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*Da katchero chakaray*: Litigating divorce in Pakistan

In my research I look at female-initiated divorce (*kbhula*) cases litigated in the family courts in Islamabad and Peshawar. The development of divorce laws in Pakistan are a result of frequently contentious parliamentary legislation, creative judicial law-making through precedent, all in conversation with colonial era codification of customary laws. Thus, divorce draws into itself concerns of postcolonial citizenship, in particular, anxieties about cultural authenticity and maintaining religious orthodoxy, as well as state-level investments in sexuality and sexual politics. With an ethnographic focus on how divorce litigation plays out, I mean to pay attention to how normative Pashtun expectations of gendered *sab'r* (patience) and *sharam* (modesty) shape women's experiences in court, where interactions with the law can be interminably drawn out and lengthy, unpredictably timed, and frequently bewildering. An ethnographic method aids me in centring court process rather than outcomes, opening up avenues to explore how affective and embodied experiences in legal spaces produce political subjectivity, and in particular, how shame and exhaustion are weaponized in court.

My PhD project builds upon fieldwork in the family courts in Peshawar conducted during my MPhil degree. With my doctoral research I intend to further expand on the conceptions of justice, citizenship, and the state at play during filings for *kbhula*. My previous work in these courts illustrates that female litigants file for divorce despite social disapprobation, accusations of the deliberate dishonouring of themselves and their husbands, and financial constraints. Through divorce litigation, actors draw in the state to what is constructed as the private. What are the cultural frameworks within which such a decision becomes possible? What are the kinds of 'consciousness of the law' that draws a person to court for help?<sup>1</sup> What are the processes of 'self-making and being made' at play in the interaction of litigants, state intermediaries and legal structures?<sup>2</sup>

In thinking through these questions, I intend to resist the portrayal of Pashtunwali and liberal democracy as incommensurable normative systems, and instead approach female litigants seeking divorce in the family courts as enacting a social, spatial, and political form of manoeuvre that forces an interrogation of easy binaries. By exploring litigants' sense of their rights and the travails of the divorce process, I aim to foreground questions of gender, embodiment, space, and rights.

These are particularly pertinent questions to ask in Peshawar and Islamabad, with their sizable Pashtun populations. Between June and August, I aim to conduct preliminary research through participant observation in the family courts in both cities, getting involved in ongoing *kbhula* cases, and establishing connections with interlocutors—lawyers, litigants, and court staff—that I can continue to develop through subsequent research. Since *kbhula* cases are litigated over multiple hearings, spanning months and sometimes years, my aim is to work closely with a small set of interlocutors to develop meaningful and sustainable relationships, allowing insight into the evolving nature of their interaction with the law.

My fluency in Urdu and Pashto will be invaluable in developing these relationships. This endeavour will be building on a prior familiarity with these spaces through my legal and academic work, as well as previously established networks. In particular, I will be contacting a senior lawyer in Islamabad with whom I have maintained a working relationship. In Peshawar, I will reach out to contacts within the family courts where I conducted my MPhil fieldwork and rely on them to widen my network of interlocutors. Due to my familiarity with this space, having spent several summers in these courts as junior lawyer, or researcher, I anticipate being able to take measures to navigate these spaces with minimal inconvenience. For practicality and safety, I intend to live in Islamabad, and shall travel occasionally to Peshawar for particular case hearings, or meetings I will set up beforehand. The AIPS grant will be invaluable in funding travel and accommodation expenses during this research. Overall, I believe that an immersive approach to my fieldwork will be integral to a legal ethnography centred on process and lived experience.

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<sup>1</sup> Merry, Sally Engle, 1944-2020. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press, 1990.

<sup>2</sup> Ong, Aihwa, et al. "Cultural Citizenship as Subject-Making: Immigrants Negotiate Racial and Cultural Boundaries in the United States." *Current Anthropology*, vol. 37, no. 5, 1996, pp. 737-62, <http://www.jstor.org/stable/2744412>.