

## Gendered Struggles over Residency Rights when Turkish Immigrant Marriages Break up

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### Abstract

Transnational marriages – where immigrant offspring marry spouses from their parents' country of origin – have been common across Europe. If such marriages end in divorce before a given probationary period is over, the marriage migrant spouses may have to leave Europe again, a fact which affects the power balance in such marriages in their first years. Combining quantitative and qualitative data on divorces in Turkish transnational marriages in Denmark, this article sheds light on the interaction between gender and power in such cases of marital break-up. The statistics show that of the app. 9300 Turkish couples who married transnationally in the 1980s and 1990, around 2000 marriages ended in divorce, and app. 450-500 divorced individuals subsequently left Denmark.

Interviews with divorced Turkish men and women document that gender strongly affects the power of the sponsoring spouse: While sponsoring men may act with great audacity in expelling quite powerless marriage migrant wives, sponsoring women can also seek to expel unwanted husbands. However, women may do so with greater caution and may more often have to rely on support from Danish state institutions. Furthermore, family relations – especially with the parental generation – may partially counteract the very weak positions of the marriage migrant wives.

### Key words

Turkish immigrants; Marriage migration; Gender and power; Marital conflicts; Divorce; Transnational social spaces

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## Resumen

Los matrimonios transnacionales -donde descendientes de inmigrantes se casan con cónyuges del país de origen de sus padres- han sido comunes en toda Europa. Si tales matrimonios terminan en divorcio antes de que concluya el período de prueba, los cónyuges emigrantes esposados pueden tener que dejar Europa una vez más, un hecho que afecta al equilibrio de poder de esos matrimonios en sus primeros años. Combinando datos cuantitativos y cualitativos sobre divorcios de matrimonios transnacionales turcos en Dinamarca, este artículo arroja luz sobre la interacción entre el género y el poder en los casos de ruptura conyugal. Las estadísticas muestran que de aproximadamente 9.300 parejas turcas transnacionales casadas entre los años 1980 y 1990, alrededor de 2.000 matrimonios terminaron en divorcio, y aproximadamente 450-500 personas divorciadas abandonaron Dinamarca posteriormente.

Las entrevistas con hombres y mujeres turcas divorciadas documentan que el género influye mucho en el poder del cónyuge patrocinador: mientras que los hombres patrocinadores pueden actuar con gran audacia en la expulsión de las mujeres emigrantes casadas bastante indefensas, las mujeres que patrocinan también pueden tratar de expulsar a los maridos no deseados. Sin embargo, las mujeres pueden hacerlo con mayor cautela y a menudo pueden tener que confiar en el apoyo de las instituciones estatales danesas. Por otra parte, las relaciones familiares -especialmente con la generación de sus padres- puede contrarrestar parcialmente la muy débil posición de las mujeres emigrantes casadas.

## Palabras clave

Inmigrantes turcos; matrimonios de emigración; género y poder; conflictos matrimoniales; divorcio; espacios sociales transnacionales

**Table of contents**

1. Introduction.....	1073
2. Marriage, migration and gendered power .....	1074
3. Background – Turks in Denmark and transnational marriages .....	1075
4. Register data analysis – Turkish divorces and spouses leaving Denmark .....	1075
5. Life story interviews .....	1078
6. Husbands expulsing their wives .....	1079
7. Wives expulsing their husbands .....	1080
8. Control over own location – marriage migrants resisting being ‘dumped’ .....	1082
9. Expelled marriage migrants fighting for compensation.....	1084
10. The mediating effects of family networks.....	1085
11. Conclusion .....	1087
Bibliography .....	1088

## 1. Introduction

When immigrants marry transnationally, one spouse moves to another country for the couple to begin their life together. Hence the act of marriage becomes entangled with the act of migration. While the choice of a marriage partner is generally considered to be a private decision, immigration is a central nation state concern and, in attempts to ensure that marriages entailing the right to migration are 'genuine', many states regulate the duration needed before such marriage migrants can get independent leave to remain. Thus, in a short-lived marriage, a marriage migrant spouse often has to return to the country of origin after a divorce.

This entanglement between marriage, divorce, and residency rights has a potential for greatly affecting the power balance in transnational marriages. In short, one spouse may be able to have the other kicked out of their common country of residence by ending the marriage. The power balance between the sponsoring spouse and the marriage migrant is, however, also affected by gender: as marriage migrants may be men as well as women, the issue of divorces in short-lived transnational marriages thus offers insights into the workings of gender and power in transnational social spaces.

Empirically, this article investigates this issue of divorce and residency rights among Turkish immigrants<sup>1</sup> in Denmark, where transnational marriages have been very common (Celikaksoy Mortensen 2006). Here, the so-called 'probationary period' – the length of stay needed before marriage migrant spouses gain independent residence permits – was two years in the 1980s, and increased to three years in 1992, and went up to a full 7 years in 2002 (Amnesty International 2006)<sup>2</sup>. The issue under investigation is how male and female Turkish immigrants and descendants in transnational marriages may draw on national law in spousal struggles over residency rights when such marriages come to an end.

The study is innovative not only in providing an in-depth study of the hitherto little investigated topic of immigrants' transnational divorces but also through combining qualitative interview data from two countries (Denmark and Turkey) with quantitative nation-wide host-country data, revealing in numbers how many marriage migrants leave Denmark after divorcing there.

The structure of the article is as follows: I first discuss issues of gender and power within transnational space. Second, I introduce immigration to Denmark from Turkey, before, third, presenting register data on all transnational Turkish marital break-ups in Denmark. Fourth, based on life story interviews with male and female Turkish divorcees, I look at the experiences of sponsoring *men* sending marriage migrant *women* out of Denmark, as well as the reverse gender constellation. Fifth, I discuss marriage migrants' attempts of resisting such 'dumping' attempts, before attending to the topic of expelled marriage migrants seeking compensation as a redress for their experiences. I end with discussing the mediating effects of transnational family networks and offer conclusions.

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<sup>1</sup> I use the terms 'Turks' or 'Turkish immigrants' as shorthand for all individuals who either themselves immigrated from Turkey or whose parents did so. While it would be more correct to use the term 'Turkish immigrants and descendants', I choose not to do so for reasons of readability. Furthermore, I use 'Turkish' to reference country-of-origin background and do not attend to ethnic self-identification. This 'Turkish' national group thus comprises individuals who would self-identify as being e.g. Kurdish as well as Turkish.

<sup>2</sup> In 2010, the Danish rules were altered again. At the time of writing in 2013, the probationary period was five years, after which marriage migrants could apply for permanent residence. Gaining this permit has now, however, also become tied to factors such as Danish language skills and participation in education or paid work. These rules have in effect made independent residence permits unattainable for some marriage migrants regardless of the duration of their stay in Denmark (see <http://www.nyidanmark.dk/da-dk/Ophold/permanent-ophold/>, accessed 5 April 2013).

