



AIPS Travel Grant Final Report

A one paragraph to one-page report highlighting the significance of Dr. Livia Holden's paper and documentary- film on Pakistan Studies.

Dr. Livia Holden's research on divorce at the woman's initiative in Pakistan and diasporas contributes to the study of Islamic divorce known as *khul'* as it is understood and used in different Islamic contexts. *Khul'*, which is often referred to by contemporary scholars as a "woman's divorce," is recognized in most schools of Islamic law as a divorce by a woman's prerogative. However, anthropological research on law in practice finds that *khul'* is utilized in a variety of which are not always favourable to women. Thus, although *khul'* may allow women some flexibility and options in divorce, it can also significantly disadvantage them.

Divorce and the Woman's Initiative in Pakistan and Diasporas explores and analyses Muslim practices of *khul* divorce in Pakistan and their impact in the diasporas. On the basis of more than one hundred cases observed in court and published precedents the author traces the multiple interpretative frames of current socio-legal narratives to throw light on their implication vis-à-vis legal outcomes. The author draws also 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 her paper is how divorce at the woman's initiative is dealt with and what are the successful arguments in law courts? Her 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, her 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. Her 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.

Dr. Holden's research on female judges in Pakistan contributes to the heated debate revolving around gender issues in Islamic contexts. Dr. Holden has studied the history of the massive appointments of "lady judges" in the past decade which has caused a jump in female representation in the judiciary to more than one third – a quiet move that sends a message of adherence to the principle of gender equality as per the international treaties to which Pakistan is signatory. By investigating the everyday interactions and preoccupations of women-judges in their daily management of justice, she explores the socio-legal reception of the human rights discourse from the perspective of the female judges. She argues that the challenge in this scenario lies, on the one hand, in whether this change will be only formal or will also lead to substantial and accountable justice and, on the other hand, how the global agenda impacts local expectations and conceptualizations of rights within and beyond the state.

Lady Judges of Pakistan follows legal proceedings in the law courts presided over by women-judges in four provinces of Pakistan: Punjab, Sindh, Baluchistan, and Khyberpakthunkwa. Shot in observational style and developed on the basis of collaborative relationships, it weaves together court proceedings, personal narratives, and glimpses of everyday life. While the main action flows through the multi-sited management of justice, the interactions among the litigants, defendants, lawyers, clerics, and police offer insights in the socio-legal context that the women judges are grappling with in Pakistan. Three version lengths (29, 54, and 75 min.) in Urdu and English with English subtitles are available and the medium length version was screened at the University of Washington.