapter 5
Protecting Identities and Guarding Stories: Confidentiality as Bureaucratic and Epistemic Mode

Introduction

“You need to speak to victims, right? You know, you have to meet them—these two sisters. It is quite a story. They are so resilient. I think you could ask them a lot of questions.” As Bridget, 59 and I conversed at a bustling Melbourne café about my research, amidst all the noise, I felt a sense of anticipation and simultaneous relief—the lead that I had been looking for was finally coming through. It had been two months already, and I was getting worried since I had not yet been able to make contact with those who had actually reported that they were about to be coerced into a marriage and had fled their families or had already been coerced into a marriage, and were under the care of the ARC’s Support for Trafficked Persons Program (STPP). It was this group of people—those who were actual victims or at risk of forced marriage—who were pinpointed as the primary beneficiaries of direct service work. They ranged in age from adolescents to those in their mid-thirties and forties. They shared in common the fact that their family members were orchestrating or had orchestrated marriages for them, usually abroad in their families’ home countries, marriages that they had disclosed they did not want to enter. As of early 2016, a policy advisor for the STPP had reported that they were housing 35 people, up from 14 in 2015. And yet the workings of the STPP were quite opaque, even for those who were working at the Australian Red Cross. As part of my project, I wanted to better understand the experience of disclosing one’s narrative to direct service agencies like ARC. What were the various juridical, rehabilitative, and legal apparatuses one had to encounter upon declaring oneself a victim of forced marriage? How did the institutionalized definition of victimhood as set

59 I have changed the names of all of my interlocutors throughout this paper.
out by the government compare to women’s actual subjectivities? Did the definition of coercion into marriage set out by the 2013 law reflect victims’ lived experience of coercion? In short, I was interested in understanding the lived experience of this local rehabilitative and humanitarian project which was a key part of the emergent forced marriage sector. I thought that if I could establish rapport with caseworkers at the STPP, which in 2013 was newly tasked with helping forced marriage victims, in addition to trafficked women, I could get in contact with at least five to ten victims via perhaps two to three caseworkers. The reality was much more complicated.

As my face unabashedly lit up in front of Bridget, I tried to re-attain my composure, masking my excitement at the fact that the investigation horizon was finally opening up. This anticipation was mixed with feelings of guilt I did not want to reproduce the colonial practice of treating potential interlocutors as repositories of the ingredients for anthropological analytics. Little did I realize that getting in contact with the ‘two sisters,’ as they would be referred to by multiple practitioners in the forced marriage sector, would be one of the most complicated and drawn-out parts of my fieldwork. However, what led me to continue to see getting in contact as a possibility was the fact that many practitioners brought up the narrative of their almost-marriages and their escape back to Australia numerous times in various professional spaces. I realized that despite claims to the contrary, keeping their identifying information confidential was not of concern. As different iterations of their stories were evoked by different practitioners, the two sisters became an ‘present absence’ (Ho 2004) in my fieldwork—their stories were always there, yet they were physically unreachable. Engseng Ho uses the concept of present absences to describe the ways in which the mobile diaspora think about the absence of the dead as a life-giving force, as a potent presence around which a strong sociality forms. Those who are absent function to create sociality and their being is marked through their stories’ silent
presences (2004, 117). While I do not want to draw an analogous situation here between the analytic significance of Ho’s interlocutors—the Hadrami diaspora—with those circulated about the sisters, I do evoke the concept to connote the ways in which the omission of victims from particular social welfare domains, especially spaces of advocacy, rendered victims both present in the stories crafted about them, but also absent from the crafting of these stories. Why, I wondered, was it so difficult to speak with the sisters if the protection of identifiable information was not a priority for practitioners? Intuitively, one could argue that this type of selective circulation of stories is designed to reinforce the barriers between practitioner and researcher. Those already working within the sector have developed a culture of trust and it is standard practice to reinforce those boundaries and circulate information about clients with one another. Passing information about others to the researcher could be a risky endeavor as the trajectories of its circulations were less predictable, knowable, or traceable. However, it is difficult to fully accept the latter point because not only did I confront barriers to meeting with victims, but practitioners within the sector itself also faced barriers, especially advocates and prevention coordinators like Bridget and others.

In this chapter, I would like to stay with the trouble, as Donna Haraway puts it (2016), to dwell for a bit in the ethnographic space that emerges when one’s subject of investigation does not show up as one had wished. I would like to understand what it means when the anthropologist is refused access to another person but is given ready access to particular stories about them. I would like to examine how the circulation of anecdotal stories creates a set of facts and a profile around a particular issue, in this case, the ways in which coercion into marriage occurs; how these stories become what Kristen Peterson calls “phantom epistemologies.” Peterson writes that “their elusiveness consists in their being stories resonating at the level of
common sense, circulating in the most powerful ways…” (40). These phantom epistemologies were ways of knowing directly connected to confidentiality itself. Through tracing the bureaucratic challenges that I, as a researcher, and another practitioner in the sector faced in making contact with the two sisters and other victims, I want to explore confidentiality itself as an ethnographic object, respectively. By treating confidentiality as an ethnographic object, I discover that in fact it is a particular bureaucratic and epistemic mode that is characteristic of the family violence apparatus as a parabiopolitical one (Faubion 2018). The scenaristic problems of the case—the stories that are told are what matter. In being concerned with victims’ risk of violence, confidentiality practices put practitioners in a position where they could situate victims as not only clients who deserve to have their identities protected, but also as solely knowable through legal and social welfare logics of forced marriage that were constituting a narrative common sense. The evocation and performance of confidentiality, I argue, guard which stories get told and which do not, which voices are deemed relevant to advocacy and which are irrelevant. In doing so, particular kinds of stories are made impossible—namely ones in which familial coercion coexists in uncomfortable ways with love, care, and obligation. As a bureaucratic tool, protecting the identity of clients is evoked in order to demonstrate care for them, but in fact results in the refusal to allow victims to speak with practitioners, researchers, and to express their own stories in policy spaces. And yet, the ready circulation of stories about them by practitioners represents not only the forced marriage sectors’ imperfect adherent to confidentiality, but also how they curate what types of stories matter to the maintenance of this parabiopolitical apparatus. Through tracing how confidentiality is vigilantly guarded yet imperfectly followed, I spotlight not the moral hypocrisy of the sector, but how confidentiality functions as an excess of bureaucratic reason. Yet confidentiality is, in its paradoxical practice, a
myth bureaucracy tells itself about how it functions as key to ensuring victim wellbeing. The sector’s belief that confidentiality in its purest form is in fact very real and is followable has real consequences for how victims and at-risk subjects are actually served. Through exploring the logic of confidentiality that animates Australia’s forced marriage sector, I propose that it sequesters both multidimensional stories about victims and victims themselves from advocacy and policymaking discussions. On an anthropological level, confidentiality as a bureaucratic and epistemic mode is another pillar of this parabiopolitical apparatus. It is another mechanism through which this apparatus constructs stories about the subject who is at risk of being a victim yet again of violence, at the hands of her family. The violence that is feared will occur through the breaking of confidentiality is one that is localized, one that is strictly limited to what her family would do to her as an individual. But an unintentional effect of this particular adherence to confidentiality, is to treat the victim as a fragile subject—one whose appearance in advocacy spaces is automatically deemed an anathema to the victim’s well-being and to the integrity of the forced marriage sector as a violence prevention apparatus.

It is not only confidentiality’s role in the broader forced marriage apparatus that is of concern to this chapter, but also the methodological implications it raises for Anthropology done in contexts of secrecy. Anthropology has a rich yet unfinished history of discussing the ethics around subjects’ private information, and the violences inherent to the ethnographic project, both in fieldwork and in writing. How the anthropologist builds trust with her subject is a fraught discussion—what does the anthropologist have to gain from persistently asking for an interview? What is at stake for her in pursuing questions that require access to particularly vulnerable communities? I struggled with these questions as I attempted to make contact with the two sisters. I did not resolve these struggles, but I did come to realize that persistence in pursuing
ethnographically valuable material might actually end up foreclosing alternative lines of ethnographic inquiry that could be just as illuminating about the broader anthropological and social questions that structure this research. In that sense, this chapter reflects upon the dilemmas I as an anthropologist confronted as I found myself immersed in the real-time process of knowledge production about the victim-subject.

I take a cue from Brian Rappert’s argument that, when working in contexts of secrecy, we should not look at the absence of information as a barrier to knowledge. He notes that “this is done by shifting away from only treating limits on what can be stated as barriers to representation.” Instead he asks us to consider “how limits and silences could be incorporated within our writing in order to convey experience (Rappert 2010, 260).” Oftentimes this means looking at how ‘secrets’ in a domain restrict information and produce other kinds of knowledge. Although secrecy is often portrayed as the antithesis of transparency, it can have implications far beyond restricting who gets access to what. The manner in which secrets are kept can shape identities and organizational relations” (260). I also take heed of Michael Taussig (2003) and Ferdinand De Jong’s (2007) insights that we secrecy should be examined as a social practice, where it becomes socially relevant because of what it is doing through acts of telling (261): “…the practice of doing ‘the ethnography of secrecy’…requires delving into complex relations of concealing and revealing. In seeking to make explicit the communication practices operating within” (264). As Joseph Masco (2001, 451) has argued in a study of US national defence labs, secrecy is: “wildly productive: it creates not only hierarchies of power and repression, but also unpredictable social effects, including new kinds of desire, fantasy, paranoia, and - above all – gossip” (267). Secrecy, then, also becomes an epistemic issue.
As I treat confidentiality’s curation and guarding of information and people as worthy of analysis, Peterson’s analysis of the phantom is helpful in analyzing how information about victims becomes an epistemic issue:

A phantom can inhabit the data in ways that do not always desire the fullest of answers—one that allows the unknowable to remain as powerful an analytical figure as the known. That is, the phantom—the stuff of familiarity, yet also the stuff of the unknowable—is the ethnographic object of inquiry, rather than being some shadow whose materializing requires further patience and digging. Finding one’s way through (or even detecting at all) the presence of such ghosts is difficult, as the latter occur at different levels of scale, not only in fieldwork but at the level of interpretive circulation (Peterson 2009, 39).

Rather than treat my confrontation with confidentiality as causing a gap in anthropological knowledge or evidence in fieldwork, I instead attempt to treat this confrontation as revelatory of a phantom epistemology at work in forced marriage prevention—a mode of knowing actual victims through the circulation of their stories through their unknowable elements which get spotlighted through the circulation of their stories by different prevention institutions. Here, the stories about the two sisters and other victims function as phantom epistemologies through how practitioners negotiate and navigate confidentiality. According to Petersen, phantom epistemologies “point us not in the direction of desired concreteness, as in ‘facts,’ but rather offer an analytical opening to something just as fascinating and analytically provocative as a traditional sense of the empirical. That is, the phantom asks us to rethink the very essence and contours of the ‘empirical’ itself” (2009, 41). It also means rejecting the ‘factual’ as a way to enter into ethnographic fieldwork as a site of analysis. Peterson writes:

My experience of not being able to count on the ‘factual’ as an avenue of entry into ethnographic fieldwork as well as a site of analysis has provided a methodological exploration of what is possible within ethnography. The phantom epistemologies that my research inhabits have led me to understand how policy, capital, and development function at different levels of scale, but more important, how they show up and reveal other nonintuitive linkages. Pulling together aggregate knowledge…is not a process that is always or necessarily shaped by a factual archive—which should make us question in turn the very reasoning and ontology of empiricism (2009, 51).
In this chapter, I want to treat confidentiality as a bureaucratic practice and epistemic form that not only guards seemingly apolitical information about victims, but also how their stories of coercion become knowable and by extension, unknowable. What stories can and cannot be told in the name of protecting information and identities within the direct-response forced marriage apparatus? Since direct response and prevention are both concerned with people who have already declared themselves at risk or are deemed at risk of a forced marriage or already have been forced into one, their stories and information now get translated into institutional categories, profiles. People become cases, who are knowable in particular ways. As Sameena Mulla shows in her analysis of forensic exams of victims of sexual assault, the case is a and curated collection of knowledge—constructed in particular ways that bring together forensic and visual modalities in which inhere both medical and juridical logics (2014, 139). Mulla discusses how the victim’s stated narrative ultimately needs to plug into the forensic nurse’s testimony that will be presented in court, along with photographs of the victim’s injuries (139). Ultimately, victim narratives are not used to change how services are given but are used to corroborate existing criteria around what counts as medically and juridically legitimate violence. The case as an amalgam of institutional logics is an important premise for this chapter—but I also ask what happens when victims are both being serviced by these institutions, but hardly ever present in these encounters?

Responding directly to victims or at-risk people also requires a curation of the narrative of their experiences because of how this narrative will be passed on to other agencies who need to be able to understand it. It requires a particular form of storytelling for practitioners in the sector, and in this form of storytelling certain aspects of the narrative become less important than others. While the direct service providers with whom I spoke did not see themselves as
guardians of their clients’ stories or as governing what could or could not be said, they did privilege certain facts and events over others. As Elinor Ochs and Lisa Capps state, narratives inherently transform life journeys into sequences of events, and evoke perspectives on experience that change and endure (Ochs and Capps 1996, 20). The techniques of remembering that are key to narrative formation are inherently modes of omitting information: “Remembering is a form of forgetting” (1996, 21). Thus, the curation of narratives that occurs in this regime of confidentiality reflects particular renderings of reality, and thus of the people who are implicated in these renderings: “Each telling of a narrative situated in time and space engages only facets of a narrator’s or listener/reader’s selfhood in that it evokes only certain memories, concerns, and expectations. In this sense, narratives are apprehended by partial selves, and narratives so apprehended access only fragments of experience” (1996, 22). In that sense they create selves as they re-establish the relationship between the protagonists and the world through each rendering (Ochs and Capps 1996, 22, Hacking 2006). In that sense, I aim to explore which selves are put forth and which are foreclosed in the narrative regime confidentiality sets up and reifies as particular tellings get re-narrated. In doing so, I do not aim to imply that the narratives put forth and valued by practitioners are more superficial or partial than the narratives that the anthropologist puts forth about victims or that victims would put out about themselves. Rather I turn attention to how institutions make victims matter through the stories they circulate and what institutional modes are at stake in privileging the preservation of these stories over victim-narrated stories.

In terms of the layout, this chapter will first discuss how the family violence landscape is shifting in terms of its information-sharing practices between service providers. This shifting landscape is indicative of a broader institutional commitment to streamline services for victims
and reduce the circulation of multiple versions of narratives about their experiences. However, the information-sharing scheme raises questions about the role of the victim in consenting to the types of narratives that are shared about her amongst practitioners. This will be followed by an overview of consent and confidentiality laws in Australia which show how the question of when to guard client information is still not straightforward for many fields. I will then examine how the narratives of the two sisters were circulated multiple times amongst different agencies and practitioners in various professional settings, thereby walking a thin line when it came to protecting victim identities, and how each story reflected the different professional and narrative demands of each agency. Next, I will explore my own bureaucratic hurdles in speaking with the sisters, and my eventual meeting with them, and what this experience reveals about confidentiality as a bureaucratic ideology. I will then examine how a forced marriage prevention advocate confronted barriers in speaking with victims, and how her attempts to understand victim experiences without ever meeting them both foreclosed and enabled certain advocacy possibilities.

**Information Sharing in Australia’s Family Violence Sector**

While information sharing is a fundamental part of direct services coordination in the family violence sector, in 2017, it underwent a shift in the state of Victoria. The *Family Violence Protection Amendment (Information Sharing) Act of 2017* was part of a state-wide effort to address domestic violence in particular through creating a scheme for sharing information. The Act “aims to address the culture of reluctance in reporting and sharing information about perpetrators, with special regard to the issue of balancing the perpetrator’s right to privacy and the victim’s right to safety” (“Victorian Government to Address Family Violence…”). The Act followed the Victorian Government’s passing of the *National Domestic Violence Order Scheme*
Act 2016, and was also part of a broader overhaul of family violence services following the first Royal Commission into Family Violence whose recommendations were released in 2016. One of the recommendations was that the Victorian government create more resources for legal services through creating one singular information sharing regime that would be accessible by other states and territories. This was designed to help a victim who may be in one state and have a family violence intervention order issued in another state, but which police would not be able to confirm because there was no centralized database, and no coordination among services inter-state. Not only was the scheme designed to facilitate inter-state communication—it was also designed to give more flexibility among direct service agencies to share information about cases to each other. Oftentimes, a domestic violence shelter would get a case from a referral agency or from Victoria Police. Other agencies would be involved as well including Centrelink, a women’s or family violence legal services. But, the referral-receiving agency would not know about the client’s FVIOs or past legal issues with the perpetrator and would have to go through a number of hurdles to get access to it. Key parts of the Act include allowing the sharing of information about perpetrators without their consent, as well as the operation and management of a new Central Information Point. It also amends the Health Records Act of 2001, the Privacy and Data Protection Act of 2014 and the Freedom of Information Act of 1982 in order to allow agencies to share information more freely about the risk that perpetrators may inflict violence once again. The Act also came in the wake of the creation of interagency ‘hubs,’ which were designed to be one-stop agencies where victims could go and report their experiences without having to renarrate to multiple agencies. These hubs would be responsible for circulating narratives to other agencies and determining a safety and action plan for victims. Overall, the 2017 amendment marked an important shift in allowing for information about perpetrators’ risk of
enacting further violence, to be circulated between agencies. Its move to coordinate information was also important both practically and symbolically. These amendments communicated that perpetrators had given up their right to consent and privacy on some level and that the victim’s safety and security were paramount. Also, victim information was now readily accessible to multiple agencies.

While the amendment marked an important shift, it tended to affect cases of intimate partner violence before trickling down to the forced marriage sector. How information was to be shared among agencies in a way that put victims’ safety first was still being addressed separately in practice, when it came to forced marriage. This was, in part, because forced marriage was still developing a bureaucratic infrastructure, in part due to the unpredictability of government funding for forced marriage prevention and intervention programs. Many programs, like those Bridget headed and the forced marriage part of the STPP, were still on a trial run, and so it was difficult to get labor and resources to set up a go-to place for information sharing. Best practices for information sharing were outlined in various government-circulated documents and manuals, including one released by the Department of Home Affairs. With regard to sharing information about a victim, the manual states:

Explain your organisation’s confidentiality policy and make it clear that you will not give any information to the person’s friends, family or community without their permission except in particular circumstances, including due to mandatory reporting requirements. Ensure you are very clear about the types of situations in which you will have to share information about the person (for example, if their safety is at immediate risk). Ensure that you are familiar with relevant child protection frameworks and mandatory reporting guidelines, which will provide guidance for acting in a child’s best interests. Ensure that you always inform the person if information about them is shared. Ensure that you are familiar with and understand the requirements about privacy and sharing information that apply in Australia. Obtain written consent to release the person’s information, specifying what can be shared, with whom and for what period of time…Generally, information about a person in, or at risk of, forced marriage should only be disclosed with that person’s informed consent (see Principle 3). Only collect information that is necessary to provide services to the person. Only use personal information for the purposes you collected it. Know the risks of recording information about people in, or at risk of, forced marriage, and keep all records secure.
This excerpt emphasizes that sharing information about the victim needs to be done with their informed consent, and that the information shared needs to be carefully selected, keeping in mind how where the information ends up impacts the victim’s wellbeing. When information is shared, the victim needs to be informed. While the 2017 Amendment does not emphasize the consent of the victim, the manual guidelines around information sharing related to forced marriage do. How does the move to integrate information about perpetrators between services reconcile with the call to inform victims first and foremost about where their information is going? While I cannot provide a satisfactory answer, I do raise this disconnect, because the next section will show how, in practice, the information about victims was readily circulated amongst practitioners in public forums and meetings, which were a part of forced marriage prevention educational work more broadly. While the victims’ names were not used, the specificities of their stories made it clear to several practitioners who they were or at the very least had reminded certain practitioners that it was their clients that had been referred to, if not by name, then by story. Many of the practitioners who told these stories across whispers or at podiums in front of other practitioners, had also not been in touch with the two sisters for a long time, so whether or not they had given their informed consent for the information to be circulated was not clear but it is doubtful. Information sharing is a key way that bureaucracies open themselves up to transparency. It is also a way through which the services that are inscribed by them prioritize the victim as the main object of concern. Studies have shown that bureaucracies are not indifferent to but work with particular ideologies (Ballestero 2012, Das 2004, Taussig 1997). What this chapter adds to ongoing theorizations of bureaucracy is the idea that practitioners’ imperfect adherence to bureaucracy shows that they are invested in reproducing institutional imaginaries of victimhood.
and bureaucracy that end up insulating victim-narrated experiences of violence. In this chapter, I begin to theorize confidentiality within social welfare bureaucracies, as a kind of ideology. I point to how as an ideology, confidentiality keeps opaque particular facts about victims, but also, when approached as an ideology, keeps from victims themselves from having a voice in the content and circulation of their own stories.