## 2. Marriage, migration and gendered power

In the Western world, the institution of marriage changed markedly in the last third of the 20<sup>th</sup> century. Female entry into the labor market, and the availability of abortion and contraceptive devices such as the pill, contributed to the changes also referred to as 'the crisis of the patriarchal family' (Castels 1997). These developments have also eroded men's historical role as the heads of the household in marriage. In relationships, however, men still generally hold more power than women, and 'being a man' often entails 'claiming privilege [and] eliciting deference' (Schrock and Schwalbe 2009, p. 281). Thus, in 'atypical marriages', where wives for example make more money than their partners, and where wives thus could be thought to hold a position of power, both husband and wife may seek to subvert the link between earnings and power in their relationship, in order to protect established notions of masculinity and femininity (Pyke 1994, Tichenor, 2005). That the home should be a man's, rather than a woman's, castle thus seems to prevail.

In the present study, a central element in the power structure in the marriage is not the earning abilities of the spouses but their ability (or the lack of it) to control their physical positions and that of their partners in case of a divorce. The unequal power distribution regarding the possibility of remaining in Denmark during the first years of the marriage, offers a lens through which to investigate issues of power, gender, and the uses of the law. The study draws inspiration from Mahler and Pessar's model of 'gendered geographies of power' (Mahler and Pessar 2001), with its attention on the interlinking hierarchies of power on interlocking geographical scales – from the intimate scale of the body to the macro scale of the nation state. A central element in Mahler and Pessar's framework is that individuals are embedded in social locations and social relations within multiple, interlocking hierarchies of power. These embeddings enable or constrain individuals' scope for exerting agency over their own lives and the lives of others. In the present analysis, I specifically look at how gendered power relations intersect the power of the nation state, as the latter type of power relations are central in shaping immigrants' lives (Pratt and Yeoh 2003). Thus, the analysis investigates the interplay between power over social location and gender: How individuals' control (or the lack of it) over their own (and their spouse's) physical location – based on nation state regulations of access to independent visas in case of a divorce – intersects with gendered social agency.

Regarding gendered power, men in Turkey are – in line with the situation dominating globally – generally considered the stronger parties in marriage. Until 1990, a wife legally needed her husband's permission to work outside the home (Örücü 2010); upon marriage women often move to their husband's homes and are expected to abide by the rules of the husband and parents-in-law (Aykan and Wolf 2002); and as female labor market participation stands at around one third of the male participation rate, many women are financially dependent on their husbands (ILO 2008). While, for example, women in Turkey are strongly represented in prestigious occupations as among university professors (Özbilgin and Healy 2004), and social movements as well as economic developments have greatly affected the life circumstances of many women in recent decades, lower-educated women from rural areas, in particular, may be expected to always be under the control of a man and not act on an independent footing in public space (Kandiyoti 1988, Delaney, 1991, Sever and Erkan 2004).

In transnational marriages, the male dominance generally existing in Turkey may be undermined when grooms arrive to the wives' country of residence as marriage migrants. In such cases, their wives may use the control over the husbands' residency permits as leverage in cases of marital strife. Conversely, male power may be enforced in couples where the marriage migrant is female (Liversage 2009a, 2012a). Before exploring such interactions between different power

hierarchies, however, the next sections outline Turkish family migration to Denmark.

### 3. Background – Turks in Denmark and transnational marriages

As part of a broader immigration to Western Europe, Turkish immigrants – predominantly men – arrived to Denmark in the late 1960s and early 1970s to take up unskilled jobs. When the Danish government curbed immigration during the 1973 oil crisis, many of these immigrants stayed on, sending for their wives and children over the years that followed. As time passed, children of such families were also increasingly born in Denmark.

When such children came of age and reached marriageable age, partners were predominantly found in Turkey. Thus studies show that the vast majority of Turkish marriages in Denmark in the 1990s were transnational (Schmidt and Jakobsen 2004, Celikaksoy Mortensen 2006). In many cases, parents and broader networks of kin were involved in the selection of spouses, and spouses-to-be had often limited knowledge of each other before the wedding.

In 2002, a Danish right-wing government changed the legislation to curb such chain marriage migration of immigrant communities, requiring, *inter alia*, that both spouses have reached a minimum age of 24 for one of the spouses to gain an entry visa from abroad. These legislative changes substantially reduced Turkish marriage migration to Denmark, as well as the number of young Turks in Denmark marrying at all (Schmidt *et al.* 2009, Jørgensen 2012).

Regarding divorce among Turkish immigrants in Denmark, we know that Turkish divorces are rare and generally are considered socially stigmatizing (Akpınar 2010). The family is often considered something which, once formed, should last for life. Nevertheless, among Turks in Denmark, the divorce rate has been steadily increasing (Liversage 2012a). Indeed, from the 1980s onwards, Turkish immigrants in Denmark have gone from having divorce rates at the low level found in Turkey to now approaching the considerably higher level found generally in Denmark.

### 4. Register data analysis – Turkish divorces and spouses leaving Denmark

The first part of this analysis asserts how many Turkish marriages break up and how often marriage migrant spouses subsequently leave Denmark. This is possible using register data, based on social security numbers (CPR-numbers), which act as a life-long identifier in Danish public registers. All individuals who expect to remain in Denmark for at least three months are assigned a CPR-number. Children, born in Denmark, and holding Danish citizenship, are registered as 'Turkish descendant' if both parents were Turkish immigrants. Also the marriages and divorces of the 'second generation' can be traced. Using such register data, it is thus possible to investigate all marriages and divorces among Turkish immigrants and their descendants in Denmark.

As Turks in Denmark rarely enter into mixed marriages – but predominantly marry Turks from Turkey, or Turks already living in Denmark (Schmidt *et al.* 2009, Statistics Denmark 2011) – and as the focus of this article is on social processes among Turks in Denmark, the study only concerns itself with endogamous Turkish marriages and divorces and thus excludes mixed marriages of various kinds.

A first issue to be addressed is to assess how many Turkish marriages in Denmark end in divorce. The statistics for this are shown in Figure 1. In the period 1981 – 1999, approximately 10,150 Turkish marriages were registered in Denmark. In the present data, these marriages can be followed for at least eight years (until 2007). The data here shows that approximately 2,200 of these marriages broke up. In Figure 1 the frequency of divorce is shown separately for marriages entered into in

the 1980s and in the 1990s<sup>3</sup>. The figure depicts the percentage of the initial marriages that were dissolved after having lasted one year, two years, three years etc. For a comparison, the top graph shows the similar dissolution rate for all Danish marriages that were entered into in the year 1990. From the early 1980s and until the present day, the Danish divorce pattern has been relatively stable.

