

Divorce at the woman's initiative in Pakistan and in the diasporas

Livia Holden, Dean of Humanities and Social Sciences, Karakoram International University, Gilgit, Pakistan

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This paper explores and analyses Muslim practices of khul divorce in Pakistan and its impact in the diasporas. On the basis of more than one hundred cases observed in court and published precedents the author will trace the multiple interpretative frames of current socio-legal narratives to throw light on their implication vis-à-vis legal outcomes. The author will also draw from her own experience as expert in court for legal proceedings related to migration and asylum in which khul divorce is discussed. The central question of this paper is how divorce at the woman's initiative is dealt with and what are the successful arguments in law courts? This paper describes the interplay between custom and positive law as ways through which social actors make sense of power and governance very often creatively developing arguments following the different fora of litigation in South Asia and in the diasporas. Through a multidisciplinary inquiry combining legal pluralism, feminist methods and collaborative approaches, this paper highlights the necessity of understanding in a concerted construction of knowledge with social actors, the instances contradicting, even if not in an open conflict, the mainstream discourses on the men's exclusive initiative of Muslim divorce. This paper also draws on the changes of the public discourse about divorce at the woman's initiative over the last two decades to conclude with considerations about the unexpected outcomes of advocacy and human rights instances.