**Legal Precedents on Confidentiality**

While maintaining client-patient confidentiality in medical and social service spaces has been the subject of much legal debate, the law around confidentiality and who has a duty has shifted and debates around how much consent the individual has to give around the sharing of her information has also been different in different domains. That is, it is important to understand that confidentiality itself is not a legally coherent construction. In fact, Australian legal reasoning on confidence has tended toward focusing on the idea of conscience, which is subjective and circumstantial. Nahan explains: “The duty of confidence is explained as one ‘of conscience arising from the circumstances in or through which the information was communicated or obtained’ ” (Nahan 2015, 270). Where the law is unclear is the third party’s duty of confidence or conscience—someone who comes across confidential information without actively seeking it. In the case, *Attorney-General v. Guardian Newspapers, Ltd.* Nahan explains Lord Keith’s explanation—that a third party who comes into possession of confidential information which he is aware is confidential might have a duty not to circulate that information to anyone else (2015, 273). Thus, it’s not clear if a third party’s duty of confidence means he needs to be restrained from using or circulating the confidential information. Ultimately, the law of confidence is designed to protect the interest of the person who can refuse access to this information (291).

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60 *Johns v. Australian Securities Commission* revealed that the law “‘has not comprehensively or definitively identified matters that would determine if a duty devolved on the third party’” (2015, 273).
However, the *Family Law Act* allows for specific guidelines around confidentiality and the privilege of communications in both family dispute resolution and family counseling (Harman 2011, 1).

It is only in recent years that the law recognized the capacity of minors to consent, when it comes to medical treatment. Through the ‘competency approach’ a minor has the capacity to consent to medical treatment (Bartholomew 2008, 7). In the *Health Services Act of 1988* in the state of Victoria, Section 141 lays out confidentiality rules for health professionals. But it does not address whether patients below the age of majority should be allowed confidentiality (2008, 7).

While the 2017 Amendment to the *Privacy Act of 1988*, and other laws protect victims from having their information shared without consent, they do not protect how these stories are told or framed. Consent, in other words, focuses on the disclosure of the story, while assuming that the story being told is somehow apolitical—within a social service setting, that it is the same story that would have been told by anyone in a social service setting. Working primarily with an event-based narrative, the law does not address how to ensure not only that consent was given around the disclosure of information, but that consent was given around how that story was framed, what events were highlighted, what were left out, how the victim’s trajectory, trauma, and relations with her family was narrated. The point of this chapter is not to say that this is something the law should be concerned with doing better—it is to point to the fact that when informed consent is being prioritized, the form of the narratives themselves is not an object of concern and is disconnected from the question of consent entirely. This is also important in the

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61 According to a study conducted by Sasse et al (2012) around Australian parents’ views of the duty of confidence that should be afforded to their adolescent children in medical consultations, a common belief was that parents should support their children to move toward autonomy and independence (2012, 788). Parents also believed that the child’s best interest relied on them having a full understanding of the issues in a consultation (788). They also believed that they as parents needed to play a key role in shaping how their adolescent children understood confidential consultations (788).
context of the forced marriage law, since the law itself is an intervention into the very definition of consent and coercion. The law aims to more directly protect the individual’s right to consent to entering a marital union. However, the right to consent to the framing of the stories that are told about how coercion occurred, is not an object of legal debate or a question for direct service providers. In other words, while information sharing allows for the circulation of facts about victim narratives, it does not necessarily ensure that the stories being told about victims are consensual or that they accurately and comprehensively reflect the ways that victims themselves would narrate their experiences.

Inter-agency Narratives and Epistemic Anxieties

In this section, I will lay out the various iterations of how the two sisters, whom I am calling Mehrin and Sahar, were almost coerced into marriages and escaped. In doing so, I show the malleability of confidentiality especially in spaces where information-sharing is normalized and questions of victim consent do not entirely hold. I point to these iterations not only to say that practitioners were transgressing confidentiality’s ethical norms, through sharing the stories of the sisters in public spaces and workshops, making them increasingly likely to be identified by practitioners; I point to them to also focus on how these different iterations functioned to make sense of and develop responses to cases—potential or actual—of forced marriage. I argue that in fact, sharing these stories was seen as a collective knowledge-generating practice for practitioners and constituted one way that different social service workers were able to create a shared grammar, language, and vocabulary around not only forced marriage itself, but what it would take and look like to prevent it and thus functioned to reproduce bureaucracy as efficacious in its storytelling and also dedicated to preserving victims’ wellbeing through preserving confidentiality. Annelise Riles’ analysis of the dissonance in knowledge created
among human rights and legal practitioners is instructive here. For example, similar to how lawyers have fantasies about anthropologists as knowers of culture (2006, 58), direct service agencies also have fantasies about the AFP as a policing force that could stop any potential forced marriage from occurring and that could prosecute accused perpetrators with minimal barriers. Similarly to Riles’ interlocutors, both parties felt like something was ‘off’ in the others’ use of their language. In several Victorian Forced Marriage Network meetings, social service workers would often ask why the AFP could not simply prosecute more cases or work with Immigration and Border Protection to prevent girls from being taken overseas. Both, in many ways, saw the other as producing knowledge whose instrumentalization was in many ways part of a set of fictions. Thus, the circulation of these narratives helps to act as a bridge between institutions, a nexus point for different parts of the sector to cohere and develop an imaginary that they operate within a sector.

In February 2017, I heard the first iteration of what would be many instances in which the stories of the sisters were circulated to different parts of the forced marriage sector. Bridget and I had spoken over the phone after she had come back from a meeting with a domestic violence shelter that had housed the two girls. Bridget said that the sisters were ages 16 and 17. The 16-year old, Mehrin, was excited about the prospect of going overseas to get married, while her older sister, Sahar, was adamantly against it. They were going to be married off to an uncle, because their uncle had helped his brother (their father) to migrate from Afghanistan to a refugee camp in Pakistan, and the marriage was seen as a way to pay off the debt. The sisters had contacted CMY, Bridget’s organization to help them find a way to avoid going to Pakistan. CMY attempted to get Child Protective Services involved who said that they would service the 16 year-old but not the 17-year old since she was too old for services. The domestic refuge had
said that they would not service her because she was too young, even though Sahar was the one who did not want to go through with the marriage. Bridget continued that when they were taken overseas, they found the Australian Embassy in Islamabad which could bring them back to Australia if they could pay for their flights. Bridget mentioned that the sisters must have had some sort of safety plan in place because they probably knew they would end up overseas. They both did an effective job of engaging Immigration and Border Protection and the AFP. Even though the girls were safe now, and living in an undisclosed location, their father’s side of the family in Melbourne were threatening them with violence. Bridget went on to describe how ineffective Child Protective Services and the domestic refuge were for refusing to help the 17-year old. She also expressed frustration that Mehrin and Sahar had to find the funds to pay for their own flights, and that no follow-up was done by AFP to make sure that they were not being threatened by extended family members who lived in Melbourne following their return. Bridget also expressed a sense of frustration at how the sisters’ parents could have thought that forcing them to marry was not going to be damaging to their wellbeing, and how Border Protection did not get involved in stopping their travel earlier. For Bridget, the story of the two sisters exemplified several institutional failures with the forced marriage service response system. It also showed that border protection was not monitoring the movement of at-risk victims of family violence. Their ‘story’ should have been different. When I first heard this narration, I figured that Bridget was telling me this to provide some context for a potential interview I could conduct with Mehrin and Sahar—that there was still a proprietary quality attached to the sisters’ identities. However, as the months progressed, I saw that other practitioners were also narrating stories about the sisters in professional trainings and workshops.
A few weeks later, I met with Greg, head of the Trafficking Unit with AFP’s Melbourne headquarters, who was tasked with investigating all forced marriage cases reported to Melbourne AFP. He began to narrate a story of “two Pakistani girls, sisters,” who were deceived about why they were getting married. He noted that the girls were led to believe that they were going to their brother’s wedding. According to Greg, after arriving in Pakistan and staying there for a while, the sisters communicated and coordinated with AFP and the Department of Immigration and Border Protection that they would return to Australia. He added that their parents “were really lovely people, peaceful, and had no idea that what they were doing was wrong.” Greg emphasized the parents’ character and the institutions through which the girls escaped. I was surprised that as a law enforcement officer, he painted a more complex picture of the girls’ parents than Bridget had—one which left room to recognize that they may have had good intentions and that they still loved their children. Greg’s narration of the story was part of a broader point he was making to me about how the AFP, ever since it was tasked with preventing and intervening in forced marriage cases, was caught in an unprecedentedly strange and ethically dubious position. Forced marriage, as part of the move to put human trafficking-related crimes under the purview of the federal police, marked new terrain for AFP. It was only in the last 10 years that AFP had been tasked with investigating “victim-centered crimes” through human trafficking cases, which referred to crimes where an actual individual has been harmed, and in which evidence for such crimes relied on the victim’s statement. These were different from Greg and AFP’s experience thus far which focused primarily on investigating ‘victimless’ crimes, where there is no individual or group of individuals who can be pointed to as hurt or injured through the crime. Such crimes included narcotics possession and terrorism. In conducting the investigation, Greg’s goal was to demonstrate whether or not a victim had been coerced into a
marriage. While the sisters themselves did not actually get married since they had managed to escape before the scheduled marriages, the AFP was also tasked with preventing forced marriages by working with airport security to put potential victims on a no-fly list, and to help potential victims get court-ordered stoppages to their passports.

In navigating this new terrain, Greg expressed doubt, doubt that he said had no place in the black and white world of law enforcement. He said that at times, he felt like a ‘social worker,’ attempting to navigate through the victim and her family’s complex emotions. Trying to follow the letter of the law about family-perpetrated coercion into marriage while having to face the real people who were involved was fraught, especially if law enforcement was tasked with prevention or intervention. In the case of the sisters, he pointed to how, on paper, their case fit what a typical overseas forced marriage case would look like, but how after speaking with the girls and their parents, the evidence that there was an intention of coercion was not as clear cut. Greg mentioned that the parents themselves were being pressured by the girls’ uncle (the father’s brother) to marry because the uncle had helped secure the visas of their mother and father to Australia. The uncle then had expected the girls to marry his sons as a form of repayment. Thus, the AFP could not determine if the father and mother were actually the ones who coerced the girls into marriage or where the pressure around marriage even began.

While the aforementioned was part of an interview I had with Greg and thus was not part of a public circulation of the stories, he did bring up the sisters at a public workshop on forced marriage targeted toward family violence practitioners, law enforcement, and others who worked in the sector. Sponsored by the Attorney General’s office and about 3 months after our meeting, Greg did a presentation about the role of the AFP in forced marriage cases—both in first response and prevention. Speaking to an audience of about 100 people, Greg told the story of
“two sisters who had managed to escape from Pakistan to Australia.” He mentioned the girls did not want their parents to be prosecuted under the forced marriage law, and given that AFP was to take a victim-centered approach which need a victim statement in order to proceed with the investigation, AFP decided that they could not move forward with an investigation or potential prosecution. Greg did emphasize that AFP could have, however, moved forward with charging the parents with Child Trafficking, in which the intent to “move a child overseas” was all that AFP needed to prove in order to charge an individual or set of individuals. Greg emphasized that after speaking with the sisters, who were worried about their parents’ wellbeing, and what would happen to them in Pakistan after their escape, that this additional charge would only hurt the sisters’ sense of security and recovery from this traumatic event.

What was the purpose of Greg telling this story, especially since it exposed the fact that AFP remained fairly stagnant in carrying out a criminal justice approach and in organizing prosecutions? In fact, as of writing this, there have been zero prosecutions under the law, and AFP and Commonwealth Prosecution Services (CPS) have received a great deal of backlash for not being able to create prosecutable cases. Practitioners have also been questioning the utility of AFP’s role in preventing, responding to, and prosecuting forced marriage and if their role is functioning on a purely symbolic level—an institutionalized message that there is always the potential for a criminal investigation. Following his explanation, Greg provided an overview of AFP’s capacities domestically and internationally to prevent forced marriage cases which include their capacity to speak with victims, liaise with foreign law enforcement and Australian immigration authorities in order to assist with repatriation, to secure evidence held in or by foreign jurisdictions, to create a PACE alert on someone’s passport at an airport to prevent travel, and to provide referrals to domestic violence shelters for victims who do not want to
provide statements in support of an investigation. In some ways, then, Greg was trying to show that the AFP’s hands were tied, which explained the lack of prosecutions under the law. Greg wanted people to see that victims were put through untenable, traumatic situations, and that—most of the time—they did not want to prosecute their parents. It was through this story itself that Greg was able to most effectively show how AFP was put in an untenable situation.

The story of the two sisters was in many ways, a ‘quintessential’ forced marriage case, in the sense that from a first reading, it checked off the boxes for what counted as a typical case, the type that was well publicized in the news media prior to the passage of the 2013 law. For one, it involved two Australian citizens whose parents had migrated from a South Asian Muslim country. Both sisters were underage, though one was eligible for Child Protective Services help while the other was not. They had attempted to escape going on the plane to their parents’ home country, but in fact were coerced into traveling abroad in any case after being promised lavish weddings. While abroad, they were deprived of their cell phones and locked in their family’s house, and confronted with physical threats by their family members as they coordinated weddings with their first cousins. They were resilient enough to find Embassy authorities and coordinate an escape plan and fled back to Australia where they are currently safe, but still living under the radar. These were the makings of a harrowing story of the violence of cultural tradition, a seductive tale of honor crimes, and the resilient victim-turned-heroine. These were exemplary of the kinds of stories that appeared in many professional training manuals and workshops, as examples of what a forced marriage case looked like. On the surface then, the story of the two sisters was dense with spectacle and the makings of a scenario that could be used for trainings. But at the same time, for those who were in the throes of making it a case themselves—those like Bridget and Greg, it was illustrative of how its own common sense about
how forced marriage worked and in developing a shared language around ‘type of case’ it was responsible for. Packed within this story were dilemmas about how to deal with the complexity of family love, its distributed and changing nature. Bridget had also mentioned to me that the girls’ decision to leave the domestic violence shelter they had been staying at to fly to Pakistan to go through with the marriages after speaking with their parents on the phone, and after the younger sister, Mehrin, had urged her older sister Sahar to reconcile with their parents, was hard for her to believe, and raised questions about how the sector was to deal with ‘the problem’ of familial love.

Each version of the story mattered in a different way to Greg and Bridget. This is because the knowledge that their jobs demanded privileged only certain information about subjects like Mehrin and Sahar—the events that led up to their getting on the plane overseas; what family members did to them when they got there; what resources they used to escape; what challenges they faced, institutionally, emotionally, psychologically, socially, or otherwise. In serving as a story in which so many questions about the future of the sector and the role each of them played within it, were raised, the story of the two sisters was both itself quintessential, and the circulation of its various iterations, quintessentializing. Through being circulated in various forums and to me, in transgressing the norms of confidentiality, something was being worked out—namely how to know and grasp what seems to be so straightforward on the surface, how to make legible and digestible fraught familial relations that ebb and flow between love and violence, how to understand the ways in which coercion can be a strange bedfellow of consent, and how to do this within the structures of different institutional requirements and grammars. In this sense, the circulation of these stories reflects epistemic anxieties—dilemmas that center not only on the narrative structure and arc of a set of victim/survivors, but also on their details, and
how those details conform to and transcend hegemonic institutional logics of victimhood and perpetrator, and what these uneasy correlations mean for the future of the sector.

In being circulated so frequently, these stories were attempting to create some type of coherence in shared purpose, and shared dilemmas, and thus a shared identity within the sector. While sector practitioners were very aware that these stories could only be circulated insofar as they did not identify the victims, the frequency with which they were circulated signaled that their circulation was on some level, deliberate, and possibly done in order to perform that practitioners had a command of proprietary information that revealed the internal blinds pots of the sector. Whether it was law enforcement or social services, practitioners were often caught in untenable situations where they had to fit their understandings of people’s narratives within institutional logics. This often meant curating which facts mattered and which did not. Given that I saw that people like Bridget and Greg were open to having their institutional assumptions challenged and were sensitive to the possibility that kin relations were complex, I wanted to interview Mehrin and Sahar in the hopes that I could help share a potentially different type of story with the sector, one which was not concerned with the facts of their trip and their escape, but one which spoke to those very complexities that Greg and Bridget had just begun to scratch the surface of. I felt that these complexities were important to spotlight because they would show that in fact the criminal justice approach allowed for only particular solutions and modes of engagement for young people to take with their kin members.

**The Fraught Politics of Access**

While the different iterations of this story were circulated, who actually got access to the two sisters was heavily guarded. Practitioners were vigilant in ensuring that anyone who wanted to speak to the two sisters, had to go through several channels of approval over several months.
After Bridget presented the possibility of speaking with Mehrin and Sahar, I experienced several rounds of submitting my project description, ethics approvals I had received for my research from the US, the approval I had received from Good Shepherd-Australia/New Zealand, another advocacy organization working on the forced marriage issue, as well as US federal background checks. CMY had also run a background check on me, which would have also gone toward lending me credibility to speak with the two sisters. Despite the submission of these documents, no one organization had asked how I would ensure the protection of the two sisters’ information, how I would ensure that it would not be circulated irresponsibly. The vetting, it seemed, centered more on the capacity to provide documentation of a previous vetting process, rather than getting an understand of how I would ensure that interviewees’ privacy and wellbeing were not being violated through the interview and writing process. I wondered, how could the ready circulation of these stories coexist with the impenetrability surrounding the clients themselves? To explain this supposed contradiction, I think alongside Jeanne L. Shea’s claim that oftentimes research ethics and regulatory procedures collide in terms of what qualities about interlocutors they view as worthy of protection (2001). While direct service agencies were concerned about the potential trauma the sisters might confront in renarrating their escape and thus about their experience of coercion, I as a researcher had conveyed that I wanted to know more about how they imagined their futures, and how they saw themselves in ways that transcended their identities as victims of an-almost forced marriage.

Initially, someone from the refuge said via email that I could not meet with the sisters because they wanted to look toward the future and not rehash the past through retelling their story. I told Bridget the outcome and made peace with it. However, she said this was strange since Tracey, the refuge’s director, had told her it should be possible. I met Tracey a few months
later at an educational workshop on forced marriage. She pulled me to the side and said that she
would arrange a meeting between her and myself to discuss potentially meeting Mehrin and
Sahar. A thought crossed my mind that perhaps the initial email I received had been generic—
perhaps it a response that the caseworker at the refuge felt they had to send out. I cannot say for
sure, but I found it hard to believe that Tracey would contradict her caseworker if she did not
actually believe that the sisters would be able to handle some type of interview. Tracey wanted to
get a better sense of my research, and to know that I could be trusted, and rightly so. When
meeting with Tracey, I was struck that the conversation focused less on how I would protect the
sisters’ privacy and more on Tracey’s narrative about the sisters themselves, which focused on
their escape. Yet another iteration of the story was being told to me, even before I had been
authorized to speak with them. What was it about the face to face meeting with the sisters that
made their information not only more personal but more precarious, in the eyes of social service
agencies?