Figure 1: Dissolution rate of Turkish marriages in Denmark

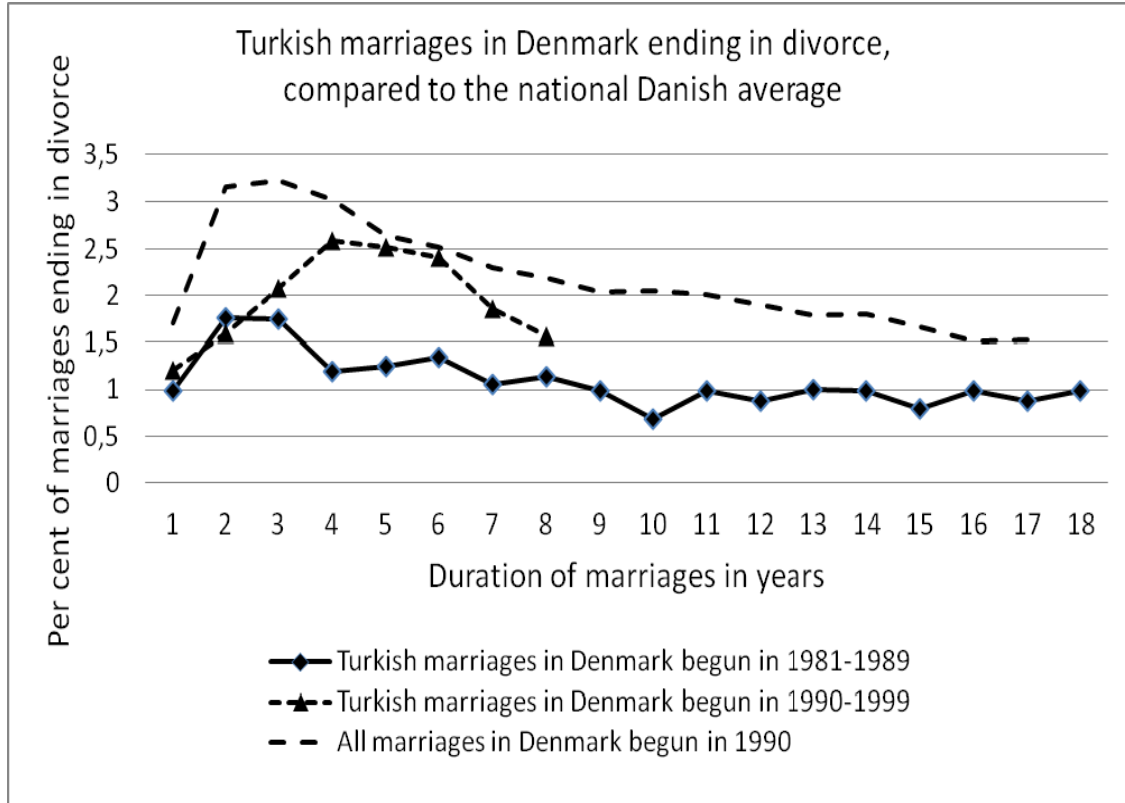


Figure 1 shows, first, that marriages among Turkish immigrants in Denmark most often break down in the early years. This is also the case for both all Danish marriages and marriages more generally. Figure 1 also shows that the number of divorces among Turks in Denmark has increased over time, but it remained below the level of the majority population for the investigated groups.

The next issue to be addressed is to assess the pattern found in the *transnational* Turkish marriages. Of the 10,150 Turkish marriages in the investigated period (1981-1999), in approximately 9,335 of the marriages there was one marriage migrant spouse. Thus, 92 per cent of these Turkish-Turkish marriages in Denmark were transnational.<sup>4</sup> Of these marriages, approximately 2,000 ended up in divorce before 2007. The divorce rates of both transnational and (the less common) non-transnational Turkish marriages in Denmark are about the same (not shown).

The next issue to be addressed is how often such transnational divorces ended with one spouse leaving Denmark. This information is shown in Figure 2, based on the

<sup>3</sup> The divorce rate for marriages entered into after the year 2000 are even higher (Liversage 2012a), but as such marriages can only be followed for a few years, and as also the pattern of marriages changes significantly with the change in access to family unification in 2000/2002/2003, these recent marriages are not included in the present analysis.

<sup>4</sup> Regarding the gender balance, an analysis of marriage migration, gender, and extended household living among Turkish immigrants in Denmark shows that in the period from 1994-1997, 781 women and 553 men (in the 18-24 year age group, where marriages predominantly occurred) arrived from Turkey due to having married Turkish spouses resident in Denmark (Liversage and Jakobsen 2010). In the referenced sample, the gender balance was roughly 3:2, with more women than men arriving to Denmark as marriage migrants.

approximately 2,000 divorces of the couples in which there was one marriage migrant spouse.

Figure 2: Share of spouses leaving Denmark after a divorce

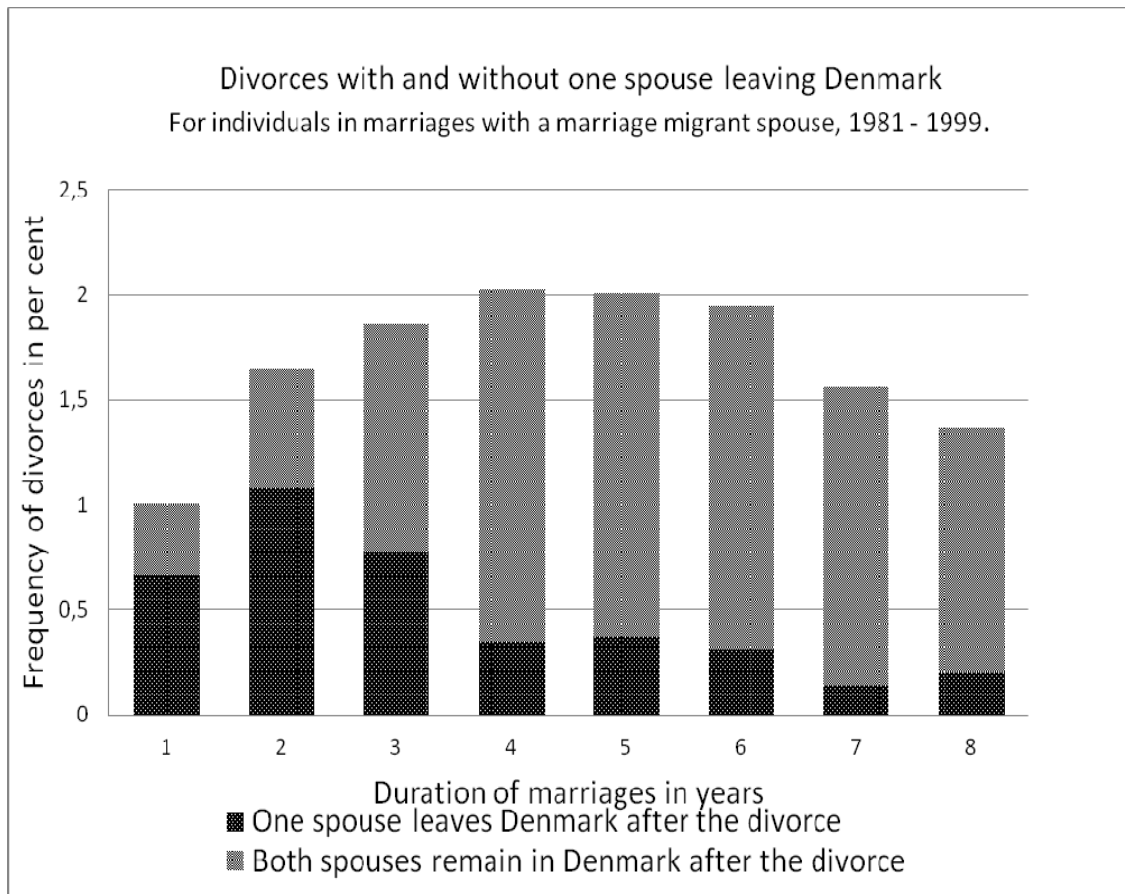


Figure 2 shows that, if a transnational marriage breaks up within the first two to three years, one spouse usually leaves Denmark. If the marriage lasts four years or longer, only a small share of divorced spouses leaves Denmark.

