

THE DARK SIDE OF 'HONOUR'

Women victims in Pakistan

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FOR SHIRKAT GAH

عنوانیہ زیریں ایش مسلم قوانینی
Women living under muslim laws
النساء فی ظل قوانین المسلمین
Femmes sous lois musulmanes



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Glossary

<i>arsh</i>	compensation to be paid to the victim in the matter of <i>qisas</i> and <i>diyat</i> (see below)
<i>baanhi</i>	slave
<i>badal-e-sulh</i>	compensation other than money
<i>badlo</i>	revenge
<i>band</i>	field
<i>banni</i>	the gift of field
<i>baraat</i>	wedding procession
<i>chachi</i>	wife of paternal uncle
<i>chatti</i>	a woman given in compensation to the aggrieved party to settle dispute in Punjab
<i>daman</i>	the compensation determined by the court to be paid by the offender to the victim for causing hurt in matters of <i>qisas</i> and <i>diyat</i> (see below)
<i>derajat</i>	the inhabitants of <i>deras</i>
<i>diyat</i>	blood money payable to the heirs of a victim in case of murder
<i>faislo</i>	variously used in Sindhi for the resolution of a dispute, a decision and a judgement; also used to describe the traditional system of adjudication/settlement
<i>fajr</i>	morning prayer
<i>fatwa</i>	publicly pronounced opinion/declaration of a religious scholar, often translated as edict
<i>ghairat</i>	honour

<i>hadd</i>	in law punishment, the limits of which have been prescribed in the Qur'an and Sunnah
<i>jiirga</i>	tribal council
<i>kafir</i>	infidel
<i>kala kali</i>	refers to honour killings in Punjab where the victims are accused of illicit relationship (<i>kala</i> being man; <i>kali</i> being woman)
<i>kardar</i>	the traditional subordinate officer of the Amirs
<i>karo kari</i>	refers to honour killings in Sindh where the victims are accused of illicit relationship (<i>karo</i> being man; <i>kari</i> being woman)
<i>khooon-baha</i>	blood money
<i>kot</i>	village
<i>mairh</i>	a delegation of local notables in Sindh
<i>masoom-ud-dam</i>	innocent
<i>maulvi</i>	Muslim cleric
<i>mullah</i>	Muslim cleric
<i>nikah</i>	literally conjunction; in law denotes the marriage contract
<i>pait</i>	literally belly; unborn girl promised in marriage
<i>panchayat</i>	informal court constituted by community comprising elders and noblemen
<i>pirs</i>	ordained spiritual leader
<i>qisas</i>	retribution for murder and bodily hurt, e.g., an eye for an eye
<i>razinama</i>	reconciliation agreement

<i>roti</i>	bread
<i>saam</i>	the alleged <i>kari</i> who takes refuge in the <i>Sayyed's</i> house
<i>sardar</i>	chief
<i>sayyed</i>	the direct descendant of the Prophet Mohammad (pbuh)
<i>shariah</i>	the law, including both the teachings of the Qur'an and the traditions of the Prophet (pbuh)
<i>siyahkari</i>	refers to honour killings in Balochistan where the victims are accused of illicit relationship
<i>sulah</i>	reconciliation
<i>Sunnah</i>	literally 'the path'; within the Muslim discourse, the traditions set by the Prophet Mohammad (pbuh)
<i>swara</i>	a woman given in compensation to the aggrieved party to settle dispute in NWFP
<i>taazir</i>	any punishment other than <i>hadd</i> , in matters relating to <i>qisas</i> and <i>diyat</i> , discretionary punishment awarded by the court other than <i>qisas, diyat, arsh, daman</i>
<i>toka</i>	axe
<i>tor tora</i>	refers to honour killings in NWFP where the victims are accused of illicit relationship (<i>tor</i> being man; <i>tora</i> being woman)
<i>ulema</i>	religious leaders
<i>wadero</i>	Sindhi feudal lord
<i>wali</i>	heir

<i>wanni</i>	the bestowal of a girl in marriage to one of the murdered man's relations
<i>watta satta</i>	exchange of women in marriage between two families
<i>zan, zar, zamin</i>	woman, gold, land
<i>zina</i>	extramarital sex; includes both adultery and fornication

The dark side of 'honour'

"What is there to my body?... Is it studded with diamonds or pearls? My brother's eyes forever follow me. My father's gaze guards me all the time, stern, angry.... Then why do they make me labour in the fields? Why don't they do all the work by themselves? We, the women, work in the fields all day long, bear the heat and the sun, sweat and toil and we tremble all day long, not knowing who may cast a look upon us. We stand accused and condemned as kari and murdered".

–A thirteen-year-old girl from a village in Sindh.

Quoted in Attiya Dawood, 'Karo kari: A Question of Honour, but Whose Honour?' in *Feminista*, 2 (3/4), April 1999.

Introduction

In Pakistan, when a man takes the life of a woman and claims that he did so because she was guilty of immoral sexual conduct it is called an 'honour killing', not murder. The killing of the "adulterous" female – and sometimes, but not always, of the man named as her illicit partner – is intended to erase shame, restore honour, and enforce a social code that defines and controls women's lives. Thus 'honour killing' is also a term that is advanced – and often accepted by the community and the state's judicial system – as an acceptable motive and a legitimate defence for murder.

Essentially, the conduct of a woman is to be regulated and judged by men. If she transgresses the boundaries, she dishonours them and is punished for it. The definition of the conduct that might affect a man's or his community's honour, however, has steadily enlarged its scope beyond perceived or proven adultery to encompass virtually any autonomous decision or action on the part of a woman that affects her social or sexual existence. Of course, not all men kill their women but since many do the practice of honour killing – sanctioned by a state that takes no serious action against it – not only survives but also has been 'corrupted' to serve as a cover for all sorts of murder. Prevalent across Pakistan, honour killings are taking place both in the tribal interior of the country as well as in its more 'modern' urban centres.

Despite routine statements on behalf of the rights of women and the establishment of committees and commissions to study those rights, successive governments have done virtually nothing to secure the life and liberty of women as citizens of this country. Violence, or the threat of violence, at home, in the fields, or in the street, is a daily reality for the vast majority of Pakistani women. The need to confront the problem directly has become all the more urgent since there is a growing perception that the curve of violence against women, including their murder on the grounds of 'honour', has been steadily rising. Various statistics cited by human rights organisations as well as government agencies support this perception. The Government of Sindh has reported an annual figure of 300 for such killings, which corroborates the findings of the Sindh Graduates Association (cited in Amnesty International's 1999 report on honour killings in Pakistan) placing the number of killings at 132 for just the first three months of 1999. This would suggest at least one honour killing a day in Sindh. According to the Human Rights Commission of Pakistan [HRCP] the situation was no different in the year 2000 where for the first quarter alone it had received reports of 119 killings in Sindh. In the Punjab the HRCP placed the number of reported cases for the first three quarters of the year at 240.¹ Finally, speaking at a seminar on violence against women organised by the Pakistan Women Lawyers Association in Karachi, the Inspector General Police of Sindh stated that in the year 2000 nearly 1000 women were killed in Pakistan out of a total world

¹ See Amnesty International, *Pakistan: Violence Against Women in the Name of Honour*, London, September 1999 and Human Rights Commission of Pakistan, *State of Human Rights in 2000*, Lahore, February 2001.

figure of 5000 honour killings.² If this figure is correct, then nearly 25 per cent of the women killed for 'honour' were killed in Pakistan.