About one month after meeting Tracey, I was told that my meeting was greenlit. The
sisters were currently attending a school that was geared toward helping victims of family
violence, mostly of immigrant and refugee backgrounds. Their school was in a secret location so
I had to call the principal to get the address. I walked cautiously to the building’s entrance, and
went to the floor where the school was located. When I finally arrived, I was greeted by the
principal and taken to a meeting room, a small common area with a kitchenette surrounded by
glass windows that looked into the hallway. I was told that the sisters would arrive in the next
minute or so and was told that I could sit in the room and talk to them for about an hour, until
their next class activity. I was genuinely shocked that after these difficulties making contact with
them, I was left to speak with Mehrin and Sahar, completely unsupervised, my questions
unmonitored. I could not understand the shift in tone and disposition—how had the ethnographer gone from being seen as a potential threat to the sisters’ privacy and sense of wellbeing to someone who could be trusted to speak with them so casually and in such an unsupervised setting? I cannot answer this definitively, but I can say that it can be partially explained through the idea that those who were responsible for putting me in touch with the sisters had to feel comfortable and trusting of who I was as an interviewer and that I would not do anything to make the sisters feel uncomfortable. Tracey who was the liaison to the school’s principal regarding my meeting with the sisters, did not ask me for any documentation, except for a short blurb about my project. Part of the process of allowing me to meet the sisters relied on an intuitive sense of trust on the part of Tracy. I wondered how much trust had to be felt rather than based on a set of exact institutional criteria. According to Torsello, trust is a “crucial strategy for dealing with an uncertain, unpredictable future” (Torsello 2008, 514). Harald Grimen writes that concepts like trust at the same time are not morally and politically innocent (Grimen 2009, 17). In fact, it is difficult to understand trust without seeing it as part of a “nexus of trust, risk, and power.” (2009, 18). Here, the risk to the wellbeing of the sisters, and my power over their stories constituted the variables through which trust was negotiated. Marianne Maeckelbergh has shown that a reliance on interpersonal trust can at times undermine institutional and collective structures that are attempting to create more horizontal and less hierarchical structures (Maeckelbergh 2018). There was a reliance on “specific social exchange relationships between peoples” (Ellwardt et al 2012, 524) but not so that it could be extended to people who were not known. Here, looking at trust as an intuitive and individualized act rather than a collective, institutional criteria designed to shape social relations within the shelter reveals one aspect of confidentiality’s unwieldy nature. It shows that confidentiality is based on the idea that trust is
afforded to certain people who can demonstrate that they will not cause harm to the client. The manager can determine trust through a specific interaction. In this sector then, looking at trust as something that could be judged based on interpersonal interactions was a way to protect victims. Tracy discussed the two sisters as in danger of being hurt by their extended family members in Melbourne if they were to see them. If a practitioner or a researcher were to interview them, or speak with them one on one, the information about where they were could get out—practitioners and others then, were now implicated within these ‘dangerous’ familial networks.

Uncertainty around whom to trust, in other words, is also then produced through the treatment of victims as fragile subjects who are at risk of further harm by extended family members. Practitioners and researchers are pulled into these victims’ familial worlds by virtue of the fact that they are seen as guardians of information, such as location, or place of residence that could get in the ‘wrong hands.’ Yet again, something told Tracy that the sisters cold speak with me and that this was not a risk. Here, there was a rupture in bureaucratic rationality. DeLind writes in relation to bureaucratic rationality that ‘we are continually asked to place our trust in standards and certification processes at the expense of our trust in interpersonal relationships and daily interactions informed by wisdom locally generated and grounded in place’ (DeLind 2000, 62).

62 According to Grimen, a schema for understanding what it means for one person to trust another can look like the following. I think this captures how trust in the researcher ultimately played out in my interaction with the sisters:

“If A trusts B, then:
1. A leaves or has something, X, in B’s custody for a period of time.
2. A transfers—always de facto, sometimes de jure—discretionary powers over X to B for this period of time or is in a situation where B has such powers.
3. A values X.
4. A expects that
   (a) B is not going to do something that harms A’s interests.
   (b) B is competent to take care of X according to A’s interests.
   (c) B has the necessary means to take appropriate care of X.
5. A takes few precautions against B’s misuse or careless use of his discretionary powers over X.” (Grimen 2009, 17).
Tracy’s decision was based more on some iteration of the latter, and yet despite the fact that confidentiality as a systemic norm was not actually fulfilled across the board in the family violence sector, it was still discussed as though it were. The declarations that it was too risky to speak with clients were a part of ensuring that the system of confidentiality was working—yet internally, the politics of speaking with clients was negotiated in a much more improvised way, based on both a sense that trust could be earned but only after the suspicion around one’s intentions was assuaged. In actually speaking with Mehrin and Sahar, I was struck by how easily we were able to talk about their everyday lives attending school back in Australia, as they attempted to re-establish a sense of place in Melbourne. My conversation with Mehrin and Sahar focused less on their experience in Pakistan and the aftermath, and more on their aspirations for the future—educationally, professionally, and personally. Sahar had expressed that she was fasting and felt quite weak today, since it was in the dead heat of summer, however her laugh was infectious. I talked to them about how, as a self-identifying Muslim, I was delinquent with fasting but Sahar mentioned she was exhausted today because they both had stayed up until 3 or 4 in the morning watching the India-Pakistan cricket match, and were excited that Pakistan had won. I asked them about their everyday routine. They said they go to school five days per week, but have to travel a long way to get there from an outer suburb of Melbourne. Mehrin asked me where I was from and I told them I grew up in the US but my family was from Afghanistan and was now living in the US.

We talked about how difficult fasting was, especially for Muslims in Scandinavian countries whose sunset hours were so late. We quickly transitioned to their love of Hindi film and they asked me if I knew Urdu since I mentioned I enjoyed Bollywood films. I revealed that I did not but just attempted to follow the film plots through the song and dance numbers. Mehrin
added that she speaks Urdu, Hindi, Pashto, and a bit of Farsi. She started listing the phrases she remembered in Farsi as we laughed, “Chetowr-ee?” (How are you?); “Koja Budee?” (Where were you?) and “Tashakor” (Thank you). I asked them if they had made a lot of friends here in Australia. Sahar said she has a lot of friends from Iranian, Afghan, Pakistani backgrounds. Mariam mentioned that she did not have as many friends, but she did enjoy talking to her boyfriend on video chat on whatsapp. I added that it must be so hard to be away from him. She said it was incredibly hard, but that it was good to have the sense of support and mutual reliance. There was an awkward silence, and I said well do you guys have any questions about my research. At a certain point I realized I could not completely shed the perception that I was yet another person who wanted to get ‘their story’. Mehrin replied, “Just ask the questions you came here to ask.” I smiled, and laughed nervously, realizing that perhaps I had gone about the whole conversation disingenuously, and that by virtue of the fact that I had been referred to them by multiple institutions to whom they had already told ‘their story,’ I was also implicated in the biopolitical forms of storytelling with which they were now so familiar. I responded that I would be interested to hear whatever they wanted to share about their experience in Pakistan and about their relationships with their families. They talked about how much they missed their mother who was still in Pakistan and whose husband prevented her from coming back to Australia after the incident. They brought up the experience of being taken to Pakistan but not in the way the service providers narrated it. I noticed their narrative was much more forthright about how they interacted with their family members during the whole ordeal. Sahar mentioned that part of her fear of leaving Australia was losing the friends she had made. She added that her boyfriend in Pakistan helped them escape to the Australian embassy, and was now being threatened by her uncle’s family. They said that their father was a good man who was easily influenced by their
uncle (his brother). Mehrin and Sahar mentioned they were living together in an apartment, but that they were scared to travel too far out of their current neighborhood, and usually just went from school to home, since their brother—who was very invested in them getting married—lived in a nearby town, and they feared he would find them and hurt them. Sahar discussed how difficult it was for them to be away from their family, noting “Family is the most important thing. I can’t imagine a life without my family in my life.” I also learned that their mother did not rejoin them in Australia—in addition to the immigration restrictions on their family members—because she felt compelled to listen to her in-laws, who told her to cut all relations with her own children, something their father had already done. The conversation was enlightening but also morally confusing. As I left the secret school they were attending, I felt like I was in possession of valuable information, epistemic treasures, facts about the sisters’ escape that I had not yet heard any agency staff mention in their inadvertent disclosures about their story. Rappert notes that “those with secrets often seek to advertise their possession” (262). In this case, however, I was concerned with how these ‘secrets’ could in fact be mobilized toward developing an alternative narrative about victims, rather than filling in the factual gaps for this particular story.

Both within social interactions as well as in the relation between researchers and their readers, the revealing of otherwise hidden information has implications for how the teller is understood. Like confessions, in general, revelations invite the reader into a moral relation with the teller, one centered on sharing what is off limits to others (see Rodriguez and Ryave, 1992). The indication of access to what is typically off limits provides a basis for setting apart the secret teller (see Gunn, 2005). At least some (albeit engineered) hesitation could minimize the most problematic hazards associated with the suggestion we as researchers are ‘storying our secrets.
into the light’ (Poulos, 2008: 53)” (265). Here, as I an anthropologist was being interpellated as in possession of valuable knowledge that on some level had not been made transparent to practitioners.

What I want to propose though is that these ‘secrets’ not be assigned a moral weight. Rather, I propose that they seen as a way to add dimensions to the stories of victims. My conversation with Mehrin and Sahar, from a personal perspective, was illuminating. They were very much in the process of trying to rebuild their lives, and their sense of place in the world, their routine and to develop some type of normalcy to the everyday. This desire to build a sense of normalcy, which coexisted with the sense of disorientation that comes from now being separated from one’s beloved parent, showed a side of the sisters’ story that was as of yet made invisible to the advocacy sector. It was the side that recognized the simultaneity of traumatic experience and the struggles of the mundane from sibling arguments to struggling to get through the fast, to feeling exhausted from school work, to trying to keep a long-distance relationship.

Their experience of familial coercion could not be characterized by a distinct moment of manipulation—rather this experience of manipulation happened over time and it was interspersed by and blended with love, care, and respect for and from their parents. With a sense of despair in their voices, they expressed how they longed to see their mother who was caught up in a patriarchal system of familial pressure of her own—not able to contradict her husband’s choice. This was a different kind of story—one that was not premised on discrete moments of betrayal, infraction, or breakdown. It was the kind not typically recognized in the narrative forms privileged in the common sense of rehabilitative, therapeutic, and social welfare domains.

Studies have shown how victim subjectivities get erased through the dismissal of not only their injuries or suffering, but also of their modes of narrating themselves as subjects of
suffering. Angela García has shown how the narrative forms privileged in rehabilitation and therapeutic discourse rely upon a linear narration of one’s addiction—one that has a clear beginning and distinct turning points. This narration demands a reinscription of traumatic events into a teleological narrative, and thus inadvertently sets the subject up for failure because it also implicitly expects an end, marked by either full recovery or death (2010, 71-80). For García’s interlocutors who were struggling with heroin addiction in New Mexico’s Española Valley, narrating one’s experience with addiction is a different kind of storytelling—one that brings together seemingly disconnected utterances about the past and the present, about deep histories of loss and dispossession and the precarity of everyday life (2010, 79). For those who live it, addiction cannot be captured through discrete events—it is rather, narrated through a connecting of the present back to the past in often unexpected ways. As Ochs and Capps state, “The chronological dimension offers narrators a vehicle for imposing order or otherwise disconnected experiences. That is, chronology provides a coherence that is reassuring” (1996, 24). Other studies have shown how the stories demanded by juridical institutions require particular scripts of bodily injury (Fassin and D’Halluin 2009, Fassin and Rechtman 2010, Ticktin 2008, 2011). As Sameena Mulla has shown in her exploration of victims of rape undergoing forensic exams, their narratives, in order to be deemed legible to legal practitioners, need to be framed as a series of discrete events that are:

‘strung together like beads on a thread,’ which enables the ‘criminal justice personnel…[to] investigate each link in the chain of events. A therapeutic narrative unfolds simultaneously, in which the nurse assesses the victim as a patient, determining her health status, and setting a regimen for her future recovery. And concurrently, struggling to emerge from the uncertainty of her recent past, the victim shapes her personal narrative, grasping at the threads of meaning at the edges of her frayed tangle of experiences” (Mulla 2014, 57).

What is of interest is how “the edges of this frayed tangle of experiences” end up becoming reconstituted through these different narrative renderings that are conditioned by the epistemic
demands of the family violence prevention apparatus. While I was not interviewing Mehrin and Sahar on behalf of any medical, juridical, or social welfare institution, the dissonance between an ethnographic rendering of their stories versus the rendering privileged by social service workers was stark, and it similarly, pivoted around the criminal justice system’s need to string together discrete events that rendered their experience of coercion traceable, event-based, discrete moments in time. This is not analogous to how Mehrin and Sahar were discussing their experiences, but their trip to and escape from Pakistan were something they recognized was key to a particular institutional narrative when they told me to ask what I “came here to ask.”

The privileging of an event-based narrative brings up a larger point around the logic of family violence prevention itself in general and forced marriage prevention in particular. Preventing forced marriage is in some ways, essentially about preventing one’s entry into the union of marriage. Entry into marriage is the fact/event where the work of social service workers and the work of law enforcement intersect. The focus on this event is indicative of how stories in the sector are shaped by criminal justice narratives. Stories that are linked to a criminal justice approach are marked by events and actors that are traceable and easily referenced back by other practitioners—in some ways then these stories are supposed to be digestible by all who are actors in the referral pathways that are in the process of being formed around the disclosure of forced marriage. To create a story that is rooted in a criminal justice approach is to create a story that is marked by linear events, pointed actions that have an origin, a clear vector of power. Legal scholar Richard K. Sherwin writes about the demands of legal narratives in their relation to the complexity of real lives:

[...] law's demand for truth and justice can clash with the modern mind's demand for closure and certainty. When truth defies certainty and becomes complex, justice requires difficult decisions on the basis of that doubt. The struggle between shifting cognitive needs and legal duty is commonplace, and without a way to question how a given narrative shapes and informs our desire for certain and tidy justice, that desire, and competing ones, cannot be
adequately understood. As a result, the kind of justice operating in a particular case at a
given cultural juncture may remain confused or hidden from view (1994, 41).

Mehrin and Sahar’s stories also transcended institutional narratives of victimhood.

Mehrin and Sahar were not simply discussing how the system failed them from being coerced
into a marriage; instead they made sense of their experience of violence through the lens of
interconnected pressures within a family. They expressed surprise and outrage that their uncle,
their father’s brother, could have manipulated their father to the point that he would have
exercised so much power over their futures. They situated their own father as pressured, as part
of a broader and more expansive situation of family trauma that led him to convince their mother
to approve the marriage. Sherwin writes, in favor of complexity, insinuating ambivalence about
the kind of order legal stories typically create (1994, 42).” “It is also worth thinking about what
a more complex and messy form of storytelling would allow…” (42). While Sherwin is
discussing integrating a more complex form of narrative within criminal justice procedure itself,
the juxtaposition between criminal justice stories and versions that are not as clinical or sanitized
requires a recognition of how these narratives form the enclosures of biopolitical stories in
general.

**Biopolitical Stories and ‘Failed Knowledge’**

While my conversation with Mehrin and Sahar offered a new entry point into
understanding narratives of forced marriage, one that highlighted the complexities of familial
love and pressure, I realized that my insights were not seen as inherently valuable within the
forced marriage sector. Initially, I thought that focusing on how they were remaking the
everyday could be valuable to showing how victims were also caught up within different familial
demands that changed over time, rather than an event-based narrative. However, I realized that in
fact the sector did see my meeting with the sisters as important but not completely for the
reasons I had imagined. The anthropologist as a keeper of secrets re-emerged. The secret, however, is a peculiar type of knowledge artifact. Secrets are seen as valuable because they connote informational forms that are rare, that in being possessed, are considered significant. Rappert notes that “Concerns about the pervasiveness and performativity of secrets are not just matters of study for researchers, but also relevant to the production of analysis. Maintaining the confidentiality or anonymity of those being researched or whose work is undertaken for is just one of the ways our accounts entail acts of deliberate concealment.” (261). In this case, the secrecy surrounding the sisters’ escape was not so much a “public secret” in the way Michael Taussig has described it (Taussig 1999) 63, since much of the information about their escape was not openly known. The secrets held by the researcher or the journalist who gets access to a particular story is valuable in its inaccessibility. As Eric Gable writes, sometimes the secret’s “discovery can be the leitmotif of the ethnographic endeavor” (Gable 1997, 216). In his analysis of the Manjaco in Guinea-Bissau, Gable analyzes how the anthropologist accessing the secrets of close-knit societies is not in fact an unusual endeavor nor is it worthy of much applause:

But while I patted myself on the back for my ability or fortune at penetrating the façade so quickly I also figured that my accomplishment was not that unusual. Has any anthropologist ever not learned the hidden truth, not been let in on the secret? Penetrating beyond the façade, becoming an insider—this is what gives us our authority. But it is also an authority we recognize is rather easily accomplished. For just as we often make claims to unique insight because of the secrets we have learned, so do we recognize that small-scale societies are transparent by their very nature. In a close-knit society, secrecy depends for the most part on convention. One should never look too hard. If one’s neighbors keep their thoughts to themselves, then a transparent sack or a roof of straw is as impenetrable as the thickest wall (1997, 227).

Gable’s insight, while focusing on a small village context, can also be thought about in relation to particular fields of expertise that in this case, guard access to secrets but also make them accessible in uneventful ways. Gable also reminds us that the temporality of when a secretive

63 However, the idea of the public secret is applicable to how knowledge about forced marriage as a social problem is being constructed—see Ethnographic Chapter 1.
piece of information is discovered is not necessarily indicative of how opaque or inaccessible a particular field is in general: “Just because I learned one secret early and another one late does not necessarily mean that Manjaco are more concerned with hiding the latter. It is all too easy for the ethnographer to project his or her initial befuddlement and emerging understanding as a model for the surface and depth of an indigenous culture. Fieldwork may feel like a kind of penetration, but crucial cultural truths are as likely to be obvious as hidden or esoteric” (227).

With this in mind, I take heed of the fact that ‘secrets’ is more so information that is not readily valued in the sector’s storytelling practices rather than deliberately omitted or kept from view as part of a mode of covering up.

While practitioners thought that the details I held in my possession were rare, I as an anthropologist thought that the way in which the sisters narrated their stories was of value—those were the true secrets to me—they were the secrets that were never allowed to permeate sector discussions. They were the silences that punctuated sector meetings—the present absences, the renderings of kin and family that were, by their omission, deemed illegible and not rendered digestible by an apparatus that is anchored in the binaries of victims and perpetrators, children and parents, the stability of life in Australia and the chaos of the outside and the foreign. This is part of a broader mode that sees narratives as coherent through particular configurations of events and emotions. Ochs and Capps write,

Aristotle used the term mythos to characterize how events and emotions form a coherent narrative. Interweaving human conditions, conduct, beliefs, intentions, and emotions, it is the plot that turns a sequence of events into a story or a history…In contrast with paradigmatic thinking, which emphasizes formal categorization, narrative thinking emphasizes the structuring of events in terms of a human calculus of actions, thoughts, and feelings (1996, 26).

Narrative thinking then, not only orders events in a particular way, but it also is premised upon a particular rendering of how human decision-making takes place, one which sees human action as
based upon a relationship between thoughts, emotions, and action. It was this model combined with the linear criminal justice narrative within which I found the sector wanted me to reinscribe my newly found information about the sisters.