While the numbers cannot tell us where these spouses go to upon leaving Denmark, it is fair to surmise that the vast majority of those who leave are marriage migrant spouses returning to Turkey from where they recently arrived. In absolute numbers, the approximately 2,000 divorces (comprising approximately 4,000 individuals) thus led to approximately 450-500 individuals leaving Denmark<sup>5</sup>.

The divorces in the above Figure may also have occurred under the two-year, the three-year, and the seven-year rule. Marriages entered into, for example, in 1999 and lasting, for example, five years would have ended in 2004, where a marriage migrant spouse would not yet have gained an independent residence permit based on the duration of stay<sup>6</sup>.

Considering the interest in gender of this study, Figure 3 shows, separately for men and women, what marriage migrants did upon marital breakup. The patterns found here are remarkably alike. Corresponding to Figure 2, many marriage migrant spouses left Denmark if a divorce occurred within the first two - three years of

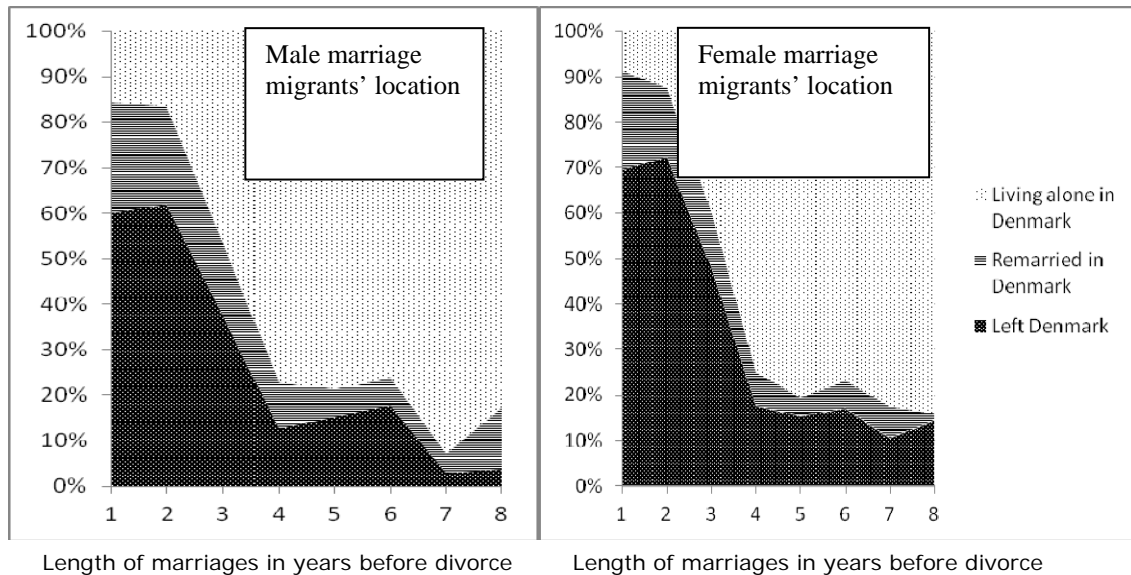
<sup>5</sup> Due to data inconsistencies when combining information from the marriage registry and the registry regarding individuals leaving Denmark, this figure is an estimate.

<sup>6</sup> It should be noted that divorcees may also be able to get a leave to remain based on other conditions than the length of their stay. This may be, for example, based on having divorced due to domestic abuse (an option which may, however, not always be easy to obtain (Madsen *et al.*, 2005, Amnesty International 2006). Under certain conditions, paid work may also justify gaining leave to remain, due to a bilateral agreement between Turkey and the European Communities, dated 12<sup>th</sup> of September, 1963.



marriage. Thus, on average, 60-70 per cent of marriage migrant spouses, in very short-lived marriages (one - two years), left Denmark, while 30-40 per cent of individuals in such short-lived marriages were nevertheless able to stay in Denmark, predominantly by remarrying quickly. When divorces occurred after longer-lasting marriages, much fewer individuals left Denmark (and fewer also remarried within one year), since independent residence permits had been achieved at this stage.

Figure 3: Male and female marriage migrants' location after a divorce



While slightly more divorced men both remarried and stayed longer on their own in Denmark after the end of short-lived marriages, the overall picture is that regardless of gender, most marriage migrant divorcees returned to Turkey if their marriages ended within the first two - three years.

In the following analysis a qualitative investigation of the phenomenon of these returns is undertaken. In line with using the framework of gendered geographies of power, I pay special attention to gender, to agency, and to spatial location. The next section introduces the life story interviews – the second method underlying this study.

## 5. Life story interviews

Thirty-one divorced Turks, who had all been part of Turkish marriages in Denmark, were interviewed using a life story approach. Such a body of interviews with individuals, who have shared similar life circumstances, is well suited for the investigation of social processes (Bertaux 2003, Liversage 2009b). As the topic of access to residence permits was not present in all interviews, I also draw on a limited number of non-divorced informants who tell of relevant experiences of family members.

I recruited interviewees through a variety of channels, especially using network contacts. While interviewees told me about their life experiences, I took notes, enabling me to subsequently return to a variety of issues, which interviewees had themselves presented. It was in the course of these interviews that access to residence permits emerged as an issue which a number of interviewees brought forth themselves.

The interviews were either in Danish or in Turkish, depending on the preference of the interviewee and they were tape-recorded and subsequently transcribed (except in two cases due to interviewee preference). While most interviews were carried out

in Denmark, I also went on a field trip to a town in the Western part of Turkey from where chain migration to Denmark had been considerable. To explore the transnational aspect of the divorces in greater depth, I interviewed six individuals in Turkey who had returned there after a failed marriage. As it was generally difficult to solicit interviews with divorced men (especially in Denmark), the total material comprises interviews with twenty-three women and eight men, and both gender groups contain immigrants, descendants, as well as marriage migrants.

Elsewhere, I have dealt with the role played by the threat of 'not getting the card' (not getting a Danish residence permit due to an early divorce) in conflicts within transnational marriages (Liversage 2012b, Charsley and Liversage 2013). Here, I focus on the breakup of transnational marriages – i.e. the divorce itself – and occurrences in the aftermath of the breakup.