Although it is difficult to ascertain the accuracy of these statistics as these are compiled mostly from press reports and therefore do not include cases that go unreported, one can proceed on the assumption that several hundred women are being murdered in Pakistan every year in the name of 'honour'. Furthermore, while the numbers are important to determine the magnitude of the crime, it also should be taken as given that even one woman killed to redeem a man's honour is one too many.

In recent years, the practice of honour killings has received a great deal of coverage in the press. Most of the reporting, however, does not convey the horror that is wrought in the lives of women, nor does it explain why it happens, how and with what consequences. When the victim is an upper class, urban woman the coverage is sensational – almost pornographic in its obsession with lurid detail – and when a nameless woman is murdered in a remote hamlet one gets a two inch report of the crime. In either case, there is a distancing from the reality of an event that does not intrude into our lives. As part of a larger investigation into honour killings, Shirkat Gah has been compiling case studies of individual incidents in Sindh where the customary practice of honour killings, known as *karo kari*, is endemic. To get some sense of what happens on a given day, on a day like most other days, here are a few stories drawn from these case studies that reconstruct the horror of a brutal death inflicted on a trapped and utterly helpless woman in a distant village. In almost each case, we come to know the cast of characters – the men and the women – involved in the tragedy, and get a textured, palpable sense of the world that shapes their benighted existence. Read together, these dry, clinical, case studies reveal a tapestry into which is woven the painful narrative of women's lives.³ Each is like a scrapbook of a life extinguished: we leaf through it; we find the woman.

² "I.G. Police Sindh Aftab Nabi: Perceptions on Honour Killings", *You*, p. 1, *The News*, Islamabad, 20 February 2001.

³ The names of people and places have been changed.



Her name was Nargis, she was 25. It was 2 in the afternoon. Shakoor, her husband, had asked her to prepare a meal for a guest. He had invited Suleman, from the same village, to eat with him. Shakoor and Suleman's families had a dispute over a pocket of land. The local wadero, said the villagers later, had made mischief and incited Shakoor against Suleman.

So on that afternoon, on the pretext of sharing a meal with him, his brothers brought Suleman home and shot him outside the house. Nargis was making tea and roti. She heard the gunshots and ran to the door. She started to scream. "No, no, don't kill him! He's innocent!," she wept. Other villagers came running, too. Her husband was shouting: "I have killed him; he was karo with my wife". She was crying. She ran back into the house. Shakoor followed her; he had an axe in his hand. She grabbed a copy of the Qur'an from the shelf, held it to her breast, pleaded with her husband, begged him not to kill her, she said she was blameless, he hacked her to death. He had married her only a month earlier. There's the FIR, filed at the nearest police station, and the post-mortem report. There was a razinama, a reconciliation arranged by the wadero, and Shakoor was freed by the police. Nargis and Suleman are dead. The wadero said Shakoor and his brothers should pay Suleman's family Rs. 15,000 for gouging out his eyes and cutting off his nose.



Iffat Bibi was 25. She had a son. Her husband's name was Mokarram Ali. One day, he accused her of having an affair with his cousin, Haider, threw her out and sent her back to her father's house. Some months later, he changed his mind. He'd made a mistake, he said. He declared his wife was 'achhi' or clean. He wanted her back but her father refused. The father had found another man who was willing to pay more money for his daughter. Mokarram Ali could have his wife back for Rs. 150,000 but he did not have that kind of money. "You called her kari with your cousin," said the father. "Get your cousin to pay me compensation." A jirga was held. All the men were there. Iffat Bibi was not. She was never asked what she wanted for herself. The wadero decided that Haider would hand over his own fiancée to Iffat Bibi's brother as compensation. Thus another woman's fate was decided. All the men were satisfied, except Haider. Mokarram Ali was now permitted to visit his wife in her father's home. She got pregnant again. Her brother still wanted Haider's woman, promised as compensation to his family. Haider refused. Iffat Bibi's husband had retracted his accusation and taken her back. If she was not kari, how could he be karo, he asked. To get Haider's woman in compensation the brother would have to kill his sister as kari. Iffat Bibi was sitting in her father's courtyard nursing her child when her brother hacked her to death with an axe. We do not know what happened to the child.



Rahmatay was 12 years old. Her father had promised her in marriage to Naveed in exchange for Naveed's sister as a wife for his son. But the men in the two families subsequently got embroiled in a bitter dispute. Naveed and his brothers wanted revenge, perhaps land or money. Naveed informed Rahmatay's father that he was coming the next day to marry his daughter. The father could not refuse: Rahmatay had already been bartered away for another woman. So the child was dressed in bridal pink, and readied for her wedding. The village mullah balked at performing the nikah because the girl was too young. Naveed put a gun to his head. Rahmatay was married and taken away. That very night, her 'wedding' night, Naveed pumped five bullets into her young body and killed her. She had confessed to being kari with her cousin, he said, and so she deserved to die.



Zainab, 40, had been married to her husband Ghulam Mustafa for twenty-two years. Her father had given her to Ghulam Mustafa in exchange for the latter's sister as a wife for him. Zainab was different. She had been to school, and after she raised her six children, she decided to get a job; she had been working for three years as a Lady Health Visitor at a primary health centre in the small town of Kot Mithan. Then her daughter Rabia decided to marry a man of her own choice, Sajawal Abro, and raised a storm of opposition in her family. Her mother supported her and, in the end, helped her marry Sajawal. Zainab's husband, father and brother took the matter to court where they claimed that Rabia had been kidnapped by Sajawal Abro. Zainab testified in court against her family and on her daughter's behalf. On returning home her husband shot and killed her. He claimed that he had 'found' her with one, Abid Abro, and killed her as kari. Zainab's father supported her husband's accusation. Abid Abro and his family claimed he'd been away in Larkana for three days prior to the killing. The whole town knows, they said, that Zainab had been killed as kari because Abid Abro, who was the head of the Abro clan, had supported Sajawal's marriage to her daughter Rabia. Zainab was dead and received a kari's burial: there was no ritual bathing or funeral prayer – she was buried in a hole in the ground with no stone to mark the grave or remember her by. She was a kari, said her father, and karis do not deserve any better. But Zainab's three sons believe their mother was innocent and their father murdered her. They went to the spot where she was buried, prepared a grave for her and covered it with flowers.



Saba, 35, was married to Ali Akbar. One day, Ali Akbar's cousin, Kashif, on the report of his 16-year-old son, accused Saba of being kari with one, Abdullah. According to some people of the village, Kashif and Abdullah had been embroiled in a long running dispute and Abdullah wanted to get even with Kashif. Ali Akbar refused to believe Kashif's accusation against his wife but Kashif was more resourceful: the local wadero, Nurul Hassan Junejo, would decide on a settlement, through a faislo. Saba, now branded a Kari, was taken and held in the wadero's home where she was physically abused and lost the child she was carrying. At the faislo, while Ali Akbar continued to insist that his wife was innocent, the wadero imposed a Rs. 110,000 fine on Abdullah, the alleged karo, to be paid as compensation to Saba's relations (presumably, as is customary, with a percentage for the wadero himself). Abdullah fled from the village. Ali Akbar went to the Superintendent Police to ask for help in getting his wife back from the wadero. But the wadero was more powerful: the police arrested Ali Akbar instead, releasing him only after they made him put his thumbprint on blank paper to use as a divorce document. Upon his return to the village, Ali Akbar's relations told him he was shameless and "without honour" and they turned him out and sold his house. Meanwhile, with the assent of the wadero, Saba's brothers made a deal with the Mengal tribe in Baluchistan to sell their sister in marriage for Rs. 80,000. Ali Akbar went to the brothers, the Qur'an in hand, and pleaded to have his wife back. They refused. He went to the Mengal sardar and, again hand on the Qur'an, asked him to forbid his tribesmen from buying his wife. The Mengal sardar, Mohammad Amir Mengal, talked to Wadero Nurul Hassan Junejo who told him that Ali Akbar was "without honour". So Saba, who lost her home, her husband, and her child, was sold into 'marriage' to another tribe. Ali Akbar is still trying to get her back.