I met with Bridget a few weeks after my interview with Mehrin and Sahar. She had invited me to a caseworkers meeting to observe the work of forced marriage caseworkers at CMY. Afterward we walked outside the Kathleen Syme Library in Melbourne to quickly catch up. As we were about to part ways, she told me she wanted to know how the interview with the sisters went. After hearing her questions, I immediately felt a sense of disappointment because I had not really addressed these questions in my conversation with the sisters. Some questions included: which sister was more outspoken and which more reserved?; What was it that made the younger sister change her mind and not want to go through with the wedding?; Wasn’t the boyfriend involved in their escape?; What was the relationship to their mother like now?; Was it the uncle who had orchestrated this whole situation? Was Mehrin the one who didn’t want the marriage or Sahar, and what prompted them to decide they did not want to go forward with this—what prompted them to make the decision to escape? I felt that I had very little insight into any of these questions—we had only discussed their escape for about fifteen minutes of the conversation, and even then I had simply asked them to tell whatever narrative they wanted, rather than asking them particular questions about the escape. My answers for the most part dodged the questions and rerouted the conversation to what I thought were telling moments about how the sisters were going about recreating a new normal, an everyday that was oriented toward their career aspirations, their desire to get a good education, and the desire to support each other through a time of continuing transition. Bridget listened but I could tell that she was not fully satisfied with my answers—she persisted with her previous questions, in a gentle yet
still deliberate way. I felt like I was betraying Bridget and the sisters all at the same time. I did not, however, feel that I could tell her a story that could adhere to the type of narrative demanded by direct service institutions and agencies. The story that Bridget wanted was a story marked by a discrete set of events, turning points, ‘aha’ moments, committed decisions, traceable injuries, bounded moments of manipulation and control, and figures who were vectors of coercion. Ultimately, Bridget was attempting to reconstruct the narrative through filling in informational gaps with the information she thought I had acquired anew. I could sense Bridget’s anticipation begin to grow. She expressed how disappointing it was that only I had access and that even at that I had only one hour to get information. If I had more time, according to Bridget, perhaps the sisters could have revealed where social service agencies let them fall through the cracks, where various government departments could have made their return more seamless, and less clandestine, or how airport security officials could have prevented them from getting on a plane. While Bridget wanted to understand their experience of the prevention and direct-response system, she also wanted to understand what was it that allowed them to escape, and by extension what prevented other people who had been in a similar situation from doing. It was clear that Bridget and others who narrated their story saw the two sisters as both quintessential and exceptional at the same time—-in their victimhood they were quintessential yet in their escape they were exceptional, resilient. For direct service practitioners like Bridget, the goal was to prevent the girls from being taken abroad ever again—as she told me, “This is a form of gender-based violence, at the end of the day.” My interview with Mehrin and Sahar could not fill in the gaps for service providers. It could not reveal who the vectors of coercion were, and what was it exactly that drove the sisters to escape. Part of this was due to the fact that I did not know how the sisters thought about the consequences of such an escape—did they do a cost-benefit analysis
to determine the best course of action, or did they plan the escape knowing and accepting the uncertainty of it all? Did they experience themselves as subversive people, violating familial and cultural codes? Or was their escape something they had already threatened to do previously when their parents were telling them they had to go to Pakistan? These questions were not only factual gaps, but epistemic ones as well. I see the difference as the following: while factual gaps signal the absence of vacuous, acontextual information, epistemic gaps which signal an absence in particularly oriented facts. Bridget is part of an apparatus that generates knowledge about victims. In trying to excavate the narrative of the sisters, Bridget not only hoped for facts to fill in the ‘gaps,’ but she hoped for particular facts to fill in particular gaps that would create a particularly-oriented narrative, one that would have clear victims and perpetrators, one that would have clear moments of coercion that could then be used as blueprints for further prevention models, programs, and efforts. She said, “If we could see where these girls had to rely on themselves, we could use that as part of a new strengths-based approach. We could also use those moments of manipulation and coercion as moments of entry and potential ‘disruption’ of forced marriage—those are the moments where the rationale of parents need to be targeted.” In other words, these stories, the stories of Mehrin and Sahar, were seen as potential sites of knowledge production around victimhood—they were subjects around whom analytical apparatuses could be experimented upon and developed in order to further develop the family violence apparatus.

As the case of the two sisters show, shielding them from researchers was not simply about protecting their wellbeing, but was also about preserving a streamlined idea of their story, and inadvertently foreclosing a more complicated idea of their story—one marked by a complex web of desires, violences, and familial manipulation. Thus, confidentiality was less of a neatly
consolidated set of protocols followed by the forced marriage sector; it was a technology through which stories were curated and tailored, thereby reinforcing its efficacy. Confidentiality was a bureaucratic technology premised upon epistemic anxieties—around how to know the victim subject as more than simply an object of coercion, a subversive agent, or as a victim of familial abuse and violence; as someone who was loved and oppressed at the same time. As anthropologist Erin Debemoort has pointed out in her study of Indigenous language literacy, secrecy itself “depends on a certain measure of shared knowledge to communicate the significance of limited information” (2015, 7). It represents a form of information control, in which the owners of the information declare greater control over the value of this information and its circulation (2015, 7). 64 The family violence prevention apparatus is similarly animated by these narrative asymmetries—certain narratives are deemed more digestible for the purposes of intervention and prevention than others, which creates a self-reinforcing cycle. Ochs and Capps’ explanation of narrative asymmetries is helpful here and how they are part of the community building technologies of a particular set of practitioners: “Adherence to a dominant narrative is also community-building in that it presumes that each member ascribes to a common story…Narrative asymmetries lie in the values assigned not only to different versions of experience but also to different ways of recounting experience…Yet another manifestation of narrative asymmetry involves entitlement to narrate. Who can tell a story? What role can one play in the course of a storytelling interaction?” (1996, 34). In the forced marriage sector, who can tell a story also conditions which stories can be told which in turn delimit who can articulate

64 In a certain sense, this is not dissimilar to what Pierre Bourdieu has described as the internal politics of the juridical field which allows it to reproduce itself as an end goal (Bourdieu 1987, 806). According to Richard Terridman, “…the juridical field, like any social field, is organized around a body of internal protocols and assumptions, characteristic behaviors and self-sustaining values—what we might informally term a “legal culture.” The key to understanding it is to accept that this internal organization, while it is surely not indifferent to the larger and grander social function of the law, has its own incomplete but quite settled autonomy.” (1987, 806).
these stories. Which narratives gain currency in the moral economy of stories created in the forced marriage sector is thus part of a broader set of bureaucratic conditions marked by this nexus of power, risk, and trust.

**A Logic of Sequestration**

What does it mean to guard not only how knowledge about victims is formed, but who gets access to this knowledge? While I detailed my struggle in meeting the sisters to interview them, I am sure that this was not unique to me as a researcher. However, I would like to reflect on how another forced marriage prevention specialist at the Australian Red Cross struggled to navigate lack of access to victims of forced marriage. This particular story struck me because this prevention specialist was tasked with creating community-led advocacy efforts for victims of forced marriage and yet she was not given access to any of the victims that the ARC was hosting. She was met with the response that victims’ situations were sensitive, and that caseworkers were the only people qualified to be liaisons between advocacy staff and victims themselves. Through focusing in on how Lori made sense of not being able to meet and speak with victims, I aim to show that not only is confidentiality a particular bureaucratic-epistemic practice, but it also conditions the extent to which victims can actually have a say in advocacy discussions, and in discussions about how to improve service provision. I use the word ‘sequestration’ here because it signals a paradoxical mode of care that encompasses the dynamics surrounding the absence of victim voices within advocacy discussions. “Sequester” comes from the Old French ‘sequestrer’ which means to set aside, remove, or confiscate. This also comes from the Late Latin “sequestrare” which means to place in safekeeping, to entrust (“Oxford English Dictionary Etymology”). Thus, to sequester then has embedded within its etymology both separation and
care, distance and intimacy, an ethics of individual responsibility but also trust in a bigger system.

The ARC was the main body that the federal government assigned to provide support for victims of forced marriage through their Support for Trafficked Persons Program (STPP). They were tasked with assigning victims a caseworker at the Red Cross or outside refuge. During my fieldwork, I became friends with Lori, who was working as the capacity coordinator for ARC’s forced marriage program. She was tasked with developing programs to train practitioners around how community leaders and members see forced marriage and how to develop a culturally sensitive approach. Lori said that she herself had never spoken with or been able to meet with a victim at ARC’s STPP. She said she found it strange that caseworkers were so guarded when it came to discussing their clients with her, but they would openly talk to their clients on the phone from their cubicles which were right next to hers. Lori would catch bits and pieces of their conversations with victims. She had tried for months to convince caseworkers to coordinate a meeting between her and a victim that was supervised by a caseworker. I too, had a meeting with ARC caseworkers in which I pitched a proposal to speak with victims, and proposed a situation where I could ask questions with the caseworker present. I also pitched a scenario where I could funnel questions through a caseworker if a victim did not want to be interviewed by an actual person. While caseworkers seemed impressed by the detail of the proposal and encouraged by my flexibility to adapt to what victims needed and wanted, they never followed up, nor did they facilitate these meetings for Lori. According to Givens, anthropologists’ data are not protected in the same way as are the communications of physicians or attorneys, with their clients. If a judge wants to subpoena an anthropologists’ field notes, documents, or letters, they can rather seamlessly (Givens 1993). This may have contributed to caseworker hesitations. We put forward
several guesses as to what was going on: Lori wondered if ARC’s policy rungs were not as interested in the specifics of victim experiences, creating a situation where caseworkers developed a sense of territoriality over client information. Since her position was more advocacy and prevention-oriented, it probably was not as important for the ARC to put her in touch with victims. I wondered if caseworkers were paranoid that anthropologists’ conversations with victims did not have the same legal protections as other professionals. We wondered if caseworkers were just too possessive of their clients—the idea that they were their guardians, that they thought only they knew what their clients truly wanted and that they were responsible for their protection at all times. We could not verify any of these claims. But I point this out to emphasize how imaginaries of bureaucracy and its machinations started to emerge within our own attempts to make sense of the system. Lori’s travails seemed symptomatic of the advocacy sector in general. Victim stories, then, were in the hands of caseworkers and in many instances law enforcement, who could not communicate these stories to advocates or capacity coordinators. And yet, why was it that certain stories were freely circulated (albeit pseudonymized), but the opportunity for non-case workers to speak with victims was unequivocally suppressed? What was confidentiality invested in precisely?

A few months later, Lori and I met for coffee before the Attorney General’s workshop for prevention and service providers in Melbourne. She told me that she was struggling with how to create a sustainable framework for actually changing community attitudes without being able to speak with victims and ask them the question of whether and how they experienced prevention services. Working on the prevention rather than the direct-response side of forced marriage put Lori in a very different position than someone like Bridget, Greg, or the caseworkers at ARC. As someone tasked with prevention work, she was tasked with expanding the sector’s outreach to
communities affected by forced marriage, and with delivering educational workshops to community leaders who worked in social services. However, while her job was not to directly engage with victims, Lori would express to me that she could not develop an educational program to deliver to community leaders without understanding what specific challenges around family expectations, the resettlement process, financial insecurity, and isolation they and their families felt. For Lori, communities were multilayered, and those who were being helped by the direct-response arm of the sector had to be seen as subjects with multiple allegiances and networks. She felt that there was a general organizational hesitation to speak with and put forward victim voices. Part of this is what prompted Lori to think about creating a steering committee of different community leaders who could liaise with the people they serve and discuss forced marriage and family violence in a way that could be useful to the people they usually helped. What was clear to Lori was that policy advocates and program developers were not being shielded from victims purely because confidentiality protocols demanded it. This was most acutely illustrated when Lori described how she would often hear caseworkers speak to victims on the phone just a few feet away from her. It was hard to avoid the circulation of information through the cubicles. Victims remained absent presences that were legible through the nuggets of information that passed through the administrative ether.

Lori continued that she was now trying to find alternative methods to get insights from victims about their experiences with the sector and with their families. We had met multiple times to discuss potential tactics for getting some insight about victims’ lives. It felt as though we were trying to get in contact with someone who had been “quarantined,” as Lori put it. Lori came up with the idea to develop a set of questions for caseworkers to ask their clients who were being serviced by the STPP. She had also developed a document where she took general notes
on what victims had been experiencing according to the caseworkers. These insights would form the basis of the community empowerment workshop Lori developed called “Free to Choose, Empowered to Respond” which was a multi-day training specifically geared toward educating community leaders about how to understand expressions of coercion and consent in the context of relationships within their own local communities. Lori also drew from the insights she recalled from a woman whom she had met in Afghanistan while working as a humanitarian aid worker prior to her job in Australia. The woman had recently been granted permanent residence as a refugee in Australia, and had also been victim to a forced marriage. For Lori, her story was also a source of insight around how children can be both manipulated by but also attached to their family members. And yet, the fact remained that victims of STPP were not asked if they wanted to share their stories for the purposes of improving advocacy and prevention work. The amalgam of information she was putting together were formed through these nuggets of information. The role of victims in developing prevention policy was a fraught issue that emerged in many network meetings around forced marriage.

At several forced marriage network meetings, advocates and prevention specialists discussed new policy research projects they were embarking upon, in order to develop more effective services. For example, at a Victorian Forced Marriage Network Meeting, Janet, a senior researcher with Good Shepherd-Australia/New Zealand brought up the organization’s research proposal to gather more evidence around forced marriage. She noted their proposal hit a stumbling block in that it did not receive funding from Australia’s National Research Organization for Women’s Safety (ANROWS). Janet mentioned that ANROWS did not understand that doing research with the actual victims was not going to be possible since they needed to rely on organizations to talk to victims, and it was not safe to talk to victims directly. At a prior meeting, Janet had introduced
the project as an exploration of social service direct response and seemed disappointed as she noted that the research could not engage with victims themselves even though that is where the research gaps were located.

There have also been multiple attempts to develop prevention programs based on community perspectives. However, they have never actually directly tried to include or centralize victim stories. In June 2016, the STPP conducted a focus group which attempted to “identify information needs and gaps regarding forced marriage for young people from culturally and linguistically diverse (CALD) communities, in particular, to identify barriers to accessing information and the most appropriate mechanisms for providing information on this topic, to young people at risk.” (“Forced Marriage Youth Consultation”). The study was important in the sense that it highlighted that participants could ‘choose’ to marry for a variety of reasons. However, these reasons were depicted as fairly straightforward, and seamlessly connected to cultural norms, patriarchal norms, and a lack of communication within families. What constituted help and how people experienced gaps in social services seemed to repeat most of what had already been present in reports that were not based on interviews with victims or at-risk populations. Another project taken up by ARC in 2018 attempted to prioritize the voices of community members in order to submit a set of recommendations to the 2018 National Roundtable on Human Trafficking and Slavery. The report stated:

To date, there is a shortage of documentation of the stories, voices and views of communities affected by forced marriage. This includes a telling in their own words of their experiences, identification and descriptions of community-led solutions, stories and views of forced marriage directly, along with their experiences and views about the current responses to the issue and how they would like to strengthen the response to better protect and support individuals and families. This project aims to empower communities to shape messages on forced marriage for key decision makers and to in turn, influence policies and programs. This report aims to capture community voices and their recommendations so that they can be presented for discussion at the National Round Table in March 2018, with a view to proposing improvements to policy and programs that respond to forced marriage in Australia.
This ARC report, for which I was a part of the steering committee, was an important moment in channeling community voices within government discussions. However, it fell short of actually including the voices of victims themselves, and instead looked to community leaders. These leaders were doing important work in their communities, working as social welfare officers, resettlement service workers, religious leaders, and community cohesion advocates, but many of them had a particular idea of what a forced marriage was and they too were not completely in touch with how victims were actually experiencing coercion or what the systemic, cultural, social and economic confluence of causes and variables were in producing a forced marriage situation. In other words, the report fell short of illustrating victim stories in their own words.

When I asked why it was so difficult to get the stories of victims, Lori noted that she was told by workers at ARC that victims telling their stories could potentially retraumatize them. Citing confidentiality, she noted also struck her as a way for caseworkers to perform care and feeling engaged. She said that its constant citation was a way to express that people cared for the wellbeing of victims and that they were experts in their jobs and in protecting victims. For Lori, who felt that in her new position as the coordinator of the STPP, the isolation of victims from the sector was not helping them, and that refusing to paint a picture of who they really are to the sector did not equal support. Lori vehemently expressed that victims need emotional and trauma support but that not offering the opportunity to mobilize their stories in a careful and ethical way was automatically deemed too dangerous by the sector, and that this view was misguided. The only research report that has included victim narratives is that published by the Australian Muslim Women’s Centre for Human Rights called “Child, Early, and Forced Marriage in the Australian Muslim Community.”
In both cases, the research could not include the voice of victims because of how there were no mechanisms in place to get in touch with them with proper approvals. While Lori and Bridget brought up the need to get victims to share their stories in a protected, structured, and safe way so that the sector would not continue to develop service responses blindly, without any sense of what victims wanted, there was often a hesitation in the room to take the conversation further, and during my fieldwork, this was never seriously pursued. The idea of having any past victims present at meetings to discuss their experience of Victoria’s direct-service response program was a taboo subject. What I came to realize through my encounters with Lori and the VFMN was that confidentiality as a mode of protecting victims from further harm worked with an imaginary of victims as universally fragile and traumatized.

Conclusion

Historically, the idea of confidentiality in anthropological research was not based on an ethical imperative. According to Reed et al, the early use of pseudonyms in community studies was used to lend an aura of typicality to a society, rather than a single community. Eventually, confidentiality arose so that anthropologists could protect their information from use by governments or other agencies that were counter to their goals. In some ways, anthropological concerns with confidentiality were self-centered, focusing less on the interlocutor and more on the unwanted mobilization of anthropological information (1988, 689). I suggest that a similar dynamic is shaping how victim stories are guarded in the forced marriage sector—the dedication to confidentiality practices end up preventing more complex stories of kinship, love and violence from emerging, from complicating the sedimentation of an emerging field of knowledge around violence, coercion, consent, and the institution of marriage itself.
Ultimately, these stories and the ways in which they are guarded tell us something about approaches to family violence prevention today in Australia. Confidentiality’s bureaucratic techniques and epistemic anxieties show us that prevention is not only about preventing injury and harm to potential victims themselves. It is also about preventing harm to particular institutional logics—these are also always on the line, also at stake, in prevention spaces.

Confidentiality is a key practice of bureaucratic reason that functions in part to reproduce imaginaries of bureaucracy as a working institution, as efficacious, despite not telling us how. This does not mean that confidentiality does not serve to protect victims’ wellbeing—it does, but when it is applied blindly, it shuts down efforts that are also attempting to facilitate the wellbeing of victims, whether it is better service and prevention policies or research on who victims are as multidimensional subjects. It is a way to protect victims as much as it is a way to cultivate one-dimensional stories. When confidentiality becomes a mode of curating and triaging facts, it is doing so in service to the direct service sector—namely direct caseworkers and the federal police. And even then, it is not an ideal imaginary of confidentiality that is being practiced—it is, to the contrary, something quite unwieldy. As Peterson writes, to think of an ethnographic object [in this case, confidentiality] as a totality is a fiction—as a phantom epistemology, it is always a partial and situated knowledge, shaped by positionality and subjectivity (2009, 40). The story of the sisters, then, is always partial and situated and exploring confidentiality as an epistemic practice is one way of understanding how precisely it is situated within this broader prevention and interventive system, and what angle of the forced marriage sector it brings into view. At the same time, I do not wish to intellectually romanticize confidentiality as a “phantom epistemology” that is worthy of exploration insofar as it opens up alternative analytical avenues. The reason why treating confidentiality as a “phantom epistemology” is important is because it

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raises the question of what happens when these elusive ways of knowing actually render victims themselves phantoms and their experiences more easily subject to imaginaries of victimhood rather than the realities of people. What happens when those who have much to lose from these epistemologies are not present in the construction of these ways of knowing? The phantom victim, as I am thinking about it, is a figure who is evoked, elusive, distributed, proprietary intellectual property, intellectualized, an example, never fully visible in her complex and contradictory subjectivity.

Confidentiality, then, is as much a governing technology as it is an epistemic practice—it is a mode by which this particular biopolitical project (forced marriage prevention) defines how the experiences of victims come to matter to the state. As Lisa Stevenson (2014) has described in her ethnography of the Inuit-targeted suicide prevention apparatus in the Canadian Arctic, it is precisely projects based on care that not only aim to intervene in people’s wellbeing, but also define how they matter and are deemed of value, to the state. I want to suggest that confidentiality is a way of guarding what exactly about victims’ lived experience is relevant to a state-funded and state-sanctioned field of expertise. As a mode of determining how to make which facts and details visible, it produces a regime of narration, in which certain narratives about victims gain traction over others.