## 6. Husbands expelling their wives

As previously stated, men who sponsor marriage migrant wives may have strong positions both in the gender hierarchy and in a hierarchy of nation states as they (and not their marriage migrant wives) have the secure affiliations with the Danish nation. Here, the framework of gendered geographies of power becomes salient. Mahler and Pessar call attention to the fact that individuals' social locations and their positions in power geometries on different scales centrally shape the types and degrees of agency which they can exert (Mahler and Pessar 2001, p. 446). The empirical material clearly demonstrates that men, who are also sponsoring spouses, often are strongly positioned when it comes to divorce. Furthermore, this strong position of such husbands contrasts with the weak position of their marriage migrant wives. From several such wives I heard stories of being literally "disposed of" by their sponsoring husbands who decided that they no longer wanted them.

Due to their weak positions in both gender and nation state hierarchies of power, such marriage migrant wives have few resources to resist being sent back to Turkey. Two examples of this come from Cemile and from Lale, who both entered arranged marriages in Denmark when they were around 18 years old. They tell the following of their divorces:

I had been with him for one and a half years. It was only a short while till I would gain my residence permit – at that time it took two years to get it. And then, in order for me *not* to get the permit, they threw me out. And it was so difficult to return to Turkey. A young girl, first married, then divorced. What was going to become of me? What was going to happen? (Cemile)<sup>7</sup>.

[Lale's husband] told me that he had not wanted me, and that he had someone else; that it was his family which had made him marry. In the end, they just drove me to my big sister [who was herself a marriage migrant to Denmark] and left me there. They said that I could go to the village [in Turkey] from there. My sister's father-in-law bought me the plane ticket. I was very upset and sad. My parents were very sad, too. There were many problems. Gossip. It is like that in villages (Lale).

The quotes from both Cemile and Lale show their lack of control over their own situation. They both tell of having had no alternative but to return to living with their parents in the villages, which they had left upon their marriage. A similar story, told from the perspective of the sponsoring husband, who was much more in control of the unfolding situation, came from Ilhan.

Ilhan, a Turkish descendant born in Denmark, told that when he was in his late twenties he responded to gentle parental pressure, and he found a girl to marry in Turkey. Back in Denmark, however, the happiness between the newly-weds soon came to an end, and the couple increasingly quarreled, in part over the wife's wish

<sup>7</sup> All quotes have been translated into English by the author.

for Ilhan to send money to her family in Turkey. The discord grew, leading Ilhan to take the following action:

I choose to go to my father and say: 'Listen, it is not working. *We* buy her a plane ticket – or else *I* do it myself – and then we send her home, because I am simply not going to stand for this'. [The father convinced Ilhan to give the wife another chance, but...]... the same thing repeats itself, and I get really angry. I slam the table and tell my dad: 'Now *you* buy this plane ticket or *I* sure as hell [will] do it, and tomorrow we have the ticket!' And then [Ilhan's father] buys the ticket, and she is going home. It was Thursday, and she left on Sunday. My uncle came and got her, so she could stay with them until leaving, and since then I haven't had anything to do with her.

Comparing the female marriage migrant accounts from Cemile and Lale and the male sponsor narrative of Ilhan demonstrates the central importance of gendered geographies of power: when a sponsoring husband (and his family) wants to send a marriage migrant wife away, there is little the wife can do to change the situation, as the man is empowered both through his gender and through his affiliation with the Danish nation state.

As in the preceding three examples, getting rid of a marriage migrant wife could happen within Denmark – with the wife simply being put on a plane. In other cases, however, transnational mobility was part of the process. In such cases, a sponsoring husband could use a holiday trip to Turkey to 'dump' a marriage migrant wife. The following quote is from an interviewee who told me about a relative's experience:

[The female relative's] husband tells her that they are going on holiday. When they come down to Turkey everything – passport, ticket, those kinds of things – disappear. And then he goes back. He wants to get rid of her [and tells her:] 'You go back to your parents – I don't want you'. And back in Denmark, he calls her up, saying: 'I have taken care of us in the [Danish] system, so we are getting divorced'. And now she is 32 and lives in Izmir with her parents. And nobody has proposed to her. Everyone speculates how terrible she must have been, since the husband did as he did. She has been branded that way.

These are thus all examples of how marriage migrant women may have little power to remain in Denmark if their husbands want to expel them to Turkey. Upon returning to Turkey, the life chances of such women are often poor. A central aspect in understanding the events depicted in this section is that masculinity is generally associated with power (Kimmel 1994), so that when a husband wields power over his wife's residence permit, it only reinforces the established gender hierarchy of 'strong men' and 'weak women'. Similarly, the women could better construct themselves as 'victims' in the interviews, as victimization aligns better with common constructions of femininity as compared to constructions of masculinity.

## 7. Wives expelling their husbands

While men sponsoring marriage migrant wives could thus find themselves in very powerful positions, the situation was more contradictory when the sponsors were women and the marriage migrants were men. When wives held the stronger position regarding residence permits and were in positions to oust unwanted husbands, doing so could be seen as challenging the established gender hierarchy. With notions of power being deeply intertwined with notions of masculinity and femininity, such wives could shy away from using this resource of power in their marriages. This parallels the observation that women who earn more than their husbands may themselves collude to break the customary link between earning power and power in domestic decision-making processes to avoid such female power upsetting conventional notions of gender (Tichenor 2005). Thus, according to several interviewees, sponsoring wives could often obscure their *de facto* power

over their husbands' residence permits, rather than use it actively, at least as long as they still struggled to make their marriages work.

A first example of a woman nevertheless using the rules regarding residence to get rid of her husband comes from a mother, who tells about her daughter's experience. On a holiday, the daughter fell in love with, and married, a man from Turkey, but upon returning to Denmark the daughter found out that doing so had been a mistake. According to the mother, the following then occurred:

[The husband] had gotten the temporary residence permit and was about to get the permanent one, but my daughter didn't want that. Then he would be able to stay [in Denmark], and that wouldn't work, she said. So they went on a two-week holiday to Turkey when there was one month left of the husband's visa. My daughter was getting a disability pension, and she told him that she had to go back to Denmark to do some paperwork. And back here, she thought about the whole thing, and after a month, she called him, saying "I can't do it". He said all kinds of things, like: "I know that I have made mistakes, I won't do it again". But she wouldn't do it. He tried to come back here, but his visa had expired, so he couldn't. It really wasn't a nice ending.

In contrast to a male sponsor telling his wife to her face that he is 'dumping' her, the wife in the above quoted case of a husband being dumped was careful to conceal her intentions until she was safely back in Denmark. In a context of physical proximity / distance, with gendered implications for personal safety, this could well have been a wise decision, as research shows that men may become violent if they have no other resources of power to draw upon in marital conflicts (Anderson 1997). Only after ensuring that there were thousands of kilometers, as well as state authorities as border controls, between them did the sponsoring wife tell her husband what she had done. The mother also stated that 'it really wasn't a nice ending'. A woman actively 'dumping' a spouse squares poorly with common constructions of femininity and of how a 'good wife' should behave.