'Honour' killings: a historical overview

The practice of honour killings has a long genealogy. It is linked to the emergence of patriarchal social structures across Europe and Asia within which the honour of the family and the community came to be inextricably bound with the sexuality of its women. The control of the sources of production such as land and livestock and sources of reproduction, that is, women, was fundamental to the survival of agrarian and tribal societies. In order to establish the paternity of offspring, ensure the maintenance of lineage, and the rights to ownership of property the regulation of a woman's sexuality – and the safeguarding of her chastity – was imperative. Essentially, then, the worth of a community vested in its land and its women and notions of shame and honour came to be linked to these possessions: men would kill to protect their land and they would kill to protect their women. And they would kill the women if the strict code governing sexual relationships was violated. The custom of honour killings thus emerged as a central element in the code that regulated social relations in these 'primary' societies, and, to a greater or lesser extent, is still practised in different parts of the world.

Thus according to historical and anthropological studies the killing of women to restore male honour and maintain patriarchal structures has been taking place for centuries in lands that were the cradles of world civilisations: in agrarian societies such as China and India (including present day Pakistan), in the tribal, Arab Middle East, throughout the lands of the Mediterranean (in Palestine, Lebanon, Turkey, Greece, Morocco, Italy, Spain), in Southern Europe, as well as in Latin American countries across the Atlantic (Peristiany 66:243-260; Chowdhury 96:332-367; Palmer 88-89:57-79; Gilmore 87; Spierenburg 98; Al-Khayyat 93). It should also be noted that the connection between women, adultery, property, and murder did not elude the Anglo-Saxons: English Common Law perceived women as chattel and, therefore, defined adultery as a crime against property. French Law, taking a more Gallic view, considered it an offence against honour. And even today, when adultery is no longer a crime, for example in countries such as Britain or Australia, men killing their wives are able to rely on the law of sexual provocation to plead mitigating circumstances in their defence (Leader-Elliott 97:149-169).

Given the global manifestation of some variant of honour killing, it is clear, as a commentator points out, that "sexual provocation is a cultural defence which transcends religion and ethnic origin, and claims for itself a constituency almost exclusively masculine" (Leader-Elliott 97:153). Women, generally, do not kill adulterous men nor are they supported by custom or law to demand and secure chastity or monogamy from the males in their community. Men, on the other hand, do kill on those grounds and the claim to this prerogative has cut across virtually all religious and ethnic boundaries.

At the present time, however, it is the case that honour killing *as a practice sanctioned by custom and, in some instances, statutory laws* seems to be largely confined to the states in North Africa and the Middle East, including Turkey and Pakistan. In other words, while women are being killed by men – husbands or lovers – in what are often described as

“crimes of passion” all over the world, in most countries today the killing of women in the name of honour has no customary or legal sanction. It is quite the opposite in countries such as Pakistan, Turkey, Jordan, Syria, Lebanon, Palestine, Egypt, Iraq, Saudi Arabia and Morocco, where a woman can be put to death by any one out of a whole range of male relatives – husbands, fathers, brothers, uncles, sons – who claim and receive legitimacy for such a killing from the community and from the state. When practiced for example in countries like Pakistan, Palestine, etc., it crosses religious boundaries. On the other hand, there are many Muslim countries where the custom is absent, e.g., countries starting from Bangladesh eastward and below Sahara in Africa.

In fact, some states include specific provisions in the law that place honour killing in a category all its own. For example penal codes in Jordan, Lebanon and Syria entirely absolve those men from the penalty of their actions who kill ‘adulterous’ women caught *flagrante delicto*. In other Muslim countries the law does not provide an absolute defence for men who kill their wives in such situations, but these men nonetheless receive reduced sentences. The Syrian and Lebanese penal codes recognise a further defence of ‘questionable attitude’, which allows a man to claim mitigating circumstances on the grounds that the actions or conduct of the murdered woman had stained the family honour. The penal codes in Turkey and Iraq (applicable to Kurdistan) also provide a defence, albeit limited, for crimes of honour. (In Europe, while Spanish and Portuguese penal codes have also permitted a partial excuse for crimes of honour, similar measures earlier applicable in Italy and France have since been abolished. Similarly, In Brazil, where honour killings have had social legitimacy, a ‘crime of honour’ defence has been rejected by the country’s highest court (Schuler 86:75-78; Spatz 91:597, Nelson 93:531-536).

In the case of Pakistan, even though the penal code does not recognise a special defence for ‘crimes of honour’, the courts have continued to utilise the concept of ‘grave and sudden provocation’ to acquit or deliver reduced sentences to men who claim ‘honour’ as the reason they kill women in the name of honour. The legal provision was introduced under British criminal law and deleted under the Qisas and Diyat Ordinance when the laws were supposedly made ‘Islamic’. Despite the clause⁴ having been deleted, the law is being interpreted to serve the ends of a social code that places a woman’s life in the custody and control of men and which condones the taking of that life if the woman’s actions are perceived as a threat to the established order. In other words, law and custom operate in tandem, the one reinforcing the other – with each given a new lease of life in 1979 by the military regime of General Zia-ul-Haq which introduced yet another parallel ‘Islamic’ legal system in the guise of the Haddoo Laws. These laws, based as they are on the most retrogressive interpretation of Islam, have served to confirm the inferior status

⁴ Section 304 (1): The Penal Code states that in order to invoke this exemption: The provocation must be grave and sudden; Due to the gravity and suddenness of the provocation the accused should have been deprived of the power of self control; Provocation must not have been sought by the accused himself nor should it be a voluntary provocation; Provocation received by anything done in obedience to law or by a public servant in lawful exercise of his power, will be no defense; Provocation caused by another in lawful exercise of his right of private defense, will also be no defense to the charge.

of women in a deeply misogynist society and, in effect, provided official sanction to their oppression. The rise of reported crimes of violence against women should be viewed in the context of such an 'enabling' environment in a country that is in the throes of wrenching economic and political upheaval, and where, therefore, the exercise of power by men, both in the domestic and public space, is increasingly legitimised by reference to invented moral certitudes.⁵ It is hardly surprising, then, that the practice of honour killing not only survives but has also spread from its original 'theatre' in the tribal and feudal hinterlands to the more urban terrain of modern Pakistan.

The origins of honour killings in this country can be traced to the pre-Islamic, tribal culture of Baluchistan and the northwest frontier. Migrating tribes from Baluchistan carried their tribal code across the border into upper Sindh and southern Punjab where the practice of honour killing, rooted in ancient custom, continues to this day. While in Punjab, the practice was limited to the relatively small region of Baluch settlement – such as the districts of Rahimyar Khan, Rajanpur, and Dera Ghazi Khan among the *derajat* – along the Baluchistan border, honour killings became an integral element in Sindh's feudal social structure, with many Sindhi clans today tracing their lineage to Baluch tribes. Thus in Sindh, where the area of Baluch settlement was much larger, honour killings commonly occur in an arc stretching along the border with Baluchistan that includes districts such as Larkana, Jacobabad, Shikarpur, Sukkur, Dadu and Badin. According to Nafisa Shah, a scholar who has written extensively on the subject, "such killings, encoded in the ancient custom of *karo kari* in Sindh, *siyahkari* in Baluchistan, *kala kali* in southern Punjab and *tor tora* in the NWFP have been occurring for centuries" (Shah 98:227-252; Shah 93). Infused with the meaning of 'blackness', the terms express the social stigma attached to the act of adultery as well as to the persons deemed guilty of it. Death was, as it is today, usually the only way to erase the stigma.