Confidentiality is an institutional logic, but it is not an apolitical ethical commitment and it often exceeds and does not always fulfill its own imaginaries of itself. Confidentiality becomes a set of curated narratives within a bounded social service domain, more than it is a wholesale suppression of identities, stories, and events. It is through looking at how narratives are circulated and what they curate that we can see two things: (1) how they reflect different institutional logics; and (2) how they also carry the potential to transgress them and offer
alternative avenues for understanding victim/survivor experiences. This practice of confidentiality ends up reinforcing, perhaps inadvertently, the contradictions that undergird the forced marriage sector, which continue to disproportionately target Muslim migrant communities as the sites of risk and coercive familial practices. The contradictions go something like this: There is lack of evidence, yet we know forced marriage is happening. We do not know who these girls are, yet we know that they are at risk of injury if their identities are exposed. We do not know what these girls need or want, yet we know that they have encountered an ineffective referral system. We do not know the rate of disclosure, yet we know that there is social problem that requires a criminal justice approach. In the end, I’m also guilty of curating their stories in particular ways. Confidentiality helps cultivate the absent presence (Ho 2006) of the victim. It is, thus a practice that marks the boundaries of a case, and in fact generates what events, information, and subjectivities make up a case itself—it is an epistemic mode that gives us a particular rendering of a the suffering subject. It is therefore worth studying as a cultural object itself, one that can help us to see how the ‘facts of a case’ come to be stand-ins for the moral valuation of bureaucratic imaginaries.

Are there alternative possibilities for creating relationships based on an ethic of confidentiality? When it came to Mehrin and Sahar, there was no question that I was setting the terms of the conversation in several ways. I was interviewing them, but I tried to make the interview as fluid as possible and tried to frame it as wanting to understand who victims of forced marriage were as full human beings, rather than as one-dimensional figures, defined by a linear set of events and who could only be understood through the lens of those events. I failed in some sense by trying to completely erase my interest in the events around their time in Pakistan and its aftermath—Mehrin picked up on this disingenuousness pretty quickly. She can be seen as
asking me to use the narrative form as a strategy for disclosing my positionality—a call to re-establish and re-declare myself as someone who is part of a community of people called researchers who know about and subscribe to the currency of dominant narratives about victimhood. In the end, Mehrin and Sahar were not concerned so much with the idea of telling someone about their new everyday lives, or their escape—they were more interested in their stories being narrated in such a way that was open about its reasons, and how it would be mobilized. In the end, I asked if they would be okay with me discussing the content of our conversation in my dissertation and future publications that would primarily circulate to a US audience, and if I changed their names as well. Sahar said she was not comfortable with this and Mehrin nudged her, “It’s for the US and she would change our names.” Sahar reluctantly was about to sign the consent form. But I intervened and told her it was okay if you are not comfortable with it. I don’t have to use this material. Sahar said, “Yeah, I’m just scared about my brother. I don’t want him to find out, and it’s just really hard. All the things that happened, it’s really hard.” I told her I understood and said, “Can I use the things we talked about that are not related to what happened in Pakistan and also change your names?” In this middle ground, I had to let go of some part of the anthropological ‘data.’ Instead, the new parameters that delimited what I could and could not use as analyzable data, forced me to be concerned not so much with the accuracy or elements of the story of what happened in Pakistan itself, but with something else. It forced me to reckon with the other things Mehrin and Sahar shared with me in our brief but telling conversation—the things they enjoyed in their lives, what they looked forward to, and their longing for being reunited with their mother one day, things that do not appear in training material, in anecdotes that caseworkers and other practitioners share in network meetings, things that are absent in policy briefs or reports.
While negotiating the challenges of researching vulnerable populations remains, it is clear that each community is confronting vulnerability in distinct ways that are not always captured through a dogmatic approach to confidentiality, especially when it comes to how the provision of services works. Approaching confidentiality as an ethnographic object within a social service space is an entry point, then, into understanding how knowledge about a particular category of victimhood comes into being, and how it gets sedimented as much through the accumulation of facts as it does through their omission. The production of knowledge about victims, then, is both a project in the accumulation of facts as it is a project of erasure.
Chapter 6: Between Coercion and Consent: Reapprehending ‘Culturally Competent’ Narratives of Family Violence

Introduction

Thus far I have shown the epistemic and ethical dilemmas the development of a precise risk assessment model has raised for forced marriage prevention specialists, advocates, and direct service workers. The development of risk assessment models coupled with the provision of culturally appropriate services reflects a new orientation toward treating family violence as a public health issue that is both preventable and possible to pre-empt. How the sector calculates and constructs risk, how it looks for potential victimhood, and how it constructs forced marriage as a moral crisis exemplifies this shift. These approaches have been coupled with the state’s reorientation toward family and of violence itself, one which more explicitly takes concern with what the role of family is in one’s everyday choices, and when this role becomes coercive. In this chapter, I turn to how Muslim women activists and community leaders think about family violence as mattering on a personal, community, and institutional level—they help us retrace where the power dynamics of family violence lie—vectors which often get eclipsed through culturally competent prevention. I do so not simply to show that the Muslim Australian community’s approach to family, gender, and violence is incommensurable with state and public discourse on the issue or that it is qualitatively different from those of women of other ethnic or racial backgrounds. Rather, I seek to highlight how understandings of family violence reflect different understandings of family relations themselves. I take inspiration from Saida Hodžić who writes, “community” cannot be seen as the site of ontological difference; rather, the focus should be placed on how difference actually matters to everyday experiences of violence (2013).

This chapter shows how community members see the constellation of family, autonomy, coercion, and desire operating in their daily lives in comparison to state and prevention
discourse. I focus on community narratives of violence not because family violence is endemic or specific to the Muslim Australian community (which is not a monolithic social entity), but because first and second generation Muslim migrant communities are disproportionately targeted by Australia’s family violence policies, both existent and emergent. The discussion around family violence has brought the Muslim Australian community into its fold, producing a spectrum of reactions and conversations about race, citizenship, belonging, and violence within the family and by the state. One of the key themes that structure the stories of the two women whose narratives I spotlight here is that family violence is a problem within their communities, but one which cannot be explained by cultural tradition, cannot be reduced to the perpetrator-victim dynamic, and cannot be abstracted from the pressures of broader familial obligations, both domestic and transnational. These two women’s experiences of coercion and duress are framed as the results of the short and long-term consequences of displacement, migration, and resettlement; ongoing Islamophobia; and the limits of multiculturalist frameworks in social services. Their insights reflect the ways in which familial care and violence can and do exist—an unsettling coupling for social service workers, and even for me as the anthropologist, and perhaps for the reader as well. These couplings are however, ones, that family violence prevention discourse does not consider in how it understands the causes and dynamics of family violence.

In this chapter, then, I would like to return to the phrase which began this dissertation—Lori’s call to “get closer to the violence.” Getting “closer to the violence” means attending to how coercion is actually understood by those who have experienced its varied expressions. Their renderings of familial deception and coercion show kinship relations that are marked by enduring patterns of emotional abuse and care, ones that do not quite fit the paradigms of victimhood that
contemporary risk assessment relies upon. In that sense, my interlocutors do not glorify their families as simply defending their cultural traditions, nor do they indict them for simply reproducing patriarchal kin relations. Rather, they see their familial experiences as the inspiration for larger projects of both social transformation and self-transformation.

In what follows, I draw from my interactions with two young women whom I now call my friends who had experienced familial pressures around their intimate partner relationships, and in one case had siblings who were forced into marriage. They all identify as Muslim Australian and their parents are first generation migrants from Afghanistan and Iraq. “Getting closer to the violence” requires an examination of how violence is experienced and thought about in social configurations that are assumed to be marked by solidarity, community, and care—namely the immediate and extended family. Anthropologist Madelaine Adelman has pointed to the need for research on domestic violence to focus as much on how the domestic is constructed as on how violence is conceptualized (2004, 135).

The push and pull of kinship relations are not always antithetical to relations of care. Kinship relations for my interlocutors mapped on to the domestic, which they did not construe as a space of danger, which tends to be how discourses of domestic violence frame it. The domestic was not ‘the source of violence and vulnerability’ (Mulla 2014, 177). Rather than a space where one returns to resume everyday life (Das 2006), the domestic is seen by state and social service discourses as always already threatening. Within this discourse, there is little room to consider the domestic as a space of both care and violence. In her ethnography of the forensic mediation of sexual violence in Baltimore, Sameena Mulla discusses the various imaginaries of the home as simultaneously a site of intimacy and stability, and of risk and danger:

Although popular imaginaries regard and construct home as a location of intimacy and stability (e.g., McKeon 2005), the indexing of a range of behaviors and events within continually evolving discourses of ‘home invasion’ (Nielsen 2005) or ‘domestic violence’
(Fineman and Mykitiuk 1994) demonstrate the institutionalization of statistical patterns of harm in or near the home. With regard to its incidence, sexual violence shares some features of these same patterns. Intimacy and cohabitation carry grave risks acknowledged through the invention or persistence of such classifications as incest (Porter and Teich 1994), domestic violence, and marital rape (Russell 1982) (Mulla 2014, 178).

Mulla shows through exploring the stories of Keisha, Laura, and Leda, that the domestic is ‘not a distant and shadowy world that glides imperceptibly beneath narratives of sexual violence.’ Rather, it is a site that is filled with the potential for violence. This depiction, Mulla writes, coexists with a longing for the domestic as well (2014, 180). I similarly treat the domestic as a site where both dynamics and affective relations co-exist—coercion and care, stability and unpredictability, the unmaking and remaking of familial relations. It is to the domestic space that many people return or turn to for a sense of normalcy and the reorientation to the everyday (Das et al 2000).

As other anthropologists have shown, the line between caring for someone and inflicting violence on them can be blurry. The state’s efforts to distinguish between the two can oftentimes result in rendering certain modes of care as criminal. Angela García explores this question to some extent in The Pastoral Clinic (2010). She writes that the circulation of heroin among family members was how care was performed and familial ties were strengthened. For García, ‘care is not a life-affirming gesture reserved only for humanitarians toward the destitute, the healthy toward the sick, those who supposedly ‘have’ a life toward those who don’t. Rather, care is threaded through the very practices (such as doing heroin) that may ultimately kill you. With this, another set of dualisms is effectively undone” (2014, 179). Das et al (2008) point to a similar dynamic when it comes to how expressions of care get reinscribed within logics of criminality in the aftermath of legislative reform. It is through the folding of criminality into kinship that at times “the question of care could never be distinguished from that of criminality” (2008, 357), especially where different regimes of governance intersect. They also speak to how
“the love of persons and love for drugs cannot be separated; and the domain in which kinship and criminality are always in danger of folding into each other” (358). In this case, the coercion of one’s family member into a marriage constituted a criminal act according to Australian law, but for some of my interlocutors, their parents and family members thought about their interventions as ways to strengthen kinship ties transnationally, and to strengthen and expand familial networks of care for the future.

My goal in pointing to the coexistence of care and violence is not to say that violence is categorically knowable as violence only if the victim renders it as such. There are experiences my interlocutors articulated that, even without them labeling it as such, I intuitively and intellectually consider violent. Rather, I wish to look at (1) how state and family violence prevention understand the causes of forced marriage as a particular iteration of family violence (2) how this discourse forecloses other ways to know them as violent; and (3) how individuals themselves are narrating and framing these lived experiences of violence. Through their narratives, I present alternative ways of knowing violence, ones that remain at the moment illegible to Australian policymaking and family violence prevention discourses and structures.

There are certainly ways that my interlocutors reproduce these modes of narration—they are immersed within the social service structures that privilege narratives of causation and correlation, but they also resist the narrative forms that undergird the logic of prevention and pre-emption. If the logic of prevention requires that the subject must be protected by the threat of visible patterns of power and control, and the logic of pre-emption requires that the subject must be protected by the threat of cultural traits that signal the potentiality of these patterns, then the ways that my interlocutors explain family violence exceeds both of these logics—their renderings are, rather, inspired by context-driven family histories.
Family violence is a uniquely fraught terrain which anthropology has tended to understand through the analytic of cultural difference. Adelman discusses how anthropological studies of domestic violence have tended to point to how violence is experienced in distinct ways through the analytic of culture, thereby inadvertently homogenizing group experiences and pathologizing violence amongst certain groups:

Scholars may unwittingly, at least from a policy perspective, culturalize norms that demand clear and unsubtle demonization. Scholarly revelation of the normative rather than of the deviant nature of domestic violence thus may undermine the original intent of such research to provide locally specific remedies. At the same time, rather than resulting in the excuse or protection of such practices, culturalizing domestic violence may result in the demonization of culture (Merry 2003) (Adelman 2004, 132-133).

In some ways, anthropological approaches to family violence have fallen into the same traps as family violence prevention discourse which pathologizes difference and sees culture as simply code for ‘ways of life’ that are simply there. Even though anthropology seeks to ‘know more’ about these ways of life, it still continues to pathologize these differences as simply inherent. In that sense, in discussing the pitfalls of state discourses on domestic and family violence, it has itself fallen into the primordialist traps of the culture construct that James Clifford warned against (1986).65 Too often, ‘ways of life’ also does not get past the paradigmatic view of difference. Some select theorizations of family violence in Anthropology and Geography have tended to focus on how its regulation represents slow forms of violence, ongoing projects designed to sustain the visions of nationhood promised by settler colonialism and ongoing indigenous dispossession (Clayton 2001, de Leeuw 2007, 2014, 2016, Morgensen 2011, Simpson 2014, Stevenson 2014, Valentine 2007). Through policies that remove children from their

65 James Clifford’s critique of culture as a primordialist construction notes the following: “Cultures are not scientific ‘objects’ (assuming such things exist, even in the natural sciences). Culture, and our view of ‘it,’ are produced historically and are actively contested (1986, 18).” And “If culture is not an object to be described, neither is it a unified corpus of symbols and meanings that can be definitively interpreted. Culture is contested, temporal, and emergent. Representation and explanation—both by insiders and outsiders—is implicated in this emergence” (1986, 19).
families, and the problematization of Indigenous identities as social problems and public health problems, biopolitical social welfare policies focused on family health and stability have been analyzed as forms of colonial humanitarianism that seek to assimilate Indigenous populations into the body politic or slowly phase out their ways of life, modes of sociality and care, and systems of knowledge, governance, and rights. I place the marginalization of migrant narratives of family violence within this colonial repertoire of knowledge marginalization, the slow erasure of different accountings of violence. This chapter, however, centralizes how different some of my interlocutors’ narrations of family violence really are to the stories that are deemed more legitimate, without pathologizing these differences, or seeing them as representative of a particular community mindset or approach to family or intimate violence that is being systemically ignored. In that sense, this chapter takes seriously Saida Hodžić’s concern that ‘culture’ need not be understood as a ‘native form of resistance’ to the concept of ‘rights,’ (2009, 332) thereby making ‘culture’ immune from critical analyses of power. In what follows I do not mean to situate these narratives of family violence as in some way representative expressions of cultural resistance or understandings of culture that are themselves absolved of problematic understandings of ‘community’ or ‘obligation.’ In fact, I hesitate to treat them as culturally specific narratives in the first place, that are “more accurate” than those expressed by the state because they are articulated by subjects who identify as Muslim. Rather, I treat these narratives as renderings of family violence that exceed the state’s idea that there are indeed culturally distinct forms of violence that require specific cultural knowledge and competence to understand. On the contrary, my interlocutors’ very narrations are questioning this key pillar of family violence prevention, some more intentionally and consciously than others. What my interlocutors have in common is that they do not frame their experience as symptoms of their
families’ cultures. To get a hold of their renderings, we need to provincialize the idea of ‘culture’ in the first place, and question how the notion of ‘culture’ has been mobilized to reproduce the hierarchy between the metropolitan West and the periphery (Abu-Lughod 1991).

These are not ‘native forms of resistance’ against liberal notions of rights and multiculturalism. The idea of ‘native forms of resistance’ assumes that there is a homogeneous group that thinks of itself as distinct from a hegemonic power that is also imagined as monolithic. Rather, my interlocutors are rethinking family violence, not as a way to assert their cultural difference against the dominant discourse of human rights and multiculturalism. Rather, these renarrations show alternative ways that people think about their relationships to their family in the wake of experiencing violence at their hands—ways that do not have to mean the full erasure of family or the full acceptance of family; that see the importance of agency over one’s life but not in ways that have to mean not considering the consequences for one’s family members; that see the promise of autonomy over one’s relationship choices, but not in ways that have to mean refusing the role of their communities in helping them understand what it means to live a meaningful life. In that sense, I do not position ‘culture as an anti-imperialist stance’ (Hodžić 2009, 333). Rather, I remove culture from the equation as a guiding analytic to understand the significance of these renarrations and reapprehensions. These alternative approaches, rather resituate family violence outside the lens of penalty and as Silvia Tapia has written, “invite us to rethink women’s rights and VAW outside a positivistic, punishment-centered lens” (2016, 152). The alternative narratives laid out here are not invested in criminalizing family violence and forced marriage, or in punishing family members—they do not

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66 Sylvia Tapia Tapia explains, in her analysis of the criminalization of violence against women in Ecuador’s constitution, that there are ongoing discontinuities with how gender norms, women’s roles in their families, and the lived realities of women trying to access justice through the courts are dismissed because of the privileging of a logic of penalization, thereby obscuring alternative approaches to justice.
even lay out their narratives in terms of perpetrator and victim. Rather, they develop alternative explanations around what it means to be at the hands of violence and the conditions of possibility that produce it. In that sense, my interlocutors do not situate their narrations as representative or reflective of some type of Islamic ethos around family, around violence, or around gender. They are rather situated more so within the aftermath of resettlement, the demands of assimilation, and ongoing expectations of transnational networks of obligation.

In terms of the chapter layout, I will first examine how government and policy discourse frames family violence as a social welfare issue through the lens of cultural difference. Then, I will explore how each of my interlocutors’ rendering of family violence transcends public health approaches through a set of alternative framings. The first vignette will look at how Layla rediscovers her own experience of parental violence through the lens of forced migration and displacement. The second vignette will examine Sofía’s reconstitution of the notion of the domestic. Ultimately, these stories come together through the way they compel a rethinking of the relationship between structure and agency, autonomy and dependency, and desire and power. They all provide an alternative way of framing and knowing how power works within their kinship relations and why institutional responses often fall short of capturing these realities.

‘Culturally Informed’ Understandings of Family Violence

A report on family violence as a public health issue that has gained traction includes one produced by the Migrant Resource Centre of Paramatta, a suburb of Sydney. In this report, there is a call to move away from situating violence as pathological or individualistic, in order to reorient blame from the victim to the perpetrator. The report claims that domestic violence is not

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67 This rendering of family violence is similar to what James Ferguson calls the ‘anti-politics’ machine (1994) that Miriam Ticktin analyzes in social welfare humanitarianism (2011). In this anti-politics machine, intervening in suffering through technologies of care in the name of saving the victim, ends up erasing a concern with the very inequalities and political structures that give rise to such suffering.
a result of one individual but a broader system of patriarchy that breeds toxic masculinity

(Versha & Venkatraman 2010, 22). However, this system of patriarchy is abstracted from other social inequalities, which results in a pathologizing of patriarchy itself. The report goes on to discuss how a recognition of patriarchy must be coupled with a recognition of intersectionality and ‘cumulative risk’, a framework borrowed from Pittaway and Rees. The authors write:

Pittaway and Rees (2005-06) use the framework of ‘cumulative risk’ to study the dynamics of family violence among refugee communities. Cultural values, violation of human rights and experiences of the ‘refugee journey’ increase the risk of family violence, in particular, women’s socio-culturally constructed vulnerability. They argue that women’s traditional gender roles and cultural norms of ‘masculinity’ are threatened by external pressure which often leads to ‘preserving’ ‘cultural’ practices and gender inequality within a refugee setting, and with a patriarchal culture still evident among the mainstream, host society (Rees & Pease 2007). Thus, external conditions often lead to extreme practices among refugees than what was practiced in their home countries (AscTTS 2009, pp.13-18) (2010, 22-23).