A second example of a wife breaking up with a husband through actively undercutting his ability to stay in Denmark comes from Ayla, who was raised in Denmark. As a spur-of-the-moment decision, Ayla came to accept the marriage proposal of her husband-to-be on a summer holiday, when she was 19 years old (see Liversage 2012a). Once in Denmark, however, the marriage did not go well. After two years and after having a child, Ayla tired more and more of her husband's irresponsibility, especially financially. Similar to high-earning wives not using their *de facto* position of power against their husbands (Tichenor 2005), Ayla also stated that she was careful not to openly flaunt her husband's residence permit dependency on her. As his behavior got worse, however, she did speak up about this dependency in an attempt to make him change his ways, leading to the following events:

I told him [during a quarrel]: 'You don't get the residency permit' – and he just ignored it! And then I found out [that he had forged her signature on the residence papers], and I think to myself: 'This is a gift to me – here he has really screwed up'. And then I go to the police and press charges.

[Ayla arranges with the police when they should come and arrest the husband...] And the police come and wake him one morning, and they take him with them... They are two big cops. He is otherwise a tall guy, but he looks really small. [The husband] becomes quite shocked, and he really feels deceived, and [asks] how I could do it, and all that... And I have packed all his clothes and made an agreement with a locksmith to come and change all the locks. I have also filled the freezer with food, because I expect to be hiding for a while, till he is fully gone.

So the police question him, and then they let him go. And as they cannot just expel him the next day, he keeps coming, and I keep calling the police, and he keeps contacting my family. But I think my family was really just relieved that I finally made a decision. But with him coming and going, and ringing the doorbell, and me having a small child, it becomes too much of a strain. So I call the police, and they

escort us out of town. And I end up in a shelter, and I stay there till I learn that he has been expelled from Denmark.

Here, too, a wife used her stronger structural position to one-sidedly terminate her marriage, but she made sure to do so while securing herself against the potential violent repercussions, which could be her husband's last resort. Similar to the first case of this gender constellation (the wife leaving the husband behind on a holiday to Turkey), Ayla also did not tell her husband openly of her intentions. This female surreptitiousness is in contrast to the way in which sponsoring husbands could act (as seen in the cases of Lale, Cemile and Ilhan). Another parallel between the two sponsoring wives that got rid of their marriage migrant husbands is that they both actively manipulated physical proximity and drew in nation state authorities so that they could act as a protective shield when their husbands became aware of their intentions to end their marriages.

In my interviews with marriage migrant men, who had returned to Turkey after a divorce, it was striking how they generally stated that returning to Turkey had been their own active response to bad marriages. Such statements can both be read as such men having indeed actively effectuated their return, but it can also (and possibly at the same time) be understood as the active acts of identity construction of the men in the interview situation (Holstein m.fl. 2000). Through claiming agency over their own return, such men distanced themselves from having been victimized by their former wives, as victimization does not square well with a masculine gender identity (Connell 1995). As evident in, for example, Ayla's case, such victimization could indeed occur for marriage migrant men.

Given, for example, the gendered structure of the Turkish labour market and the Turkish norms surrounding divorce, returned men nevertheless clearly had better life chances upon their return compared to returned female divorcees. Thus the male returnees I interviewed had been able to both earn their own living and to marry again. Regardless of mostly stating that returning had been their own choice, however, several marriage migrant men also told of having suffered, for example, from depression, lethargy, and weight loss after coming back to Turkey. Such maladies can be read as bodily expressions of the hardships they had endured.

While power geometries of gender and of nation state affiliation thus intersect to either empower/disempower spouses (when the marriage migrant is a woman) or result in a more contradictory situation (when the marriage migrant is a man), also individual embedding in family relations can shape individual agency regarding divorce. Depending on the family culture and local power relations, young individuals' embedding in generational power relations can mandate strongly against divorce. Here, norms may be particularly strong against divorces that occur on the initiative of the female (Akpınar 2003), making any thoughts of 'dumping' an unwanted spouse irrelevant for some young, sponsoring female spouses. Regardless of these complexities, the intersection of gender and nation state affiliation (i.e. being either the sponsor or the marriage migrant in a transnational marriage) is a poignant illustration of the centrality of intersecting social positions for the scope of individual agency.

## **8. Control over own location – marriage migrants resisting being 'dumped'**

As is evident from the interview excerpts above, regardless of gender, most marriage migrants may have limited means to resist being dumped. In the interview material, however, I did hear of a few cases of spouses successfully resisting being sent back to Turkey. One woman did manage to circumvent her husband's attempts to get rid of her, not only once, but twice. I use her case to explore marriage migrants' potential scope for resistance. The case concerns the marriage migrant Farhat.

The reason Farhat struggled hard not to be sent back to Turkey was bleak. While in her early twenties, and with a failed engagement behind her, she had married an older – and divorced – sponsoring husband against her father's wishes. As she arrived in Denmark she found her marriage to be a violent hell and wanted to return to Turkey. However, as she had crossed her father when she married, she told the following: 'My father threatened with killing me: [He said] that if I showed up in Turkey, I would get killed. And my husband knew that'. Farhat told that her husband in Denmark explicitly used this added importance of her gaining residence in Denmark against her, telling her that: 'Just wait: You are not going to live long. You will be expelled'. Male threats towards their wives, flaunting their residence dependency are also found in other cases of violence against marriage migrant women in Denmark (Danneskiold-Samsøe *et al.* 2011).

Farhat experienced her first 'attempted dumping' around 2005, when she had lived in Denmark for three years. At the time, her marriage needed to last seven years before she could be sure of gaining a residence permit of her own:

[The husband] told that we should go on holiday. My parents were away in Holland at that time, so I dared to go. But when we arrive [in Turkey], he tells me that only *he* is going back [to Denmark], and *I* am going to stay. I ask why, and he just says that it is going to be that way, and that he has only bought me a one-way ticket. [The next day] I go to the travel agency, and ask for help, but the guy there says that everything is sold out. And I have no money. But luckily I have a gold bracelet, so I go sell it at the jeweler's store, and come back and say "*please*", can't he help me with a ticket? Because I *have* to go back. And then fate smiles at me, and he tells me there has just been a cancellation. So I buy the ticket and hide it. And my ticket is the day before my husband's, so when he goes to visit his sister that day, I take my son and hurry with him to the airport [and fly to Denmark].

Back in Denmark, Farhat goes to a woman's shelter, a type of place where she had spent time on and off since her initial arrival in Denmark.

Two years later, Farhat's husband again tried to get rid of her and their young child. He did so in a different way – by going on holiday to Turkey on his own. Subsequently, Farhat experienced the following:

I get a letter from the municipality saying that my husband no longer shares the address. And as I am not living with him, my residence permit is no longer valid, and I cannot stay in Denmark. So I go to the municipality and say that he *does* live at the address, but that he is on holiday. But they tell me that he has cancelled his address: 'So we cannot help you'.