As gazetteers published by British colonialists in India show, the customary practice of honour killing in these western reaches of the empire was an integral part of a detailed code of honour that regulated tribal social relations (Gazetteers 80). Among the Baluch, adultery – or *siyahkari* – was very severely punished. The pronouncement of *siyahkari* was a virtual death warrant for a woman: "A woman taken in adultery is by Biloch law made to hang herself, while even the penalty attaching under English law to murder cannot save the adulterer, if caught, from death at the hands of the woman's relatives" (Gazetteer 90: 60-61). However, there were some fairly clear 'rules' in the tribal code that governed the practice of honour killing among the Baluch. For one, the death sentence was reserved mostly for a married woman, for "a faithless wife caught *flagrante delicto*" in the act of adultery. Secondly, mere suspicion could not constitute grounds for a killing. For example — as Henry Pottinger, a British agent for the Governor General noted in his report on his travels through Baluchistan and Sindh in 1810 — in the "territories" ruled by the Khan of Kalat, there were certain evidentiary requirements:

⁵ The increase in honour killings is not an isolated phenomenon. In the name of God and religion violence is being directed not only against women – the most vulnerable section of society – but also against other minority groups such as the Christians, the Ahmedis and the Shias. In short, Pakistan today seems to be caught in a carnival of bloodletting in which men kill to settle argument within and wage war to vanquish an infidel world without.

A man who discovers his wife committing adultery, may put her and her lover both to death; but he must bring two respectable witnesses to attest the fact, else it is treated as a case of murder. In the same manner, if he can produce four creditable eye witnesses to his wife's infidelity, though he himself should not have suspected it, he is at liberty to destroy her, and her paramour if he can get hold of him. The circumstance is then reported to the Khan, who, assisted by the moolahs or priests, examines into it, and if the proofs are valid, the matter is settled; but should any doubt arise respecting the evidence, the man, who has revenged his own supposed wrong, is doomed to the most severe penalty for murder, and the witnesses are given up to the family of the accused person until they can prove their assertions. This salutary law equally restrains revenge and false accusation (Pottinger 86: 292-293).

Among some tribes a man could kill an adulterous wife *only* if he could prove that she was not a virgin at the time of their marriage, which, seemingly, allowed for the possibility – and an implicit acknowledgement by the community – that not all women were virgins when they married. “The difficulty”, writes Pottinger, “in satisfactorily proving the charge, and the deadly feuds it would give rise to in the families, restrain[ed] any attempts at unfounded accusations” (Pottinger 86:70). Furthermore, while death was the most common penalty for adultery, it was not the only way out. Some tribes allowed the unfaithful wife, after a divorce and upon payment of compensation to the injured husband, to marry her lover. Compensation could take the form of women, money, cattle or land, with the size of compensation varying among different tribes.

In the case of an unmarried woman accused of illicit sexual relations, a father was considered within his rights to insist on both parties being put to death. However, if the woman was discovered to be pregnant, marriage for the lovers rather than death was the preferred outcome, presumably to spare the life of an innocent child (Pottinger 86:293). One can conclude, therefore, that not all unmarried women were virgins, nor were all put to death. (Nor was a child conceived out of wedlock necessarily consigned to eternal damnation.)

While the rules governing the determination of guilt or innocence indicated a certain concern for ‘justice’, with death not always the only prescribed penalty, most forms of punishment, varying among different Baluch tribes, were still unremittingly harsh. The Laharzai Musa Khels cut off the nose of the woman and made a cut on the forehead and wrist of the man; the Dumars, Zakhpels and Wanechis cut the woman's nose and ears off, while the Bel Khel Musa Khels and Isots chopped off the woman's nose and the man's foot (Gazetteer Vol. II 80:118). This disfiguring, crippling brutality of the punishment was meant to match the ‘blackness’ of the crime.

The ritual violence of honour killings in Sindh and Baluchistan was witnessed by Pottinger who wrote in his travelogue:

In these areas the man who finds his woman in liaison with another man calls a *jirga*. The accused couple is made to dress up in bridal attire – the

woman even having henna applied to her hands and feet as is traditional for brides. They are then brought before the *jirga* in a *baraat*-like manner, and stoned to death by tribesmen. In case a married man accuses his wife of infidelity, he has to prove that his wife was not a virgin at the time of her marriage. If he can do so, he divorces her, makes her don her wedding outfit and stones her to death.....This practice is not too common since it is hard to prove a woman's past virginity.⁶

To their credit, the British did attempt, albeit with moderate success, to stop the killing of women. Hamida Khuhro, a historian of Sindh, records that Charles Napier, the British governor of Sindh, let it be known that all *karo kari* killings would be punished with death. And when as a consequence of this announcement, the incidence of female 'suicides' registered a dramatic increase, Napier threatened horrible consequences for any village where a woman was found to have committed suicide under suspicious circumstances. A fine was to be levied on the entire village, the *kardar* was to be dismissed, and all of the relatives of the dead woman's husband were to be forcibly banished to exile in Karachi. Such punishment, he warned, constituted such "danger to all that you should tremble if a woman is said to have committed suicide in your district, for it shall be an evil day for all in that place. This year vast numbers of women have been hanged; gross falsehoods have been put forth by their families that they committed suicide; but woe to their husbands! The murderers would be sent to labour far away over the waters" (Khuhro 99:10). The killings subsided for a short while only, causing Napier to send out a circular to his officers in Sindh demanding a strict enforcement of the law: "I beg of the magistrate to warn the *kardars* that they must find out the truth; they can do so with ease; and if they do not, they shall suffer. It is just one of those fearful conspiracies to baffle a just law that must be met with great firmness and punished with great rigour" (Khuhro 99:10).

As in Baluchistan and Sindh, in the tribal society of the region that now forms the Northwest Frontier Province [NWFP] of Pakistan, where seclusion and chastity of women are rigidly observed laws, the penalty for suspected deviance was and continues to be certain death for the woman. Two cases cited by anthropologists Akbar and Zainab Ahmed illustrate "the operative principles" in Pashtun society.

A Pukhtun married couple D and E arrive at Malik A's village, as clients (*hamsaya*) seeking political refuge from agnatic rivalry (*tarboorwali*). B, A's son, begins a quiet affair with E. D reports the matter to A who arranges a feast, at the end of which he asks all present to pray. He then pulls out his revolver and empties six shots into his son B. *Pukhto* ['manhood' or 'honour'] has been done. After the forty days of Islamic mourning for his son's death A calls D and, giving him the same revolver, asks him to also do *pukhto* by shooting his own wife E. D shoots E. A then declares in public that as of now D is his legal son and marries him to his dead son's wife C.

⁶ Cited in Newsline April 1998 p 23 (Pottinger 86)

In the second case, D, engaged to B, was picking maize in the field when E, a young cousin, chanced on her and while he talked to her, B happened along and accused them of being *tor*. B complained to A, who with his son C, shot his daughter D. E ran away from the area and went into hiding. The elders arranged compensation worth Rs. 1500 so as not to split the group. E was allowed to return (Ahmed and Zeenat Ahmed 81:34-35).

