

AIPS Short-Term Research Grant Final Report

Project Title: *Da katchero chakaray*: Litigating divorce in Pakistan

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Dates for Project: June, 2022-August, 2022

Location: Islamabad and Peshawar, Pakistan

1. Significance to Pakistan Studies

My ethnographic research aims to contribute to conversations on the materialization of the state in Pakistan, particularly as it is mediated through temporal, material, and emotional negotiations carried out in the space of the court: in its hallways, bar rooms, and courtrooms. By focusing particularly on *khula* litigation in the family courts in Peshawar and Islamabad, I aim to study how these sites witness and influence the making and unmaking of gender, kinship, and citizenship. My work in Peshawar specifically allows me insight into how 'Pashtun' values are negotiated in a court space that is, at least theoretically, a-cultural. *Khula* draws into play state-level investments in kinship, individual desires and strategies, local discourses on shame and honour, as well as a court space governed by its own logics and rules. These spaces are therefore ethnographically rich sites for the study of how several scales of actors—state, law, 'culture', litigants—encounter each other.

2. Key Outcomes and Deliverables

Key Outcomes:

During my summer 2022 fieldwork in the Peshawar and Islamabad family courts I made contact with a number of lawyers, judges, and litigants. I conducted extended interviews with the following interlocutors: three women litigating cases with assorted claims for *khula*, custody, and return of dowry articles; five lawyers, including the lawyers concerned in the cases above, as well as the female vice president of the Peshawar Bar Association; and two judges assigned to the Peshawar family courts. I also acquired access to the documents being relied on each case. In keeping with the immersive participant observation required of ethnographic research, I predominantly spent my time in the family courts themselves, waiting alongside my interlocutors for their case to be called, or the female waiting rooms adjacent to the courtrooms in Peshawar, where a majority of female litigants spent hours everyday in the summer heat, awaiting their hearings.

Two of the interviews conducted this summer are integral to how my PhD proposal is shaping up, pushing me to account for litigants' own interpretations of what constitutes "*insaaf*" (justice) and *haq* (right) before the law. In fact, one of my interlocutors explicitly phrased this *haq* before the law as a stand-in or substitute for the strength otherwise guaranteed by 'family': "I may not have any strength in family", she emphasized, "my brothers are young and my father is old, so I cannot fight. But I am in court because here they *have* to hear me. I told everyone: I am going to court so I can get my right".

My research now asks: what is the nature of this ‘right’ that a Pashtun woman expects the courts to enforce? What is the ‘strength’ exemplified in this space that is meant to substitute for the youth of brothers and the frailty of fathers? How does this perception of her ‘right’, and the claims possible through it, change as she navigates the travails of a *khula* suit in the family courts in Peshawar?

Deliverables:

1. As a consequence of my research, as mentioned above, I am now reworking my PhD proposal to better account for the questions brought up by my interlocutors. I have also shaped my comprehensive exams accordingly.
2. These interviews, and notes from my participant observation in the family courts, provide an integral foundation for the PhD fieldwork I intend on conducting next year.
3. I intend to write a long-form article for a Pakistani magazine based on some of my observations on preliminary fieldwork.