The writers go on to discuss how refugee women in particular face a host of traumas and violence that add to their risk profile:

The pre-arrival experiences of refugee women may also include forced, multiple displacements, detention, witnessing family members being killed, disappearances, malnutrition, starvation and poor health due to lack of availability and access to medical facilities and medicines, and torture and trauma. In addition, stress-related alcohol abuse by men in refugee camps contributes to an increase in violence against women. Post-Traumatic Stress Disorder (PTSD) and other psycho-social problems are common among displaced populations who have experienced any of the above events. Lack of access to counselling and other support services, and the stigma associated with such services, prevents many internally displaced peoples (IDP) from seeking professional help (2010, 23).

Here, while there is recognition of the role of displacement, detention, and other forms of bodily and emotional trauma on putting migrant women at risk of violence, those who perpetrate violence are simply part of patriarchal cultures that become particularly toxic when they get transplanted into the host society. Here, culture is something that presumably male migrants guard and seek to preserve; it exists as an entity unto itself and its preservation becomes its own form of trauma which in turn makes refugee women sites of ‘cumulative risk. Ultimately, these explanations of what contributes to family violence in migrant communities are concerned with
both proximate and long-term causes that produce trauma, and not with the conditions of possibility for such causes. These conditions of possibility are the basis for which the report calls for more culturally specific services for CALD communities (2010, 25). While the authors call for a human rights perspective toward domestic and family violence, this human rights perspective is a particular one—one that is rooted within providing relief and not changing the structures within which patriarchy, stress-related substance abuse, and other modes of behavior become options for particular communities. Along these lines, the report presents and advocates for an ecological model toward family violence. In this model, the cultural background of migrant communities would be part of a multi-scalar approaching to understanding migrants’ risk of family violence. The authors note that the model has four levels:

- Individual: history of other forms of violence, exposure to domestic violence during critical development stages, drugs and alcohol.
- Family and other Relationships: the micro-system in which individuals exist.
- Community: the community, neighbourhood, or meso-system influencing individuals.
- Society: the macro-system which influences individuals as policies, laws, and cultural beliefs (2010, 29).

![Figure 36.1 An ecological approach to understanding intimate partner violence](image)

(Royal Commission Inquiry into Family Violence 2016, p.5)
Ultimately, while the ecological model can effectively help identify which variables within an individual’s life are triggering the use of violence, it does not account for how structural or macro forces affect individuals’ relationships with others. It abstracts societal forces from individuals’ personal histories in that it does not account for the macro-dynamics that impact individual familial relationships. The ecological model, while marking a key shift from seeing violence as a moral failure of the individual to the failure of community and society, still reproduces the idea that members of a community simply exist as at risk of inflicting violence upon each other, and thus reproduces the idea that communities have their own internal logics that exist in isolation from state policies. The following narratives render experiences of family violence that disaggregate the internal coherence of ‘community’ and which show how the decisions of family members are based less on moral convictions based on the idea of a cultural code, but shift in relation to different possibilities for familial stability and wellbeing.

**Tracing Transformed Selves**

Layla is in her mid-20s living in New South Wales. She experienced a tumultuous childhood, and eventually was separated from her family and placed in state-sponsored care along with her siblings when she was 15. I first learned about Layla’s story after reading a news feature on forced marriage on SBS. We initially spoke on the phone and then met up in person. I was surprised by how forthright she was about her experience and how willing she was to share her story publicly, not only with me, but with SBS. Eventually her story was the central focus of

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68 In the report *Implementing the Victorian Public Health and Wellbeing Plan of 2016*, one action directly connects family violence as a consequence of harmful alcohol and drug use and thus why it should be reduced. Thus family violence as an effect of other types of social ills as well as a social ill on its own is part of what framing it as a public health issue looks like, and thus integrates family violence within an already existent set of public health lexicon and problems. Thus, one action includes, “Ensuring that the Terms of Reference of the current review of the Liquor Control Reform Act 1998 consider family violence and alcohol-related harms and involve consultation with people who have expertise in the inter-relationship between family violence and alcohol use” (2016, 19).
a 30 minute SBS feature on forced marriage in Australia, and she gave interviews to the ABC and other news outlets. What was particularly striking about my conversations with Layla was how little the details of the actual experience of coercion she highlighted and how much the discussion focused on the abuse between her parents and the abuse she and her siblings suffered at the hands of their mother in particular. In focusing in on Layla’s story, I realized that her particular experience of almost being forcibly married was not the only thing that drove her to now push for reforms in the forced marriage sector. It was also the ongoing violence that plagued her immediate family. And yet, Layla’s representation of this violence was not pathological. She expressly rejected a psychologized and cultural explanation in place of one that was attuned to her parents’ life histories which themselves were marked by displacement, disenfranchisement, and the complexities of resettlement within Australia, rather than simply individual moral failure. Layla narrated her parents’ experience not in an effort to excuse them or apologize for them but in order to highlight the elements of victims’ life stories that get missed in intervention efforts today, and to help reshape some of the rapidly solidifying forms of common sense in the forced marriage and family violence sector today. Layla had become an advocate for the pitfalls of forced marriage interventions. To her, they were short-sighted and while attempting to be culturally sensitive actually ended up causing people to suffer.

Layla’s parents, both from Iraq, had resettled in Australia, but had a tumultuous relationship. Her father had left and had an affair for two years, and during the period of his absence, she described her mother as not particularly nurturing. When her father returned to the home and ended the affair, Layla described him as quite nurturing and dedicated to his kids, to make up for his absence. However, according to Layla, upon his return, Layla’s mother had begun to verbally abuse him. As a way to compensate for the two years he spent away, Layla’s
father ended up giving in to all of her mother’s demands, including agreeing to have Layla’s two sisters married to older men at the age of 15, marriages that took place before the 2013 law was passed. Layla herself was also almost married to another man. Layla escaped the house at age 15 and has been living on her own since. She was recently diagnosed with complex PTSD, and goes to regular counselling. When we spoke, she was able to describe her experience with a sense of fluidity and clarity. The following is an excerpt from our conversation that speak to the ways in which Layla herself experienced the decisions of her parents as a violation:

We are fairly isolated with family members here in Australia. We are the only family from our extended family who ended up in Australia--we don’t have uncles or cousins, no outsider or native influence. Even in Iraq, I visited my family there, and even they, it [my mother trying to force me to marry] was an isolated thing with my own mother being that way. Even when I was there, I met my cousins. They were way older than any of us. They weren’t married and it was not an issue. It was just something to do with my own parents. Not so much a [generational] cycle thing [either]. My mom was fairly young herself, about 15, a lot older than when my sisters were married. I found it was something exclusive to her, it was not extended family. It was the opposite--we had people who came and told them your daughters are very young. They didn’t think it was a good idea but my mom was very adamant. Nobody picks fights with each other [in that community], you just have to respect what the person of that household thinks. Back off from my daughter, so everyone followed suit. Nobody exposes each other. I found out, all the cases I know…the ones who have done it, are the ones who do it on their own, it’s their own ideology. People did support it, obviously, my sister had hundreds of guests at her wedding, people aren’t against it if they show up to the wedding. I definitely believed that my mother succumbed to a certain type of pressure—[but] it was not that your daughter has to get married right now. She was a proud woman, and [she thought] people are gonna think something is wrong with them, if they don’t get married, but everybody else…did wait a bit. She definitely had a lot of concerns about reputation and what people say about us, but [with regard to] marriage, that was just her own initiative…

Here, Layla situates her mother’s decision as both shaped by and resistant to community norms around marriage-while she accepted that her daughters needed to get married, but resistant to the idea that it should happen at a later age. She describes her mom as different from her cultural community in Australia. Thus, Layla’s understanding of her mother is one which centers her as beholden to norms around marriage but also as deviating from the advice that her friends actually gave to her. Layla’s explanation also explicitly resists the narrative tropes that are typically used
to explain parents’ decisions to forcibly marry their children. From the beginning, she notes that her mother’s actions are not just a symptom of a generational pattern of behavior given that her mother’s family had a different approach to marriage. She situates her mother as part of a community that does have particular ideas about familial reputation, but that decisions around marriage are not always tied to those ideas—they could be rooted in concerns outside of reputation which is one of the ‘cultural’ reasons used to explain why forced marriage happens. Layla also situated her parents’ approach and views on marriage as part of a broader transformation they experienced through displacement and migration:

[Growing up] everything that was not strictly religious, was not acceptable; they were crazy even if we had the TV on, anything normal was not okay. [My family was] completely closed toward the outside world in Australia. I’ve wondered before, I’ve met before the extended family in Iraq. On my dad’s side, [they were] strict and holier than thou—my dad was the one who said this [marriage] was a bad [idea]; on my mom’s side, her family was the relaxed progressive type, she was the religious fanatic, it was really weird. I put it down to maybe she wasn’t like that until…during the Kuwait invasion [of Iraq]. My parents went to Saudi Arabia—they were refugees, they crossed the border to Saudi Arabia, and the Saudis detained them there, and kept them there in the detention camp, and I was born there...But I think being from where she was, Iraq was laid back, more than Afghanistan and Iran. I found the Iraqis were more laid back religiously, yeah so I think maybe it was two extremes. She went from a religiously relaxed state in Iraq, to this detention camp in Saudi Arabia where they were just completely...They [her parents] are Shi’a. The Saudis were charged with war crimes because they tortured them for being Shi’a. That might’ve changed her values and ideas. Women were covered head to toe, weren’t allowed to leave the tents. The freedoms [she had] in Iraq were stripped from her. Getting to Australia, [she saw that] women have rights, [and it was a] culture shock. [There was] no one holding a gun to her head, you can be whatever. [Getting us married] was a way to preserve her religion and values... My dad’s family was not liberal but he was and my mom’s family was liberal but she was more extreme. So it was like they were both the different ones from their family.

Layla’s mother’s experience as a refugee in Saudi Arabia marked the beginning of an attitudinal shift toward the importance of preserving particular values. My interest here is not in understanding why Layla’s mother coerced her children into marriage. Rather, it is to see how Layla sees her mother’s attachment to particular religious values as stemming from multiple stages of displacement as a result of the Persian Gulf War. Here, Layla makes legible the effects
of displacement, specifically the violent detention regime in which her mother was caught, and the abrupt transition to Australian life. Living a life of constant transition meant that the security of certain values was never ensured. For Layla, her mother’s approach to her daughters’ futures was haunted by the lingering sense that certain values were precarious and the world itself was always subject to being unmade. Layla situates her father not as the typical male perpetrator figure that is highlighted in scenarios of forced marriage—not as a menacing figure who was deeply invested in conservative religious values. Instead, he was seen as the deviant in the family. Layla’s emphasis of this was a way to undo some of the scripts and gendered logics that characterize the forced marriage sector.

Family violence prevention explanations which focus on the moment that consent is to be given or has the potential to be taken away obscures longer legacies of abuse and violence that Layla experienced throughout her childhood and adolescent years. It was not only Layla and her siblings’ capacity to consent to marriage that was violated, but also the sense that kin have ethical obligations to one another. The relationship between Layla and her mother remains corroded. She mentioned that she had spoken with her mother on the phone a few weeks back and was scolded. “She told me, ‘God cursed me with children like you.’…I don’t think its ever something I’ll forgive her for. My older sister spoke to her, and she has not changed her stance. She doesn’t feel in any way she has done anything wrong. She still firmly believes in this.” Layla’s sister also suffers from severe psychological problems as a result of the emotional abuse that preceded the forced marriage. Layla and her sisters had experienced neglect prior to the forced marriage through their father having left for 2 years during which they experienced emotional abuse at the hands of their mother:

I left because it reached the point where it was my turn to get married. There was massive pressure. I couldn’t even leave my bedroom without being yelled at, spat at, or having something thrown at me. There was constant verbal and emotional abuse, and physical abuse
– all because I was not cooperating with them. After I realized that, I couldn’t fight it anymore. They already had the groom, the dress, and everything else.

She [their mother] was very abusive but the marriage was the last straw. Well you ruined our childhood as well and you determined who we are going to be with. It was the biggest realization I’ve ever had that we are going to end up with these men. And our adulthood is gonna be crap. It was a big realization for that age—I got up and took my stuff and left. 15 years old. I’d fought for years. I’m the oldest one, and for years I’ve fought, one guy after the next. My mother tried everything. Even when they took me to Iraq, that was a trick, and if my dad hadn’t come back at the time, I would have definitely been married and never come back to Australia.

My dad got a lot of pressure from her, and he always buckled to her. I think it’s worth saying when we were really young, he was the abusive one, and my mother was the nurturing one, but this all changed when I turned 5. We were terrified of my dad coming home, ran to our rooms, and we were scared of him. I think something changed. I’m not sure—it was my mother, she had health complications or something. Then he became nurturing and nice and then she became psycho. It just completely changed. I think he couldn’t deal with her. I don’t know—he had a lot of pressure himself. Looking at it as an adult, I see a man who had a partner that he couldn’t deal with anymore. He had a relationship with another woman. We didn’t see him for 2 years, and then he broke it off with her… And then he came back to start the marriage again, and then parent us. And when he came back, he felt guilt for leaving, so he did everything and anything to please her [their mother]. So when he came back, my older sister turned 13 and for those 2 years my mom was not there for us and she was like ‘My husband left me.’ So we lived in a house on our own. So when he came back and she came back, she said ‘oh yeah I have kids, and I don’t wanna’ deal with them.’ I think during her absence, what started the whole thing, she was gone for close to 2 years, and we had to fend for ourselves, and we had my older sister who was talking to a boy in school, an Islamic school…She talked to a boy and when my mother came back, [she said], ‘Oh in my absence you girls have become whores, you girls have let loose a bit, and you need to be taught lessons.’ So she said ‘You’re getting married’ to the older one and my dad who was against it tried to say no and there was massive fights over it but because of the guilt, she held that against him [and said] ‘You left me for another lady,’ and he said ‘You didn’t even care about your daughters. I raised the girls. You’re worrying about the boys and finances?’ Even though there was a lot of cultural stuff [at play] there, there was a whole lot to do with that relationship.

Here, Layla’s attempt to stop the marriage was part of a multi-year struggle. The idea of her own prospective marriage rendered the future, even the capacity to imagine its horizon, as impossible. The hope that things could be different no longer sustained her. Layla sees her parents’ relationship to their children as shaped through their neglect toward each other, and as undergoing drastic transformations, as escape and return—as debts unpaid and obligations undertaken to pay those debts. As guilt, innocence, and who deserves to do the labor of childrearing, rather than as having always been abusive. Their mother then perceived her absence
in their lives as a gap in proper disciplining. These absences and reappearances of their parents and what the parents felt they had to do as a result of them produced a range of manipulative and coercive practices that certainly did not begin with the marriage and did not end there. Following this, Layla called the AFP to report that her mother attempted to orchestrate forced marriages for her sisters. For Layla reporting a forced marriage to the police was about using a channel to hold her parent accountable because other legal mechanisms could not because they had not done enough to be accused of neglect or abandonment. It was a way to capture their choices and hold them responsible. Thus, focusing on entry into marriage as the peak of coercive practices, fail to account for other moments either prior to or after that moment, in which coercion and abuse might be experienced more intensely and violently. In this case, coercion cannot be thought of as a linear spectrum with forced marriage lying at the very extreme end. Layla and her sisters were subject to emotional abuse before their forced marriages.

Up until her mother’s declaring that Layla too had to get married like her sisters, the marriages of her two younger sisters left her feeling uneasy but she had accepted it as a normal practice. However, when she saw that her sisters had been physically abused by their husbands, she realized it could also happen to her. Thus, this threshold was the culmination of multiple years of coercive practices undertaken by her mother and the absence of her father. Even Layla saw forced marriage as the entry point into a longer life of abuse and intimate partner violence—an indicator of the future yet to come—yet also an ongoing legacy of her mother’s already abusive disposition. Layla proceeded to run away from home, and showed up at a refuge a few years prior to the 2013 passage of the law and prior to forced marriage being seen as an actual category of violence. She reported her parents’ neglect and abuse of their children. Layla was then transferred to three different refuges, which proved to be less than ideal environments for
her rehabilitation, sincere there was drug use in the common area of the refuges. One refuge attempted to get Layla to speak with her family despite her pleading that she did not want to reconnect with her family:

I refused to give them details because they would send me back; they asked me my parents’ name, home address. I didn’t tell them that I didn’t want them to send me back. They wanted me to talk to my parents and work it out. Do you not understand, both my sisters are married with kids and they both are under 15—a stand-off for 2 hours. I didn’t want to give them details. Finally they decided to call a social worker and I had bruises and everything and I showed them. They still wanted to mediate with the families. I think if you’re a kid who doesn’t have that fight in you, more often than not, you’re in twice the amount of trouble for leaving them.

The idea of facilitating familial reconciliation was part of what happens when a cultural explanation is privileged over a nuanced understanding of what the victim has experienced. Layla continued that the police thought that due to her cultural background, they felt they could not get involved and that she should not be separated from her family. In 2017, I attended a Parliamentary Hearing led by MP Clare O’Neal, member of the Labour Party who was developing a platform around forced marriage prevention and improving intervention services. At the consultation session in which she invited members of CMY, the Australian Red Cross, Good Shepherd-Australia/New Zealand, and the Ethnic Council of Shepparton, to give their advice on what elements of the government response were working and which were failing. A community worker from the Ethnic Council of Shepparton, Ekrem, who was the only Muslim migrant community leader, told the MP that a key shift the government needed to make in its approach was to stop treating forced marriage as a cultural issue, as something people did in the name of preserving culturally authentic values around gender and marriage, or as a response to perceived cultural degradation or erosion. Ekrem noted that the sector refuses to hear members of migrant communities frame early marriage in particular as a human rights violation and as a failure of child protective services. There is an expectation “that I talk about culture, and
‘cultural sensitivity’ because of this [she pointed to her headscarf]. But when they hear that I’m talking about human rights, about child protection just needing to do its job, they suddenly get really upset.” She continued to emphasize how ineffective child protection was when it came to early marriage—specifically the many instances she knew of in which CP refused to get involved because they did not want to violate the terms of particular cultural systems. She noted,

Everyone needs to do their job well. There was a caseworker who came to us, a young boy was about to get married, and she asked us, ‘Am I handling this case right? And I’m like, ‘You need to not be here—you need to go and make sure that this young boy is not left in the dust!’ People are too concerned if the language they are using is right and sensitive, and they are crossing off everything and getting all the procedures right, rather than ensuring the wellbeing and safety of the victim, mainly the child.

Ekrem saw a clear distinction in the way advocates, caseworkers, and policymakers like MP O’Neale reacted to her feedback the moment she framed forced marriage as a violation of human rights rather than a symptom of a problematic religious and cultural tradition. Ekrem in general refused to subscribe to the idea that those who forced their children to marry had an accurate or thoughtful understanding of the Islamic religious and cultural tradition. The sector was looking for ideal victims and ideal community leaders who would privilege explanations centered on misguided attempts at religious and cultural preservation; and alongside that, community leaders who were actively working to revise these understandings of religion but to still frame forced marriage as a religious and cultural issue. Because Ekrem refused to frame the issue within any religio-cultural framework, a framework of vigilant multiculturalism, and used the framework of human rights that the law, international treaties, and other locally developed training material used, she was seen as a problematic figure among community leaders. Layla and Ekrem’s refusal to understand what they had experienced and witnessed as part of a dysfunctional culture resulted in both law enforcement and policymakers’ rejection or minimization of their stories.
A few years after her running away, Layla reported to the AFP that she and her sisters were subject to potential forced marriages, following the passage of the 2013 law. She said the AFP responded that they could not take on the case, because these marriages happened before the 2013 law was passed, which were rendered unprosecutable according to the law. The rejection of pre-2013 cases, combined with what Layla identified as a hyper-vigilant discourse around forced marriage, one that led Layla to believe that the forced marriage sector was in general not interested in actually facilitating the wellbeing of victims, but rather in promoting a particular narrative about Muslim migrants as simply invested in reproducing their cultural traditions, and as following a strict set of Islamic doctrine. In general, Layla had a very skeptical and critical outlook on how the system was working to prevent girls from going overseas.