The status of a woman in tribal society was therefore a complex one. The triad of *zan*, *zar*, *zamin* – woman, gold, land – historically cited as man's most coveted possessions was one representation of her role. At one level she was 'property' – like land or livestock – that could be held or exchanged to cement alliances or settle tribal disputes or vendettas. As the Gazetteers from the British Raj report, a "tally" was kept by each tribe of each life they owed to, or were owed by, other tribes: "When the tally becomes complicated, it can be settled by giving one girl in marriage for each life due or by the payment of cattle. Amongst members of the same tribe a murder may be commuted by *wanni*, the bestowal of a girl in marriage to one of the murdered men's relations, or by *banni*, the gift of a *band*, or field" (Gazetteer 90:44). The fact that a woman was prized more as a commodity than as a human being was evident in the elaborate celebrations, as recorded, that occurred on the birth of a son and continued through various stages of his infancy; the birth of a daughter was "not attended with any ceremonies" (Gazetteer 90:44-45).⁷

The value of a woman as chattel, it can be argued, was closely related to the other – seemingly more elevated – aspect of her status in society, that is, as a repository of male and tribal honour. For, her virginity as an unmarried girl and her chastity as a married woman defined, on the one hand, her value as exchangeable commodity and, on the other, were important, as noted earlier, to establish the paternity of the tribe's offspring. These considerations, in a sense, were the material basis of the ideology of honour. Thus a woman and her body were male possessions to be held and disposed of in accordance with tribal law governing social and economic relations. In the case of adultery or illicit sexual relations, guilty of devaluing herself and undermining her husband's (or father's) social standing, she forfeited her utility and her right to life. However, her death also meant the loss of property, which had to be compensated. The compensation to the injured party – that is, the man who was 'forced' to kill 'his' woman – had to come from the tribe (or family) of the man – dead or alive – with whom the woman was believed to have committed adultery. This compensation could either be paid in the form of land or in the form of another woman. In other words, a dead woman equalled one live woman or

⁷ This absence of celebration at a girl's birth in the Muslim world may be traced back to the pre-Islamic Bedouin culture of the Arabs. However, the fact remains that in virtually all patriarchal societies sons were members of the superior, stronger and more powerful 'male' species who would make war and reap gold and glory, while daughters had a strictly utilitarian function: they would bear children (and better for them if they bore sons) and labour at home and in the fields to feed the men. The devaluing of a girl-child is still evident virtually everywhere: an extreme example is the murder of infant daughters by parents in China who, faced by the Chinese government's one-child-per-family population-planning strategy, want to have another shot at producing a son. In India and other places, the use of modern technology by some parents – the sonogram – to detect and abort a baby girl is another example.

a parcel of land. This equivalence between woman and land or money, as interchangeable commodities, was evident in varying circumstances. Thus in some tribes a man was allowed to marry an unmarried girl he could “entice away” provided he gave “another girl or else land to his wife’s relations” (Gazetteer 90:44). Again, while noting that the Baluch and the Brahuis punished adultery by death, the British colonialists’ records state that “Afghans [Pashtuns] will generally salve their honour for consideration in money or kind”.

It is this objectification of women as usable and exchangeable ‘things’, subject to the will of men in tribal and feudal societies, which is at the heart of the practice of honour killings that has come down through history into modern day Pakistan.

Karo kari today: A killing by any other name...

Even today, at the dawn of the 21st century, trapped from birth by their definition as commodities of exchange as well as repositories of male honour, women's lives (and their deaths) are almost entirely determined by the actions and interactions of the men in the community to which they belong.

The reality of woman as a piece of property, a commodity, is reflected in the ways in which society continues to dispose of her body. She can be offered as compensation for damage to life and property. Thus she can be given as *khoon-baha* or blood money (called *swara* among the Pashtuns) to compensate for murder. She has no say in when and whom and on what terms she marries. Often she is given in marriage to the highest bidder who pays an agreed sum of money to her male guardians to acquire a wife. A grotesque variation on this transaction – called *pait* in Sindh – involves settling the fate of the woman's unborn child. Thus if the prospective husband is unable to pay the full price, he promises the woman's (yet to be born) daughter to the (yet to become) maternal grandfather who will thus acquire another woman to exchange for a better price in a subsequent transaction. In Punjab the custom *chatti*, meaning settling disputes by giving women in compensation is common. The custom of *watta satta* is yet another marriage transaction in which a man can acquire a wife by offering a woman that belongs to him – a daughter or a sister – in exchange. Such an exchange can also link the fate of one woman to the fate of the other; thus if one is divorced or killed, the other is likely to suffer the same fate in retaliation.

And, ironically enough, it is this same bartered woman – herself denied any respect or recognition as a sentient, thinking human being – who continues to serve as the embodiment of male honour. Therefore, in Pakistan today, women continue to die because, in a throwback to a primitive, tribal code of conduct, men continue to reserve the right to kill to maintain their 'honour'. The changing times, however, have wrought a change in the practice of honour killing that might well have contributed, in part, to its spread. The change is manifest on two levels, each related to the other, and marks a distinct departure from the original custom.

First, honour killings today do not appear to be governed by any of the rules that were part of the Baluch tribal code in the past. Mere suspicion, rumour, hearsay is sufficient to condemn a woman to death for adultery. Nor is the killing reserved for married women; all are fair game: young girls who have not yet reached puberty, old women, pregnant women, mothers with young children. There are no evidentiary requirements to establish guilt, no furnishing of proof through eyewitnesses, and, of course, the woman is never asked or permitted to defend herself. It is enough for a man simply to have dreamt in his sleep that his wife had been unfaithful to kill her upon awaking (Shah 93:29-35).⁸ Death comes often like a bolt from the blue – 'justice' is done, 'honour' redeemed. "Normally they don't even warn you, they just kill you," says a woman who was branded a *kari* as a

⁸ This bizarre killing actually happened in Sindh as reported in Nafisa Shah, 'Ritual Killings in the Name of Honour', *Newsline*, Karachi, January 1993.

young girl but escaped death, "I remember my *chachi* (aunt), a very old woman, was kneading flour for a meal and did not even see her own death. Her brother and her cousin struck at her from behind and the flour ran red with blood" (Shah 93:29-35).

Inflicting death upon the woman is no longer only a prerogative of the husband or the father. Any male in the family – brother, son, uncle, nephew – considers himself within his rights to end her life if he believes that she has violated the conditions of her existence. In this regard, simply the perception in the community that her conduct has transgressed the limits is sufficient to seal her fate. As the Shirkat Gah case studies of *karo kari* in Sindh show fifty percent of the killings were the work of husbands, fathers were complicit in one or two cases, while the rest of the murders were committed by other male relatives. In fact, in one case the husband had retracted the accusation against his wife but her brother killed her anyway. In another, the husband would not accept the charges of adultery levelled by other relatives against his wife but was unable to prevent her brothers from auctioning her off for a sum of Rs. 80,000 to another tribe. "We are a hot-blooded people," said a farmer, "we cannot bear people saying anything about our women" (Shah 93:29-35). And so they kill the women.