This ploy is a further variation on the use of physical absence / presence in attempts of ridding oneself of a marriage migrant spouse. As cohabitation from the state's point of view is an indicator of a marriage being 'real' and not 'pro-forma' (Charsley & Benson, 2012), the husband officially moving his address in effect functions as a *de facto* divorce, subsequent to which the wife is no longer allowed to stay in Denmark. The husband communicated his moving to the Danish authorities, expecting them to expel Farhat to Turkey and thus accomplishing what his first 'dumping' attempt had failed to do. In this way, the case resembles Ayla's story in which she had the police remove her husband from their shared address due to a breach of Danish rules regarding residence rights.

The authorities, however, had some awareness of Farhat's sad situation, and helped her out. Here, too, physical mobility at the micro-level was involved. A case worker told Farhat that she should leave the flat and go to a woman's shelter, as this would alter the authorities' understanding of the situation. Then Farhat would no longer be a 'pro forma' wife (as if she stayed in the flat from where her husband said he had moved), but instead she would become categorized as a 'real' wife, who is not cohabiting with her husband due to safety concerns. This exemplifies both the discretion always present when authorities categorize individuals (Jenkins

2000), and how locations at different levels are interlinked, with Farhat's move to a shelter enabling her to stay in Denmark.

Yet again, the centrality of social – and the associated physical – positions for gendered geographies of power becomes visible, with control over one's physical location on one scale (moving between a home address and a shelter within Denmark) having implications for embedding on other scales (being able to stay in Denmark instead of being expelled to Turkey). This example also draws on gendered majority understandings of 'evil immigrant men' and 'oppressed immigrant women' (Razack 2004), which may contribute to making public service help more readily available to the latter group. Such gendered constructions hold importance, regardless of the stated gender-neutrality of Danish legislation. While certainly pertinent in the present case, when immigrant men in dire need of help approach public authorities, they may experience difficulties having their needs met here, or they may avoid approaching the authorities altogether for fear of being vilified (Charsley and Liversage forthcoming).

The ability marriage migrants may – or may not – have to fight to remain in Denmark lies at the heart of the holidays that turn into 'dumping trips'. If a sponsor succeeds in leaving a spouse behind in Turkey, the case will often be closed. Conversely, a marriage migrant's ability to fight to remain in Denmark can best be fought from within the Danish borders. Had Farhat for example not managed to fly back to Denmark when her husband sought to leave her behind in Turkey, her chances of convincing the Danish authorities that she should remain in Denmark from *outside* of the country would have been dim.

As a related case, I heard of a marriage migrant man whose wife and parents-in-law wanted to expel from Denmark. The man managed, however, to fight the expulsion in a string of court cases, earning eventually the right to remain in Denmark, based not on his length of marriage but on his labour market attachment. By winning the case – which dismayed his in-laws – he was predicated by his ability to remain on Danish soil.

Last, children in a marriage may also afford a parent (male or female) the right to remain in Denmark (see Liversage 2012b), but as, for example, Ayla's story shows, having a child in Denmark is no guarantee that a parent will be able to remain there in the case of an early divorce. Furthermore, as many of the investigated divorces occurred after very short-lived marriages, children were often not involved at all.

## 9. Expelled marriage migrants fighting for compensation

While sponsoring spouses could draw on the rules regarding residence permits to remove their partners from Denmark, the marriage migrant spouses in question could try to at least soften the blows they experienced through claiming compensation. Central here is that divorces, carried out in Denmark, may not legally dissolve Turkish marriages from the point of view of Turkish legislation. A financial settlement may be part of gaining such Turkish divorces, as – according to Turkish family law – 'moral damages are awarded if the claiming spouse is faultless' in the divorce (Örücü 2010, p. 287).

A marriage migrant spouse could thus file a Turkish court case claiming compensation. I only heard about such (attempted) financial settlements in a few cases, but they are interesting examples of the struggles between the sponsoring side and the marriage migrant side of the break-up. Also they add nuances to the roles played by the physical location as well as family relations. These cases all concerned women who could also seek compensation as a way to document their innocence in the marital break-up and thus possibly better their chances of remarrying.

One woman seeking such compensation was Lale, quoted earlier in relation to being returned to her parents in their village in Turkey. Ten years after leaving Denmark, I interviewed her in the parental home where she was still living. She told the following:

I am still not divorced. I have filed a court case about compensation. It is about what he has done to me – about the last ten years. It is his fault that I ended up in this situation... But he won't give me [what I am asking for]. I have a lawyer, but he is just an expense. And the [(ex)-husband] skips off. He changes his address. The letters I send are returned. In reality, he is not at the address where he is supposed to be. So the judge cannot come to a verdict... [Now] he is married again to another woman. He has been so for three years... So maybe our marriage doesn't count up there [in Denmark].

With Lale's court case stretched across transnational space, she found herself unable to pin down her former husband and hold him responsible according to Turkish law. Clinging to her claim for compensation, (not as much for financial reasons, she told me, but as a way of gaining redress), Lale remained married according to Turkish law, and thus she could not remarry. In Denmark, however, Lale's (ex)-husband had her well out of the way, having remarried under Danish law years ago (see Charsley and Liversage 2013). The physical distance involved in transnational space can thus be central in the power that spouses are – or are not – able to assert over each other, here again favoring the sponsor over the marriage migrant.

Just as family relations could keep sponsoring spouses from 'dumping' marriage migrant partners, such family relations could also be central in negotiating post-divorce financial settlements. These relations could sometimes dampen the brute force which sponsoring husbands could otherwise wield. Within such networks, pressures of 'doing right' (with or without state institutions such as courts being involved) could lead to payments from the sponsor's to the marriage migrant.

Such a settlement occurred in the case of Ilhan. In the beginning of the chapter, Ilhan's story was quoted in which he told of how he tired of his wife and pressured his father to support her return to Turkey. Much to Ilhan's surprise and dismay, the following then occurred:

Her brothers in Turkey demand money because of the divorce of their sister. And then it transpires that my parents had indeed promised the family that their daughter would be fine. And my father had signed some document that if she came back, they were going to get money. And I only get to know this afterwards – I had known *nothing*. I think [my parents] did it because they were convinced [our marriage] would turn out fine. They did it in good faith. So they paid a sum of money. I don't even know how much.

Ilhan was further upset about this arrangement by a second deception. Before the marriage, Ilhan had learned that his 29-year-old bride-to-be was not a virgin. That was fine with Ilhan, who, himself, had been cohabiting with a Danish girlfriend for years. He agreed to state to the broader families that the bride had been a virgin – a deception he felt was fine at the time. After the break-up, however, the ex-wife's family could make a higher claim for compensation, as Ilhan had ostensibly married a virgin. This case demonstrates the layers of deception which may be involved in transnational marriages and divorces – concealments which may occur not only along geographical but also along generational lines (Charsley and Liversage forthcoming, Liversage forthcoming).