Layla’s re-apprehension of her family's story was part of an ongoing endeavor on her part to reorient social service toward specific victims’ family circumstances rather than their cultural background and the narratives of violence they recruit. In order for her story to be legible to law enforcement upon running away, she needed to prove that certain familial dynamics were not intrinsic to her culture, and thus were a violation of her rights. In her more recent efforts to advocate for a less culture-centered focus on forced marriage, Layla felt that the script for intervention has already been set. She noted that a lot of journalists already know what they want to write, and have an agenda around forced marriage, so victims do not feel like they have control over what they say. When she was narrating her experience on a radio show, she was trying to make the point that the AFP had refused to investigate her case, which prompted the radio host, which was speaking on behalf of the government-funded SBS channel, to rebut that the government had indeed been comprehensively approaching all reported cases. The media’s lack of willingness to acknowledge the government’s failure to respond to reported cases
coupled with its cultural understanding of the problem produced a reading of support as either having happened or not and as measurable only through whether or not a case was taken, thus removing a systemic reading of it from the table. Here, Layla’s re-rendering of her narrative as both a victim of a potential forced marriage, but not in the ways the state sees victims, represents what Das calls “the emergence of voice in community with other voices [using] the category of experience not to create neat categories of well-bounded units—it suggests, rather, that the bridges between everyday life and the making of a political community call upon these intertwining stories” (2001, 12).

There was also a distinctly individualized way that Layla saw the violence she and her sister suffered as well as the lack of support from her community in its aftermath as distinct to her family dynamic rather than to families from Iraq or Saudi Arabia—it was a failure on the part of her immediate community and Australian social services:

My intuition is to say that it is hard to pinpoint one person who is responsible for what happened…I think it is systemic—it was a lot of people who contributed to what happened to me and my sisters. It was the community, the people at the weddings who didn’t stand up and say this is a child getting married, this is wrong. The police, the social service people…I blame the social service sector, the police, and the law. It was the whole community. Yes, it was my parents and my mom, but the whole thing could have been stopped if someone had stepped up and spoke out against it. It didn’t have to happen.

Layla continued that she saw forced marriage as a part of a process that was allowed to happen and that was systemic—a failure of multiple institutional systems. There was a failure of the Islamic religious community, the social service sector, and her particular family. And yet Layla still saw her parents’ choices and their aftermath as shaped by a systemic failure. While on paper Layla may have been seen as someone who cumulatively was at risk of a forced marriage, the role that different social and political institutions played in the minimal help she received was in fact not accounted for in the ‘cumulative risk’ model. In addition, she did not see her parents’ choices as overdetermined by their backgrounds. She saw them as transformable, subject to
change if the right person had stepped in. Here, Layla’s recounting of her mother and fathers’
decisions and simultaneous attempts to report her situation, is an example of what Mulla calls “a
reworking of kin relations as [victims] leverage the potential of institutional intervention against
the modalities of being related in everyday life” (Mulla 2015, 174). While Mulla is examining
the experiences of sexual assault victims, her analyses of victim disclosures is inspiring in that it
does not see their disclosures as simple alignments with the state, legitimizing it, or its attendant
discourses about victims, or the law, but rather as openings to regenerate something new: “an
opening for victims to renegotiate and realign loyalty, care, and intimacy by weighing the
interest of many relations within their social network…” (2015, 175). Eventually, Layla reunited
with her sisters and continues to have a speaking relationship with them. While calling the AFP
did not actually result in the provision of tangible services, Layla did feel that it marked a new
chapter for her and her sisters to renew their own relationship separate from their mother, but
Layla recalled that she had to make the decision to facilitate that separation and then reconnect
with her sisters. Institutions here are simply one “constituent” in the process of recreating kinship
relations. Layla’s decisions to call the police were not done to simply get her parents out of her
life, to express a disavowal of her cultural background or beliefs, or to express her allegiance to
the family violence prevention sector. Rather, it was a way to regenerate a new context or place
from which to rebuild her stifled relations with her sisters, and to recomprehend (if not reunite
with) her parents’ actions along new axes.

*Undoing the ‘Domestic’*

I first met Sofia through my friend Fereshta, who identified as Afghan Australian and had
also been grappling with whether or not she wanted to have a relationship with the Afghan
community in Australia. Fereshta and I had met up at a shopping center in Narre Warren, a
southeastern suburb of Melbourne where many Afghan migrants have resettled since the 1980s. As we sat down with our food, I told Sofia about my dissertation and my interest in understanding how young adults are navigating their families’ expectations about their intimate partner relationships in the wake of the forced marriage law. Sofia responded, “I probably have a lot to share about that.” Fereshta echoed her sentiment, noting, “Yeah, she has gone through a lot with her relationship.” Sofia mentioned briefly that her family back in Adelaide, South Australia, had only recently come to support her relationship with her husband. I was interested to know how her relationship with her family had changed since her relationship started, and how she experienced their disapproval. Did she experience this disapproval as abuse and emotional violence and along what lines did she make the choice to reconcile with her family—how was this reconciliation experienced as a choice? I reached out to Sofia soon thereafter and asked if she would be willing to share her experience with me.

We met in Narre Warren a few weeks later at a Chocolateria San Churro, a popular coffee and dessert spot. Sofia’s narration of her family’s reluctance to accept her relationship with AJ, her husband, began with her family’s escape from Afghanistan in the early 2000s. Sofia herself was born in Iran, her family having fled their home town of Herat, Afghanistan a few years prior due to both Taliban-led violence and the fallout of US military operations. Sofia’s mother died when she was a child, so her immediate family unit consisted of her father, older sister, and younger brother. Sofia and her family experienced routine discrimination in Iran which has a particularly fraught history with integrating Afghan refugees into its social landscape. The Hazara community in particular—which Sofia and her family identify as--has historically confronted systemic persecution in both Afghanistan by the dominant Pashtun majority and Iran by an anti-refugee government (Abraham and Busbridge 2014).
After having been granted asylum in Australia, Sofia’s family resettled in South Australia. Her father struggled to hold a job, forcing Sofia to begin working while attending university. Her family managed to build a tight-knit sense of community with other recently resettled Afghan migrants in Adelaide, and would spend the weekends attending parties or hosting friends at their house. Sofia said her life consisted of work, school, and family, and having a relationship was not a priority.

In the midst of working and holding down a job at Qantas Airlines catering, Sofia met AJ. They initially met through a friend at a night club and soon thereafter began a relationship over the course of six months. AJ came from a half-Bosnian, half-Filipino migrant family, which Sofia knew would not be looked upon well by her father. Sofia began to lie to her father that she had to start work early (her shift had already gone from 5am to 1pm) so that she could sneak in a meeting with AJ. She also began to include her friends in her clandestine plans, asking them to lie to her family about where she was. The constant lying to her father made her feel distressed and as though she was “living a double life,” one that was marked by always having to reorient oneself to the lies one had already told, what one kept as truth, and the lies that were yet to come. The domestic space transformed from a place of comfort and familiarity to a place of surveillance, alienation, and secrecy. Sofia reflected that she ‘had to be selfish,’ to pursue the relationship through lying and keeping secrets from her father and siblings. Sofia experienced lying as a choice she made in the wake of feeling controlled, but it was a choice she still considered a selfish one. It was a reluctant choice made under conditions of duress. The stress of living a dual life that relied on constant lying compelled Sofia to decide to move for good, and in the process give up her relationship with her family. As their relationship progressed, Sofia’s
father began to get suspicious that she was seeing someone, and he began to increasingly regulate her mobility in and out of the house:

[...] All of a sudden, things changed. I couldn’t go out at night—during the day I was either at work or uni, so there was no other choice [than to go out at night]. I think it was about a month or two that were really stressful and really hard for us. Then I just told him [AJ]—I said ‘Look, the only way for us is to leave [from] here.’ I was getting a lot of pressure from my brother. He was saying all these things because I think he had seen a photo of us somewhere on facebook or whatever. It was basically a lot of pressure and then I said, ‘AJ, look, the easiest thing for us to prove to them is to just pack up and leave.’ We decided to come down to Melbourne for a day, looked for a place. We didn’t have our jobs lined up or anything. We knew some people but not people we would rely on in that way or someone to stay with. And we were both kind of independent and we didn’t want to rely on people to have hope for something…I was having my uni exams. So, we decided as soon as my exams were over, we would go. And we didn’t tell anyone except for his really close friends—his circle—and just about 3 of my really close friends and one of them who was also an Afghan—she is like kind of our family friend. When we first came to Australia, our families were friends. So the whole time she had to pretend she didn’t know as well [that we left].

Sofia and AJ’s decision to leave Adelaide for Melbourne followed a whole period of feeling surveilled by her father and brother. The decision to relocate to Melbourne also caused a rift in her relationship with AJ. She felt withdrawn, and AJ would constantly apologize for “taking her away from her family.”

After living in Melbourne for about a year, Sofia began to enter into a depressive state. She had been communicating with her sister sporadically via email but otherwise, had not been in touch with her father or brother, and had no friends or sense of community in Melbourne. Meeting Fereshta and Shabnam (Fereshta’s friend) only a few months before I met Sofia had helped her feel reconnected to her past. After about a year, Sofia learned that her sister was pregnant and found it hard to come to terms with the possibility that she would not be a part of her niece’s life. AJ noticed that Sofia was becoming more withdrawn. He suggested that they set up a meeting with her father and tell him that they did want her family to be a part of their lives. Her father agreed to meet with them. The meeting, Sofia noted, was quite awkward. Her father was angry and refused to look at AJ. A few weeks after the meeting, AJ made the decision to
convert to Islam so that her father would accept their marital union as legitimate. AJ’s father’s side of the family had many members who were Muslim, so the ideas of Islam were already prevalent within AJ’s upbringing. Eventually, they traveled back to Adelaide a second time.

Sofia explained that her father’s disposition was already quite cold, and he did not seem any different from the previous time. Sofia told her father at the tense meeting that AJ had converted and that all they wanted to do was to have a good life and a sense of community. Sofia said that she and AJ had already done an Islamic wedding ceremony before they moved to Melbourne to live together. Getting an Islamic marriage ceremony was an important step in legitimizing their cohabitation. She expanded:

I said to him [AJ], ‘Look, I’m not very religious, but for me, it would make life easier and also I’ll be at peace if we do this because then actually, we will be allowed to live together.’ He was totally fine with it so we had that done. Also, because this was the first time we were going to meet him, I wanted the meeting to just be us, but he [her father] wanted to involve my uncles, a few other people as well. And so, after two long awkward meetings—or talks, not meetings, ’cuz they were just talking and we were just sitting there—I guess we all just needed the time to heal. So I guess after that, things just moved pretty quickly. We went a few times back and forth to Adelaide and we had another nikah and then it became official within our close circle. And um, yeah, ever since then, they [her family] love him [AJ]. They just gave him a chance. They got to know him for who he really is, and things changed really quickly. It does surprise me sometimes.

Sofia’s father’s acceptance yet simultaneous expectation that they conduct a second nikah was experienced as both pressure and a pathway toward familial reconciliation that was manageable for Sofia. I was surprised at how easily she mentioned the idea that families can reconstitute their relationships through the benefit of time. There are multiple forms of violence and manipulation happening in Sofia’s reconciliation with her father and AJ’s first meeting with him: Her father’s invitation of other extended family without Sofia’s consent; his demand that they get married by another sheikh; the refusal to recognize AJ’s conversion or to acknowledge the past modes of duress which led Sofia and AJ to flee Adelaide. Yet Sofia does not necessarily see it as either simply violence or as simply care and acceptance. She has reconciled with the limits of her
father’s capacity to recognize their relationship and chooses to engage in a relationship with her father whose parameters she has not set, yet she sees as reasonable enough for her to and AJ to live with. It is in some ways, a reconciliation with violence (in this case various iterations of emotional violence that are deeply gendered, as ongoing and inevitable). Yet, even though her father recognizes AJ as part of Sofia’s life, the shift that Sofia noticed in her father and family’s attitude toward AJ was not a complete reversal of their approach to their relationship:

I mean he’s still very—I get that feeling where he is not ever going to be 100 percent with us. Like, you know, I still get that feeling where he is still a little bit…but that’s just my dad…At first I used to think it’s his English—like the barrier between us to be able to talk and now I know he speaks English. But when I’m there he’s not really appreciating the fact that I’m there or making any effort. And I say to him he doesn’t even make an effort with me, and I’m his daughter so [I tell myself] don’t get upset over it. And I feel like, even if we have kids one day, he will still have that sense of hate for me not following what he wanted.

Sofia went on to talk about how her father openly praises her older sister because she married a man from Afghanistan, even though her sister’s relationship has been quite unstable. However, it remains more morally sound in the eyes of her father. Sofia said that she continues to experience stress in terms of missing her family and her brother because he has also been going through difficult times as he enters adulthood. Underlying the reconstitution of Sofia and her father’s relationship is the recognition that certain things cannot be talked about, referenced, or made issues of. It is a coming to terms with the fact that as a daughter and kin member, one could be refused, rejected, loved, and cared for at the same time. While Sofia herself never framed her experience using the words ‘abuse’, ‘emotional violence’ or ‘family violence,’ the criteria for being subjected to family violence could easily be applied to Sofia, specifically that she has been the victim of manipulation, coercion into leaving the home, and undue duress in her marriage choices. While this may be true, it is also true that Sofia was not simply exiting a violent home in order to escape to a place that was free from its own challenges around solitude and forms of duress. Nor upon deciding to reconcile with her father and doing a marriage on his terms, was
she simply returning to a situation of violence or oppression. Rather, Sofia’s decisions need to be understood as a return to both unequal power dynamics while still reclaiming a space where her relationship and agency over her future could thrive without the fear of being monitored, and new pathways for familial intimacy with her sister could be generated.

Reconciling with her father does not mean the creation of a relationship that is free from lies. Sofia discussed how the experience of living a ‘double life’ has not subsided even in the wake of her family’s approval of her marriage and their continued role in her and AJ’s life:

I still think like that. I still feel like sometimes I have this—it’s funny, AJ calls it a ‘double life.’ I still think that in front of my family I have to be a certain way. I have to be saying certain things—like I can’t be myself. When they are not around me…it’s easier because I don’t have that restriction of ‘okay I can’t say this, I can’t say that.’ I sometimes wear shorts or little things like that if I’m on holiday. It’s just little things and it’s so funny because I still think that, you know, I feel like I’m stuck in this two-way street or whatever.

Reconstituting her relationship with her family produced a set of new challenges for Sofia—namely the need to perform modesty and to put restrictions on her speech in the presence of her family. Despite her being open about the existence of her relationship with AJ and his background, this did not translate into feeling that she could be open to her family about other facets of her life. The home and the domestic became a site of renewed possibility but also a site of new forms of surveillance and control. The home becomes a space where Sofia becomes a different type of moral subject within a reconstituted familial dynamic. While family violence education would have us believe that reconciliation with one’s family or a family member’s recognition of one’s relationship choices correlates with a violence-free situation or at least a space where duress is absent, this is not the case here. Sofia is still living in a situation of duress and coercion, and her escape did not mark the beginning of it nor did her father’s acceptance of her relationship mark the end of it. And yet, it is important to underscore that Sofia does not see her family as encompassed or dictated by her father. There are other kin members who show her
support and encouragement, both in Australia and Iran which have given her renewed hope that there is a place for them in their lives:

It’s funny because the older you get—this is what happened with me—like when I first faced my family. I just think my family is my family at the end of the day. They are just going to push their opinions on to me and not let me live my life, and I don’t know, I kind of just lost the importance of them being in my life. I was just like, if they’re gonna’ be this way, I’m just gonna’ live my own life. But now when we go back, I’m so happy. I have them back in my life again. I do appreciate it, I do love it, and you realize at the end of the day your family is always your family. I guess they do look out for you, but not always in a good way…Like when we had the second nikah, the one my dad wanted, he had this guy flown over from Sydney [the sheikh], and to be honest he was really openminded and he was really young. And the whole time he was talking to AJ and applauding him for doing this [converting] and he was like, ‘I’m so proud of you. This is not easy to get into an Afghan family, and you are doing it which is great.’ He pretty much in front of everyone said I hope the rest of our people will learn from this couple and try to bring more people in the right direction. It sounded a bit like preaching. But the fact that he understood the whole thing—my dad had all these other sheikhs and members of the community there and they were giving AJ these looks. It was something really new for them all. It had never really happened before [in our community]. I guess because every time that a guy married a non-Afghan girl, straight away, the girl converted. It never happened where a guy was different [non-Afghan and non-Muslim] and it was funny how that particular sheikh was so openminded and so nice about the whole thing and nice to us both, whereas the rest of them were just these so-called holy people that were not so holy.

We could easily read this rendering of the nikah and religious leadership’s role in it as a gendered patriarchal form of spiritual and emotional oppression—the imposition of a hegemonic, Afghan-centric understanding of marriage and Islam by religious leadership who are using people’s ethnic backgrounds and gender as an impediment to their happiness. This is one way to read Sofia’s comments. However, by putting her comments in context with her precarious relationship with her father and siblings, the sheikh’s praise of AJ’s conversion and his ready acceptance of an inter-cultural marriage marked a moment of hope for Sofia—that the Afghan Australian community in SA could be persuaded to see intercultural marriage as not unholy, but in fact very much in line with religious doctrine, and a way of potentially addressing the hypocrisy of Islamic religious leadership’s moral judgments. Sofia recognizes that the need for any religious authority to legitimate their marriage through pointing to the conversion itself as
the ethical ground for this marriage is not just or particularly fair. At the same time, she saw religious leadership’s recognition as a condition for her and AJ’s acceptance into the Afghan Australian community in Adelaide, and the sense of community that acceptance means. The legitimizing of their marriage in the eyes of her father and his social network also allowed Sofia to feel like she herself could begin to visit her extended family in Iran and bring AJ with her.

After I left the field, Sofia and AJ welcomed a child, whom they excitedly introduced to her immediate family in SA and to her extended family in Iran. Here, the return to the domestic was an entry point into the reconstitution of familial relations, getting to know her extended family in ways that she did not before. It also resulted in what Sofia described as a strengthening of her relationship with her sister as well as her relationship with AJ. It is the case, of course, that the domestic has rarely been defined as simply that which occurs within the home. Das et al describe how the domestic exceeds the house and the material possessions through which social relations are created (2008, 351). Rather, the domestic is also a particular ideology that sometimes can connect people to the nation (Berlant 1991), and historically specific understandings of sentimentality that are themselves the products of global circulations of artifacts, stories, and other ideas. Sentimental domesticity, comes to organize how kinship relations and domesticity become so intertwined among those who are experiencing multiple regimes of governance. Sentimental domesticity constitutes “forms of doing that connect possibility with actuality, the subjunctive with the indicative, [and] are enacted over [multiple] spaces…The domestic combines intimacy and alienation, proximity and distance as modes of caring, loving, and grieving come into being or are brought into being” (352). It is this relationship to the domestic as both a physical space and as an ideology that now undergirds Sofia’s relationship with her father and her family.
Sofia’s reconstitution of her relationship with her father is also a reconstitution of her relationship with the domestic space of the home. To understand this reconstitution, we have to reapprehend the significance of leaving and returning to the domestic—reapprehensions not currently accounted for understandings of family violence. A return to the home does not neatly fit within mainstream family violence discourse which equate the moment when women and children initially leave the home to escape from the perpetrator, as the first step in avoiding imminent violence. This discourse also sees escape from the home as a decision to definitively end a familial relationship or begin to end a particular pattern of familial emotional abuse.