The insult to male honour of course cuts across class lines and unites the peasant and the lord in their view of women. The difference is that a lord has more 'honour' to protect than a mere peasant; he cannot let the world know that his woman has dishonoured him. Therefore sometimes, as Nafisa Shah reports, instead of killing the woman the *waderos* (tribal or clan chiefs in Sindh) adopt a different mode of punishment:

They let the man involved flee from the scene and demote the woman from the status of a wife to that of *kari* whose life inside the *kot* will be lived on a subhuman level with the female servants. The case is kept a tightly guarded secret... But to extract revenge, the *wadero* prevails upon one of his henchmen to kill his own wife on the pretext that she has been unfaithful, and then kill the paramour who has fled the scene. Thus the *wadero* is avenged and yet another woman loses her life (Shah 93:29-35).

While the practice of honour killing has been freed from any and all rules the ritual violence that accompanies it has lost none of its ferocity. The weapon of choice for the murder of a condemned woman is the axe; often slaughtered like an animal, she must die a thousand deaths before her executioners are done. (The man, if he is killed at all, is usually shot.) The different rituals for honour killings that still prevail faithfully replicate the practices that were recorded nearly two hundred years ago. Thus, according to Tanvir Junejo, Professor of Sociology at Jamshoro University, in Kandhkot and its environs the *kari* is dressed in bridal red and henna is applied to her hands. At dawn, the time for the morning *fajr* prayers, she is dragged to the banks of the river where she is hacked to death with an axe. In some areas, the woman is taken to the top of a hill and her neck is broken. Professor Junejo has also recorded the case of the woman who was first kidnapped by the local *wadero* in Goth Laskani near Sanghar and then freed with the help of some influential persons in the area after her brother and son had gone and pleaded their case at the local Press Club. The woman was then returned into the care of her brother and son. Before killing her, they cropped her hair, cut off her nose and her ears, broke her teeth

with the handle of an axe, and poured a liquid disinfectant down her throat. Then they finished her off with their axes. A kidnapped woman had been 'dishonoured' and become a *kari*; she could not live (Junejo 96).⁹

Nor can a *kari* be given a decent burial. Her body does not get the ritual bath or the shroud; no funeral prayers are recited over her; and she is interred in an unmarked grave in a graveyard reserved only for women like her. In many places, however, her bludgeoned body is simply dumped into a river. Naseem Thebo, a woman from Dadu, states that she grew up watching limbs and other parts of women's bodies floating down the river that ran through her village (Shah 93: 29-35).

This arbitrary, random nature of honour killings, where any man can kill any woman remotely related to him at any time without any proof of guilt (or have another killed in her place) therefore marks a departure from the tribal code of the ancestors of today's honour killers, and may well have contributed to the increased incidence of the crime in modern Pakistan.

The second significant change today – and, again, one that has led to women dying in growing numbers – is manifest in the additional uses to which honour killing is being put. For while in its 'pure' form the killings may have been about exterminating the adulterers and thus redeeming tribal honour, in its transmogrified form it has a much broader application and serves many different purposes.

Thus, under cover of *karo kari*, men kill innocent women to settle old vendettas, to acquire land, to secure money to pay off debts, to be freed from the obligation of paying back debts, to get a second wife, to get rid of an unwanted woman, and so on. And all of this is possible since, in accordance with custom, the man who kills his woman as *kari* is not a murderer but the victim of 'dishonour' who is entitled to compensation – to redeem his honour and to make good the loss of a woman. This custom of compensation is of course an old one; however, in its current form it has given a new twist to the commodification of women as usable, disposable and exchangeable objects: a dead woman can fetch a hefty 'prize' in cash or kind for her family. As Nafisa Shah points out, all that is needed is an accusation of adultery, followed by the murder of a woman, and the man who has been named as *karo* must pay to save his own life. Of course there are variations to this theme. She cites the example of a man of the Lolai tribe in Ghauspur who murdered a seventy-nine year old woman and accused a man to whom he owed Rs. 75,000 of being her lover. A woman died; the debt was settled. Similarly, a woman's in-laws in Khairpur Joso killed her as *kari* for serving tea to her husband's friend. The family needed a quick infusion of cash and was able to secure a sizeable sum from the hapless fellow who came to tea (Shah 97: 242). Again, a dead woman was worth a lot of money

Beyond such fairly simple, straightforward transactions, honour killings also serve as "a convenient cover for all kinds of murder in feuds and assaults which have their origin in

⁹ Tanvir Junejo, '*Aurat kari kay roop mein*' [Woman as a *kari*], in '*Aurat, samaj aur tashaddud*' [Woman, Society and Violence], *Mehran*, Jamshoro, July-September 1996.

land or property disputes. If a man murders a tribesman in a land dispute, he is advised to quickly murder an old aunt, accuse her of illicit relations with the murdered man, and transform the act into an act of retribution" (Shah 97:242). This functional aspect of honour killings is corroborated in Shirkat Gah's findings, according to which in almost half of the cases recorded, the villagers believed that the accusations were false; instead, they stated, the real motive for the killings had to do with land or other previously existing disputes and enmities.

In the perpetuation of honour killing as custom and practice, the role of the local *waderos* or *sardars* (tribal chiefs or feudal lords, usually both) cannot be underestimated. For the most part, the *sardars* support the custom as an essential constituent of their tradition. Many of these gentlemen are well educated and well travelled; many sit in the country's parliament (when it is not 'suspended') as representatives of the people and serve in the government as cabinet ministers and advisers; they are all aware that the world beyond their fiefdoms has changed in the last hundred years. And they are not interested in changing the almost medieval world they themselves inhabit. Mir Hazar Khan Bijrani, a former member of the National Assembly of Pakistan and a former Defence Minister, exemplifies this contradiction when he defends killing in the name of honour. "It is an old tribal ritual which people sometimes misuse for their vested interests," he says, "but a genuine *karo* and *kari* cannot be spared; both must be eliminated if proved [sic] guilty. This is a centuries old tradition and cannot be removed by the stroke of a pen." Instead, in his view, legislation should be passed to ensure that the system is not abused (Ansari 98:28).¹⁰ According to the logic of this argument it would be entirely appropriate for the State to make laws that would ensure that a person may only hack a woman to death if he has the 'purest' of motives – to punish illicit sexual relations and redeem 'honour'.

With the legitimacy of honour killings taken for granted, it is the *sardars* who preside over tribal *jirgas* and secure an appropriate settlement between the two parties. The settlement, called a *faislo* in Sindh, is usually sought by the relatives of the man who has been declared a *karo*. The objective is to preempt revenge (*badlo*) and therefore to appease the relatives of the *kari*. The *faislo*, is not intended to determine guilt or innocence, but to restore the balance in society that has been disturbed by the necessity of an honour killing. Murder is not the crime here; rather the crime is the damage done to property and honour of those who have had to kill their woman. Through the *faislo* the *sardar* announces a 'just' compensation from the *karo's* family. The compensation can be in the form of money, land, or women. The standard price, Nafisa Shah reports, is one girl above the age of seven or two under seven. In order not to have to give up two of their girls, families are known to have knocked out the child's milk teeth to pass her off as older than she really is (Shah 93:29-35). But sometimes the compensation has to include two women regardless of age because, as Nawab Mohammad Aslam Raisani explained it, "if her paramour escapes, he has to pay two *khoons* [blood money], one for the loss of a wife or daughter and one because the paramour's life was spared" (AI 99:14). The *sardars* who preside over such settlements are actively complicit in this trade in women. "The idea is to cool tempers and what better way to do it than to give a girl in exchange?" argued a *sardar* from Kashmore even though he conceded that such a woman

¹⁰ Massoud Ansari, 'Increase in the Incidents of Honour Killings', *Women's Feature Service*

is subjected to “a lifetime of torture”. Nor is the consent of the girl required because, according to Khadim Hussain Jatoy, also a *sardar*, “that does not appease the tribes and we have to do *sulah*. There is no settlement if we ask for the woman’s consent” (Shah 98:245).