## 10. The mediating effects of family networks

In Ilhan's case family relations and written agreements enabled an expelled marriage migrant wife to gain financial compensation after a divorce. Thus family relations – and the power which could be drawn from individuals' embedding here – could at times influence the patterns of power / weakness, affecting the trajectories



of marriage migrant spouses in positive ways. I also heard of cases where the sponsoring side actively aided marriage migrant spouses to gain leave to remain in Denmark. This could soften the blow to the marriage migrant spouses in question, and thus reduce the level of tension in the broader family networks involved (c.f. Liversage and Jensen 2011, p. 104-105).

This occurred in the case of Ebru's divorce. Ebru came to Denmark through an arranged marriage. Upon arrival, she found that her husband – who was also her cousin (her father's sister's son) – spent little time in the home, which they both shared with his parents<sup>8</sup>. In words very similar to Lale's, Ebru told that her young husband had said to her that... 'it was not *he* who had wanted to get married. It was his *parents* who had told him that he should, and when they kept pressuring him, he had finally given in.' Ebru remained in the marriage for two years, hoping for a change, but as the husband's absenteeism was topped by infidelity, the following happened:

I finally decided to leave, and I didn't care about the residence permit or anything. At that time you had to stay for three years to get it – but that hadn't been why I came, and it was kind of a pride for me to tell him that I hadn't come for the passport. My parents had chosen [the marriage] for me and I had believed in it. And now that I had seen that it didn't work out I said: 'If you don't want me to stay here, I'll go back to Turkey again'.

Ebru's disregard for her residence permit, and her willingness to return to Turkey, could be seen as empowering her. It enabled her to actively seek to end her relationship regardless of being positioned as a 'weak' marriage migrant woman. Her situation thus demonstrates that gendered geographies of power are flexible and linked with the individuals' understanding of the world.

During the break-up, Ebru moved to her marriage migrant big sister's house in a neighboring Danish town. Here, Ebru's (ex)husband...

...came himself and said, that he thought it was best if I stayed [in Denmark] till I got the residence permit. I thought it was best, too, because I had been here for almost three years, and if I returned to Turkey, I wouldn't have so many possibilities. My only option would be to marry a much older man with children. I could not get a job – I had no education. And as an adult, you cannot be educated in Turkey. So I wanted to stay here. I was also well into learning Danish.

Hence, with this cooperative approach of her husband, the couple kept up appearances of being married until Ebru gained her leave to remain some months later.

After the break-up, Ebru also has no expectation of getting any valuables from the marriage. To her surprise, however, the following happened. As is the tradition in Turkey, Ebru had been given a lot of gold jewelry at her wedding, and...

... my mother-in-law came with the gold. I really hadn't thought I would get any of it, but she came over one day, saying: 'Ebru, you should have this, because it is your family and your friends who have given it to you, and you should use it'. And she also knew that if [her son/Ebru's ex-husband] got it, it would be spent in one night. At the time, I didn't have any money, so I used some of it then.

Thus while Ebru was in the weak position of being both a female and a marriage migrant, her embedding in good family relations – with a mother-in-law who was also her father's sister – made her divorce less difficult than it could otherwise have been. Here, the good family relations can be understood as a kind of social capital, which centrally came to shape her trajectory of divorce.

While Ebru's (ex)husband and his parents had it in their power to both expel her from Denmark and keep the wedding gold for themselves, they acted otherwise.

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<sup>8</sup> Around 80 per cent of young female marriage migrant spouses, arriving to Denmark in the mid- to late 1990s, began their married life cohabiting with their in-laws, see Liversage & Jakobsen, 2010.

Having known Ebru since childhood, and knowing that she had no fault in the divorce, they protected her in the best they could. Had they not done so, relations between Ebru's father and his sister could have broken down beyond repair. This may thus be read as one example of why cousin marriages can be a family strategy seeking to counteract the risks involved in marriages – risks which can be perceived as heightened when the marriage is transnational and the bride thus moves far away from her parents and her country (Charsley 2007). According to Scandinavian studies, such consanguineous marriages have been rather common among Turkish immigrants, with studies from Denmark and Norway showing that about one quarter of Turkish couples married within the family (Schmidt and Jakobsen 2004, Suren m.fl. 2007)<sup>9</sup>.

## 11. Conclusion

Using Turkish divorces in Denmark as a case study, this chapter has investigated how the rules regulating access to residence permits may greatly affect the break-up of transnational marriages and thus centrally shape the gendered geographies of power, which are so central for understanding individual migrants' abilities (or their inabilities) to shape their own destinies (Mahler and Pessar 2001)

The basic premise is that marriage migrants are dependent on the sponsoring spouses for their ability to remain in Denmark during the first years of their marriages. This difference in the two spouses' relationship to the nation state greatly empowers one spouse over the other, potentially affecting the dynamics of the marriage and the trajectories of marital conflict and divorce.

Men as well as women may be sponsoring spouses. The empirical material shows how gender identities may shape the ways in which the legal power over the marriage migrant spouse's ability to remain in Denmark is expressed. Sponsoring men, being doubly empowered, may act with great audacity in expelling marriage migrant wives, who often seem powerless to resist their unwanted expulsion from Denmark. When sponsoring women act to similar ends, they seem to do so with greater caution. For example, a wife may initially underplay her *de facto* powerful position, to protect the established gender hierarchy, until she eventually gives up on the marriage. She may then seek to distance herself physically from her unknowing spouse, and draw in the Danish authorities, such as the police, border control guards and shelter personnel, to serve as intervening shields when the husband finds out what she is doing to him. The concrete physical location of the marriage migrant is centrally at stake in these conflicts, and marriage migrants wishing to fight to remain in Denmark have far better options to do so if they are able to state these claims while still on Danish soil.

Besides gender and nation state relations, broader family relations (especially involving the parental generation) may affect the struggles over residence rights. As family networks have often been deeply involved in the formations of the transnational marriages in the first place, these networks may occasionally alter the power relations otherwise implicated in the divorces, for example through strengthening the otherwise weak position of female marriage migrants.

Overall, the cases testify to the power which national legislation may confer to some individuals and not to others. When the Danish government raised the length of the probationary period from three to seven years in 2002, an effect was a further shift in the power balance to the advantage of the sponsoring spouses. This has in some cases led members of the most vulnerable group – marriage migrant women – to suffer intimate violence for more than half a decade for fear of being expelled from Denmark (Danneskiold-Samsøe *et al.* 2011). For comparison, the issue of 'getting the card' in cases of marital discord does not seem as prominent in

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<sup>9</sup> Since 2003, however, Danish law has made it very difficult to gain spousal visas in consanguineous transnational marriages (Liversage and Rytter, forthcoming).

immigrant groups in the United Kingdom, where the probationary period is shorter (Charsley and Liversage 2013).

In sum, the analysis demonstrates that control over one's own physical location and the power to control the location of one's spouse can be central in understanding how migrants struggle on unequal footings to shape events in their own favor. In the unfolding topography of immigrant marriages and divorces, gender, family relations, and national affiliation may become deeply intertwined in sometimes acrimonious struggles over the location of individuals across transnational space.

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