Separation from the home and from the perpetrator(s) of violence is an expectation rooted within long-held ideas about property and men’s entitlement to the home as their property (Murray 2007, McFerran 2003). In addition, in the 20th century, according to Suellen Murray, Australian social welfare policies framed domestic violence as ‘marital conflict,’ and thus privileged the harmony of the family and the marriage as paramount. The responsibility to keep this harmony usually fell on women rather than men (Murray 2007, 67). The act of leaving itself, whether it is an intimate partner relationship or a family arrangement, indicates the breakdown of the relationship despite the fact that sometimes victims have made peace with those relationships ending (2007, 67). In Sofia’s case, the decision to leave was not a decision to end her relationship with her father, nor did it indicate the cessation of other forms of implicit violence by her father and others in the community, including religious leadership.

In Sofia’s case, we also see a reconstitution of the lines along which kinship relations are structured themselves. The control over one’s marriage choices is no longer something upon which kinship relations can be based. However, how one proceeds with that marriage, and how Sofia and AJ comport themselves in front of her father and with her siblings is a new basis for
kinship to sustain itself. In Sofia’s case, we also see a reconstitution of the lines along which kinship relations are structured themselves. The control over one’s marriage choices is no longer something upon which kinship relations can be based. However, how one proceeds with that marriage, and how Sofia and AJ comport themselves in front of her father and with her siblings is a new basis for kinship to sustain itself (Wool 2015). Kinship relations are reconstructed not on residential propinquity, nor on conjugal ties in a nuclear configuration (Yanagisako 2000). Rather they are reconstructed through the belief that genealogical ties and the affective obligations associated with them are important, so much so that it is no longer important for the preservation of the domestic.

The regeneration of one’s world can be considered what Veena Das calls the remaking of a world or the everyday: “Finding one’s voice in the making of one’s history, the remaking of a world…is also a matter of being able to recontextualize the narratives of devastation and generate new contexts through which everyday life may become possible” (2001, 6).

Conclusion

Layla and Sofia’s experiences with family violence, and how they rechanneled the fallout of those experiences are on some level intuitively unsatisfying. They are not stories in which leaving situations of violence result in lives that are free from other types of violence, both intimate or structural. We might read Layla and Sofia’s accountings of their experiences of familial violence, abuse, coercion, duress, and manipulation as re-apprehensions of state family violence prevention discourses. These re-apprehensions are not in every case specifically geared toward changing family violence prevention policies or discourse. Neither of these re-apprehensions are designed to reform, or improve the dynamics within each of their families. In each case, my interlocutors have come to terms with the state of their familial relations. They
illustrate alternative ways of thinking about the nature of the domestic space, how family relations transform over time, and the underlying principles behind culturally appropriate intervention, ways which are not captured by current public health frameworks.

Layla’s narrative illustrates that who kin members are change over time, and in relation to changing migration circumstances. The enactment of coercion by a family member is not therefore an isolated event, and cannot be understood as simply part of a cultural pathos of gender-based violence, as law enforcement and social services conceptualized it in relation to Layla. Family violence has unclear beginnings and ends. For Layla, forced marriage was a distinctly non-cultural issue, but part of an ongoing legacy of violence that she and her sisters suffered at the hands of both of their parents. It was one of many constellations of choices that her parents, community members and the state made that reconfigured the possibilities for Layla and her sisters. Various people and institutions were held accountable in Layla’s reapprehension. This reapprehension is not captured by the family violence prevention framework even in its definitions of cumulative risk, culture, and consent. Consent as a family violence prevention issue relies on a particular temporal narrative where the moment of consent is deemed adequate and the violence otherwise--structural and intimate are rendered irrelevant if it is simply the moment of consent that is privileged. In this case, those violences that were rendered irrelevant in place of a misguided idea of culture were Layla’s mother’s experience in detention, her father’s abandonment and her mother’s subsequent abandonment, and law enforcement’s inability to see her experience as one of family violence.

What is the line between coercion and consent? In Sofia’s case, it becomes unclear when her fathers’ desires end and hers begin. Her story shows that a world in which her father and her siblings are not present is not an imaginable one, even if his presence remains a coercive one,
and even a violent one. Sofia’s story questions the idea that desire is locatable in one body and that the domestic is necessarily the space where agency becomes compromised and erased. In Sofia’s case, the domestic gets transformed through her leaving and her return. It gets reconfigured along with her relations with her father as a place where certain negotiations can be made about the nature of Sofia’s marriage. Sofia’s narration counts as a questioning of public health narratives of the domestic as the site of oppression and one that if left, results in non-coerced subjectivity.

These reapprehensions then are reframings of the past and the future—ways that reject the temporal horizons of family violence prevention discourse. They also question the binaries of perpetrator and victim, rights and culture, agency and structure. These are narratives that in fact show how the subject gets reconstituted, and how her social world comes to be done and undone multiple times over. The subject here is being constituted and reconstituted in relation to other constituted and reconstituted subjects (Throop 2010), a dynamic not captured by the ecological model. These narrations are not invested in a carceral, punitive, or juridical logic. They are rather interested in understanding the violence done to them as themselves choices that were structured by inter-generational violence, displacement, and systemic failures. My interlocutors see the choices their parents made as wrong, as having had the potential to be different choices indeed—in that sense they are not seen as inevitable. Rather, Layla and Sofia see the choices their family members made as structured by different conditions of possibility.

There is implicit in their narratives, then, a call to stop recognition based on static notions of family, culture, and the domestic. Within their stories, there is little investment in wanting to be recognized as part of communities who are simply violent, risk-prone, and susceptible to more harm because of their ethnic identities. Rather, both violent and caring intimate relations are part
of the foundations of all of these experiences—lived experience within a larger historical and political context, and lived experience as a contingent historical possibility. For Foucault, the subject is “the person who has inherited a system of power that both creates our possibilities and constrains our existence” (Heyes 2010). To get closer to the violence, to revisit Lori’s phrase, then, is also a matter of uncovering the multiple subjectivities within intimate affective entanglements, that are historically and structurally located.
In choosing to conduct research around themes that have long occupied the concerns of cultural anthropology—violence, multiculturalism, migration, and liberalism—I began with the premise that while much has been said about how interventions based in care and concern efface the identities of those they seek to help and inadvertently commit violence, less has been said about what happens when those interventions attempt to understand those identities in a nuanced way. This understanding moves well beyond a politics of recognition—prevention in Australian social welfare today is supposed to be premised on a more nuanced understanding of the individual’s subjectivity (their social environment and kinship relations). However, this politics of a more thoughtful and nuanced recognition becomes weighed down by the demands of institutional logics of humanitarian reason and liberal social forms around childhood and good citizenship; event-based narratives of criminality; and culturally competent family violence prevention’s ideas of what constitute kinship relations and what should happen to them in the aftermath of violence.

Through analyzing the moral dilemmas and epistemic anxieties of forced marriage prevention practitioners, and those who have been affected by their institutional logics, I attempted to ethnographically reveal the systemic dynamics that expects such practitioners to make impossible determinations, assessments, and decisions about the lives of the people they are tasked with helping. That is not to say that this system is over-determining and is one to which practitioners uncritically relinquish all agency. Rather, practitioners attempt to resist, refuse, and reimagine the typologies of the potential victims whom they are asked to preemptively identify including those with whom they have had minimal contact but whom they are tasked with helping. But in some cases, the alternative paradigms they use to ‘better understand’
the demographics they are tasked with helping still produce them as ‘figures’, who function as representations of a higher order truth about forced marriage, thereby solidifying its prevalence and existence as a social fact, rather than as people who are experiencing the complexities of kin, resettlement, and making and remaking community everyday.

By centering the perspective of practitioners, the dissertation can be read as an ethnographically-grounded critique of the illusory promise of cultural competency as a guiding framework for social service projects. As cultural competency rapidly gains traction throughout biomedicine and social service spaces as a go-to strategy to rehumanize and better understand the social worlds of the vulnerable and the suffering, it runs the risk of reproducing the demand for standardized stories, scripts, and figures. In this case, cultural sensitivity and competence has ironically and unintentionally become a universalizing project.

The idea that there is no clear cut victory, no linear trajectory to safety, security, or even complete regeneration of the subject’s lifeworld, is apt for understanding the ways in which family relations get reframed among my interlocutors in chapter six. Veena Das writes:

[…] At the level of the ordinary, the everyday social realities, state of rebuilding and accommodation are as complex as are the networks of individual lives of victims, perpetrators, victim-perpetrators, internal resisters, and critics and witnesses. There usually is no clear-cut victory, no definitive crossing over to safety and renewal. But if that sounds too bleak a conclusion, think of it the other way around: there usually is no complete defeat, no ultimate breakdown and dissolution. (Das 2001, 24).

By examining the perspectives of young adult women who experienced the push and pull of familial expectations, I also recount how the aftermath of violence does not always get framed through the binary of coercion and consent. My interlocutors show that kinship relations become redefined, thereby reimagining the domestic not as a space of coercive social pressures, but as a space where new negotiations are had around the obligations of kinship. These stories resist dominant narratives in culturally specific family violence around what counts as the moment of
violence; and how through a close reading of kinship histories, an experience of coercion can make way for an experience of renewed hope, sometimes alongside those very same family members, and sometimes without them.

**Cultural Competency in a Multicultural State**

The prioritization of culturally specific services for migrant women and families in forced marriage prevention, not only meant providing bilingual services or understanding the way cultural beliefs apprehend the law. Rather, it meant an acceptance that there were certain types of power dynamics within families that were unique to particular migrant groups, which required specific types of epistemic tools. However, culturally sensitive prevention was also meant to prevent and eventually eliminate forms of social deviance like forced marriage for the purposes of assimilation and social cohesion, and thus was a universalizing project as it attempted to better understand and apprehend difference. The role of cultural difference in social welfare – as both mattering and not—reveals Australia’s ongoing discomfort with multiculturalism, one that currently naturalizes social differences and is concerned with them insofar as they are obstacles to social cohesion.

In today’s Australia, discussions of cultural diversity have often coincided with discussions of what scholars, multicultural workers, and policy analysts call ‘social cohesion.’ While the term itself is not new, its mobilization as a framework for governance and as a philosophy of community stability is fairly recent. Social cohesion has become a key principle in Australian policy discourse. Gillian Triggs, President of the Australian Human Rights Commission, in a speech to New South Wales’ Parliament House in 2014, defined social cohesion as the following:

- Belonging: Shared values, identification with Australia, trust.
- Social justice and equity: Evaluation of national policies.
• Participation: Voluntary work, political and cooperative involvement.
• Acceptance and rejection, legitimacy: Experience of discrimination, attitudes towards minorities and newcomers.
• Worth: Life satisfaction and happiness, future expectations.

The term social cohesion has gained traction across liberals and conservatives because of its fairly straightforward idea that living together means being subject to the same rights and responsibilities. What makes social cohesion distinct from multiculturalism, is that it explicitly states that social difference must adhere to common Australian paradigms. Triggs continues that what makes Australia lack in social cohesion is minority groups’ vocalization that they do not identify with the ‘Australian way of life.’ It is through the lens of social cohesion that family violence prevention is increasingly approaching the provision of culturally sensitive services and its limits.

Social cohesion, itself, as a telos of cultural sensitivity in social welfare, is also an illusory project. While in broad terms social cohesion is framed as an end point, a harmonious society that lives together with their differences under an umbrella of shared values, responsibilities, and rights, the idea that these values are currently being enacted in Australia are the subject of ongoing representational work. Part of that representational work is done through the representation of migrants as practicing values that are antithetical to the ultimate goal of social cohesion. Social cohesion as a values-driven discourse is a centripetal point of forced marriage prevention, and is one example of how the Australian nation-state is an ongoing project in cultivating sociality. The logic of difference at play in cultural competency frameworks both reifies white Anglo Australian liberal social and legal forms, but also reifies Muslim migrants as inhabiting an ontologically different reality. Cultural competency, then, becomes an epistemic tool that practitioners are required to mobilize in order to understand familial dynamics as a configuration of signs and indicators that the fundamental national imaginaries that are required
for social cohesion are under assault. Cultural competency is a way of identifying what I have called the sentinel figure, which connotes a subject position that stands as set of indicators and flash points for larger concerns around citizenship and morality.

**Humanitarian Reason and Pre-emption: An Unexpected Coexistence**

By looking at forced marriage prevention policy as in-the-making, I illustrate how a social policy operates at both a preventive and pre-emptive level. What became clear after each VFMN meeting was that the extent of the problem of forced marriage was always up for debate. There was no consensus among caseworkers, advocates, federal police, or migrant community workers, on its frequency, if it was concentrated in particular suburbs, or there was a distinct pattern of coercion and pressure associated with it. Yet practitioners and advocates had to implement and create frameworks for preventing a problem whose contours were emergent, and educating migrant communities about it. While on the one hand, forced marriage was labeled a national crisis whose victims tended to be Muslim Australian female citizens between the ages of 16 and 18, it was also consistently spoken about as a ‘hidden problem.’ Here, a crisis was prevalent yet unknown, frequent yet hard to identify. And yet, in several instances who the victim of this crisis was seemed so clear to practitioners and to policymakers, while in other instances, who victims were remained murky and ambiguous, and in fact the object of moral dilemmas as shown in chapters four and five. A key object of study in this analysis was humanitarian reason, which is based on the mobilization of moral sentiment to intervene in the life of a suffering subject. I show that it gets reinscribed within a pre-emptive logic that does not know the extent or nature of the purported suffering in which it seeks to intervene. I suggest that humanitarian reason is concerned with threats to the polity via the suffering subject. In being concerned with this threat, humanitarian reason becomes a pre-emptive form of intervention
rather than retroactive one. In Australia’s governance of migrant populations, humanitarian reason and pre-emptive practices are close allies in social welfare. They represent two approaches toward migrant welfare that extend the Australian state’s identity as a benevolent one, while also continuing its policing of socially deviant behavior. A question that emerges from this and that is not resolved here includes, is there a quality distinct to parabiopolitical projects that are inherently linked to an existential crisis of the nation-state, and which therefore require humanitarian reason as a way to convey urgency?

**Family Violence Prevention and the Legacies of Settler Colonialism**

The state’s concern with migrant family relations is certainly not new. Which types of kin relations become objects of state knowledge has been the subject of much anthropological and historical scholarship. As I showed in chapter 2, the state’s preoccupation with migrant marriage practices is part of a longer genealogy of its preoccupation with maintaining a white nation through laws banning miscegenation and representing and surveilling the Indigenous body as a contaminated one. Muslim migrants are not seen as threats in the ways that Indigenous communities are. Migrants represent a threat that makes the fragility of the nation’s borders and its ‘vulnerability’ as an island nation more enunciated. This is distinct to how Indigenous communities have been represented as threats to White Anglo European ways of life. While both have been racialized and depicted as social groups who inhabit positions that are antithetical to ‘civilization,’ and by extension White European identity, Muslim migrants’ ways of life are made knowable and rendered threatening through the lens of how family relations produce particular forms of gender-based, and hyper-patriarchal forms of violence that are seen to be increasingly institutionalized through Islamic religious institutions in the name of
multiculturalism. This is demonstrated by the Government’s recent inquiry on religious freedom in response to perceived expansions of Islamic religious institutions in Australia.

In this context, the preoccupation with marriage takes up the migrant subject in racially and gendered ways. The Muslim female citizen is a subject whom the state sees as a sacred one, precarious in that she has been granted the fragile gift of citizenship. Her consent into marriage is not only preserved for her own wellbeing, but to preserve the very idea of Australia as granting the children of immigrants the benefits of citizenship. It is through consent in marriage that a particular constellation of victims and perpetrators emerge—the Australian-born citizen Muslim adolescent who was lucky enough to get citizenship here, the recently resettled refugee parents who are too preoccupied with preserving cultural identity and whose insecurity in Australia gets imposed on their children; and the extended family members overseas and in Australia who put pressure on the child’s parents in the name of social and cultural norms. Marriage as it is taken up by the forced marriage prevention apparatus is the site where transnational kin relations and the social pressures built within them, threaten the Australian state’s conception of sovereignty.

Family violence prevention is to some extent part of an ongoing apparatus of settler colonial ideals of private and public, and of the state and the home. I argue here that settler colonial ideas of futurity, of heteronormative couplehood, and of public and private operate in family violence prevention which is now inextricably bound up with concerns over the governable migrant. The forced marriage prevention apparatus not only constitutes Muslim Australian girls as suffering subjects, but as a cluster of subjects that signal the devolution of white Australian values in a landscape where migration is understood through the lens of Islam and insecurity.

*Sovereignty and the Liberal Subject*
If family violence in migrant communities represents a threat to Australian values, then what constitutes the ideal that the state believes is being threatened? Who the ideal liberal free subject is, who is not coerced by her family, is not clear in policy discourse, but the ideals it represents are. Where there is no set model for which form of personhood constitutes the ideal, there are abstract ideals of personhood that are implicitly idealized through emphasizing how victims and perpetrators of prevention represent what it these ideals should not look like. Here, representation is paramount, and aspiring citizenries are not seen as threats to the integrity of the border, but are threats to the integrity of the values that the state sees as lying behind the border and the distinctions between itself and other societies that the border makes apparent. For practitioners, the priority is not preserving a particular ideal of sovereignty, or in actually undertaking rescue missions of victims. Rather, what becomes important is how to represent the intimate pressures of family, and how to make them more knowable according to scripts and narratives that are being created in real time. This becomes the central focus. For policymakers, family violence prevention when it comes to migrant communities converts into a question of Australia’s sovereignty, which is symbolized not only by maintaining the ‘integrity’ of its border, but by the Muslim citizen adolescent female who carries the potential for victimhood or the potential to relinquish the benefits of freedom citizenship affords (Thi-Nguyen 2012). According to Mimi Thi- Nguyen, citizenship is often presented as a debt that refugees need to continue to pay through inhabiting a subjectivity of resilience, gratitude, and complying with other technologies of assimilation.

Creating New Categories of Violence

The Australian case is one of many contexts in which the creation of new laws criminalizing migrant behavior correlates with increased rates of migration, especially in in
Scandinavia and Western Europe, via maritime routes. While those migrant families who are being targeted by the law are not the same asylum seekers who have attempted to reach Australia via boat, often the two are conflated in policy debates and legislative debates. As a result, forced marriage is seen as a symptom of recent migration, and also, therefore, has effects on the way that both first-generation resettled families and asylum seekers awaiting permanent residence, are perceived in society. As some have analyzed, the creation of such criminal laws, represents a kind of ‘legislative activism’ on the part of the government (need to find source of this), a kind of safeguard that sends a message to families currently living in Australia and those who are seeking to build a life in the nation-state. As Jaffe-Walter notes, nationalism expresses itself not only in more restrictive immigration policies and integration laws, but also in ‘quieter’ and ‘softer ways,’ in what she calls ‘a banal nationalism,’ reflected in everyday practices in state run institutions like schools (Jaffe-Walter 2016, 33), that determine who is and is not a part of the Australian community. Here, I would like to return to the title of the dissertation, specifically the first part, “Configuring Violence.” The chapters attempt to chart out how violence is not simply an invention, produced through figments of people’s imaginations, but rather how it gets produced through an existing repertoire of racialized, gendered, legal, and political paradigms of personhood. Thus, when I say ‘configuring violence,’ I refer to the act of designing new schemas for understanding violence through creating causal relationships between the intimate dependencies of one’s everyday life, and dominant liberal paradigms of agency, consent, structure, and coercion.

**Beyond a Politics of Difference**

Political philosopher Wendy Brown (1995) argues that a politics of difference cannot exceed the conditions of a group’s oppression, the conditions that produced what counts as
different. She notes that the mobilization of politicized identities actually “reenact even as they redistribute the injuries of marginalization and subordination. Liberal multiculturalism is, in a sense, an oxymoron because the universalism of liberalism can only recognize difference through ‘an economy of inclusion and exclusion’ ” (1995, 70). As Brown and Povinelli have both pointed out, the language of recognition can become antithetical to freedom, even as it attempts to achieve liberation (1995, 66, 2002). Recognition demands that people speak from the place of culture, that culture is the place from which individual voice should be recovered (Das 2012). This dissertation has sought to extend this point by showing how even a politics of difference that moves beyond the demand to perform and express difference as a condition of access to rights and resources, a politics that situates the individual within her intimate social relations, can remain far removed from a politics of liberation.
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