A more ‘benign’ aspect of the *sardar*’s role in accusations of *karo kari* is the protection he can offer to the women who manage to escape with their lives and seek *saam* or refuge under his roof. Women whose lives have been spared on account of the *sardar*’s intervention through a *jirga* may also ask for asylum there. However, the fate of these women is usually far from enviable, for *saam* in real terms translates into a lifetime of servitude as a *baanhi*, or slave, of the *sardar*. He has the power of disposal over them: he can use them for his own sexual gratification, or auction them to the highest bidder since *karis*, particularly if they are young and beautiful, fetch a high price.¹¹ For instance, Amnesty International was told in Baluchistan that women accused of *siahkari* may be auctioned at the annual cattle fair in Sibi to men of other tribes. The *sardar* may deduct a percentage of the price for himself to pay for her maintenance while in his household; the rest is delivered to the husband or father (AI 99: 28).

Of course, not all *sardars* seek to exploit the conditions of *saam* or refuge they provide and may genuinely believe that they are doing the right thing by protecting the lives of unfortunate women. Nawab Mohammad Aslam Raisani, chief of the Sarawan tribe, makes such an argument when he says, “Nobody will touch her here, she is safe. If she is unmarried I will find her a husband; if she is married I see to it that she is divorced and get her married in a faraway community, which ensures her safety.... This has been the system for a long time, there has been no change and that is good” (AI 99:28). The difficulty, however, is that ‘the system’ is not ‘good’. Not only is it paternalist in the extreme for it allows no autonomy to the woman to decide her own future – she remains a useable, transferable commodity – it also sustains the tribal or feudal foundations that legitimise *karo kari* and thus the killing or hounding of women. Therefore, the *sardar*, whether he provides *saam* to a woman who still lives or arranges compensation, often in the form of another woman, to her family if she is dead (and even if she is not), is using the institution of the *faislo* to perpetuate the system.

Compounding the problem is the collusion between the State and what Nafisa Shah terms the “informal settlement system” the *sardars* preside over. In their time, as a means of administering tribal areas of the empire, the British had accorded formal recognition to the *jirga* system through which the *sardars* organised councils to mediate disputes between and within tribes according to custom and tradition. The present day *faislo* is a less formal, less structured, hangover from the earlier *jirga* system (Shah 98:227). But, as in the colonial past, the district administration and the police often support the resolution of disputes through tribal institutions. There are few convictions, and most of the accused literally get away with murder on the basis of *razinamas* (‘reconciliation’ agreements) presented to and accepted by the police.

¹¹ Nighat Memon, *Karo kari in Sindh: Social and Psychological Consequences for Women*, unpublished thesis, University of Jamshoro, pp. 3-4

In a panel discussion on *karo kari*, held in Khairpur in December 1996, Mohammad Ramzan Memon provided a detailed account of the ways in which some *jirgas* operate to reach a settlement which almost always results in either securing the release of the woman's killers from police detention, or preempts their arrest. According to Memon, a delegation of local notables, *pirs*, *sayyeds*, and *maulvis* makes representations to the *kari's* family to secure a settlement. Such a delegation is called *mairh* in Sindhi. The most straightforward and uncomplicated case for a *mairh* to settle is one in which the illicit relationship between the murdered couple was common knowledge in the community, and tacitly acknowledged by the families on both sides. The killer informs everyone that the killings have taken place and presents himself to the police with the admission that he has done so. The murdered couple is buried, the killer is congratulated for doing the honourable thing, the shedding of blood is forgiven, a *razinama* is signed and presented to the police, and the killer is freed. In the case where the murder of a couple on the grounds of *karo kari* raises some doubts or questions as to the real motives for the killing, the *mairh* is instrumental in dissuading any relatives on either side who want to go to the police for an investigation. They are told that the killings were a matter of honour, any questions or objections will only bring dishonour to those who raise them in the community. Doubts are suppressed, accusations withdrawn, and the killers are sprung from police custody. In the case where only the woman is killed and the man flees or is spared, and where the man's family believe that he is being framed as a *karo* in an honour killing which had other motives, the *mairh* serves to work out a settlement according to which compensation is paid to the dead woman's family – in the form of another woman and money – to save the man's life. Again, a *razinama* goes to the police and the woman's killer is free.¹²

The readiness on the part of the police to exclude the crime of honour killing from their purview is a consequence of several interrelated factors. To begin with, the police are themselves a product of a society which does not hold women in high regard. An honour killing is a legitimate killing and those who commit it are doing what they must. Therefore, the police take the view that they do not interfere in such cases because "it is an issue of *ghairat* or honour: it is their own private matter" (Shah 97:257). Secondly, there is money to be made. As Nafisa Shah discovered, the police charge a fee not to register a case of *karo kari*: Rs. 7000 in Kashmore, according to a local resident. "Police stations in Jacobabad are considered gold mines in police circles," she says, "because of the high incidence of *karo kari* murders there." A Station House Officer in the area told her that "at least 150,000 to 200,000 rupees" are required to suppress an honour killing incident. "After killing his wife and her paramour, a man usually comes to the police station with his blood-stained hatchet or gun. We help him by distorting the statements on record because this is a question of *ghairat*. And shares of the bribes from *karo kari* cases regularly go to the SP and the DIG of the range" (Shah 93:29-35). And, in some instances, the *wadero* who delivers a settlement also charges a 'fee'. For example, Sardar Sultan Ahmed Khan Chandio, settled an intra-tribal feud ignited by *karo kari* killings in 1993 in Larkana district and, reportedly, charged both parties a total fee of Rs. 100,000 as

¹² Mohammad Ramzan Memon, '*Karo kari kisay kehtay hain*' (What is *karo kari*), unpublished paper presented at a seminar held at the Sachal Auditorium, Khairpur, 6 December 1996. Memon, a social activist, is a member of the Sindh Development Society, Hyderabad, Sindh.

well as travelling expenses (a chartered airplane from Karachi to Larkana). According to Massoud Ansari, “in fact, many of the *sardars* today depend largely for their survival on the income they generate from heading *jirgas*” (Ansari 98: 28-35).

The overarching factor of course is the social system within which the police as well as the local or district administrators operate. The collaboration between the agents of the State and the *sardars* who preside over the *jirga* has resulted in the State ceding its authority on matters that should properly fall within the purview of country’s formal law enforcement and judicial institutions. In this context, as Nafisa Shah points out, the police end up functioning as agents not of the State that employs them but of the feudal lords who exercise real political and economic clout. Therefore, if a *sardar* presides over a *faislo* and sends the police a *razinama* resulting from the settlement – and there is also money in it for everyone, including the police – who is the SHO to insist that he will register a case of murder according to the book?

No surprise therefore that the murderer in an honour killing voluntarily, or at the urging of the local *wadero*, shows up at the local police station, bloodied weapon in hand, to offer himself for a *pro forma* arrest. In the Shirkat Gah case studies, virtually all of the killers arrived thus at the police station, either on the very day of the killing, or a day or two after. And in virtually all of the cases, first information reports [FIRs] were filed with the police by relatives of the dead woman or the dead man. They are all very similar – virtually all of them seem to have been written by the same person – which would lead one to wonder whether there is an established ‘text’ that the policemen adhere to when recording the statements in such cases. At the time of this writing, no information was available on any subsequent trials or sentences.

Society, State and Law

While attention has focused largely on *karo kari*, we know honour killings are not confined exclusively to the tribal outer-reaches of this land. They do occur even in the large urban centres of the country and, according to the HRCP, with increasing frequency. And, ironically enough, here – where no recourse to hoary tradition or custom can be made and ‘compensation’ therefore is not a motivating factor – honour killings are usually more ‘pure’ in their intent: women die simply because they transgressed their boundaries. Newspapers provide an almost daily litany of women of all ages who are either strangled, shot, burnt, and axed to death by husbands, fathers, brothers, sons, or who flee for their lives and seek refuge in a handful of women’s shelters, or are hounded, captured, imprisoned, and booked on charges of *zina* or adultery by the police.¹³

The boundaries that a woman must not cross shift outwards with time. The major taboo of course remains sex outside of marriage, which, for a woman, may constitute a certain invitation to a killing. Today, however, she also puts her life at risk if she chooses to assert her autonomy in the area of marriage and divorce. In a society where traditionally

¹³ The newspapers that carry reports of honour killings are not tabloids in search of sensational and sleazy headlines but ones that are read by the ruling classes and the government: *Dawn*, *The News*, *The Nation*.

marriages were arranged by the families, a daughter was expected to marry the man chosen for her and to stay married to him forever. This worked fairly smoothly in a time when the seclusion of women was still the norm, women were largely absent from public space, and generally the world they inhabited was small and they lived in it like the proverbial frogs in a well.¹⁴ But the world has changed utterly and a confluence of social and economic forces has pushed increasing numbers of women out of their seclusion into schools and universities and into the urban workplace. And they have discovered that the world is not a well and they are not frogs; they are members of the human species with thinking minds and productive hands and they have the capacity to earn their own livelihood and to stand on their own two feet – and the right to choose who they will marry – or not marry. This is a very subversive development.

In the last decade several cases of honour killings in the urban tracts of the country have surfaced in the press and been documented by human rights organisations. It was Samia Sarwar's killing, however, that – momentarily – shook the complacency of the chattering classes. On 6 April 1999, 29-year-old Samia, mother of two, was shot to death in her lawyer's office in Lahore for seeking a divorce.¹⁵ This was no run-of-the-mill honour killing occurring in some nameless hamlet in the tribal hinterland of the country. Samia's family was from the upper class in Peshawar: her mother was a medical doctor, her father a prominent businessman and the president of the Chamber of Commerce in the NWFP. Samia's sister was studying medicine; Samia was studying law when she died. Her crime was seeking a divorce from her husband who was also her cousin, her mother's sister's son. She had left him after suffering years of physical abuse at his hands and had returned to live in her parents' home, which they accepted. What they would not accept was a divorce even after several years of separation from her husband.

Her parents were away performing Haj in Saudi Arabia when Samia sought the lawyer Hina Gilani's aid and was given refuge in Dastak, a women's shelter run by AGHS, Hina's law firm. Samia's brother alerted her parents. They returned home on 2nd April and sought a meeting with Samia who refused. They asked a prominent lawyer, politician, and a member of the Senate to intercede with Samia's lawyer on their behalf. A meeting was arranged in the law firm's office. The meeting lasted 10 minutes. In a second meeting, Samia agreed to meet her mother but no one else. The mother arrived with Samia's paternal uncle (who was asked to wait in the lobby) and an unidentified man who, she said, was her 'helper' because she needed assistance in walking. Upon entering the council's room, this 'helper' pulled out a gun and shot Samia in the head. He also fired in the direction of Hina Gilani but missed. While the assassin himself was shot dead by a security guard at the law office, the mother and the uncle got away – but not before taking the firm's paralegal coordinator, Shahtaj Qizalbash, as a hostage. Shahtaj, who was released afterwards, stated that they went straight to Lahore's Faletti's Hotel

¹⁴ This was especially true in towns and cities of course. The physical seclusion of rural women was not possible since the labour that women perform in an agrarian economy is vital to its survival. Nevertheless, patriarchal, feudal structures in rural Pakistan have kept those working women in their place.

¹⁵ For detailed accounts of the Samia Sarwar case, see *Newsline* 99:16-30; *AI* 99:19-22

where they joined Samia's father who apparently asked if "the job was done". There have been no arrests and no prosecution.

Samia's parents, Ghulam Sarwar Khan and Sultana, knew that they could kill their daughter with impunity. This was no crime of passion but a meticulously planned murder. The parents used their social and political contacts to get access to their daughter. The murder was committed in broad daylight, on the premises of a law firm internationally known for its human rights work, in the presence of Samia's lawyer, in the heart of the 'cultural' capital of the country. The killing precipitated a storm of protest among women and human rights organisations. There were protest marches and demonstrations and demands for justice in the press. But the protesters were shouting in the wilderness. The State was resolutely silent while in the august Senate the country's lawmakers argued in defence of honour killing as part of their cultural tradition and refused to pass a resolution condemning the murder of Samia Sarwar.

Meanwhile, the Chamber of Commerce in the NWFP, together with several religious organisations, issued statements in support of Samia's father and declared her killing in keeping with tribal laws. They also demanded that Hina Jilani and her sister Asma Jehangir, a partner in AGHS and a prominent human rights lawyer, be punished in accordance with "tribal and Islamic law" for "misleading women in Pakistan and contributing to the country's bad image abroad". The religious leaders, or *ulema*, also issued *fatwas* (religious edicts) against the two women declaring them *kafirs* (infidels) who deserved to be killed. In late April 1999, Asma Jehangir filed an FIR against several people, including prominent businessmen in Peshawar, for issuing death threats against herself and Hina Jilani. Furthermore, she asked that the Government hold a judicial inquiry into the 300 cases of honour killings reported for the preceding year. Once again, all that was heard was the deafening sound of silence.

Samia's case is emblematic of a great deal that is rotten in the State of Pakistan. For what one saw on naked display was wealth, privilege and political power in the service of a primitive honour killing of a young woman who wanted to claim the right to be human and to decide how and with whom she would live her own life. A rich man hires a poor man to shoot his daughter in the head; a mother (and a doctor to boot) participates in the killing of her own child and her heart does not break; men, who claim a monopoly on piety, consecrate the murder as God's work and bay for the blood of 'immoral' women; and the nation's lawmakers cannot bring themselves to say that a foul deed has been done. The State takes no action; the killers are at large and free to live their 'respectable' lives. And a society that tolerates, indeed spawns, such monstrous acts and attitudes considers itself civilised. The truth is that the rot at the heart of this society runs deep, but the physicians who have been in charge have been prescribing massive doses of a noxious brew of their own making to mask the depredations that are wrought in the name of God and honour.

Three parts misogyny and one part religion, the brew was prepared by General Zia-ul-Haq's various apothecaries in accordance with their own reading of the Qur'an. The declared objective was to make Pakistan "a truly Islamic state", the ground for this being prepared through arbitrary amendments to the Constitution, the reactivation of a hitherto

dormant Council of Islamic Ideology, and the grafting of a Federal Shariat Court and Shariat Appellate benches onto the existing judicial system of the country. This was the setting for the imposition in 1979 of an entirely new set of laws, such as the Law of Evidence and the Hadd Ordinances, to be followed in 1990 by the Qisas and Diyat Ordinance.¹⁶ Taken together, these laws have made nonsense of the articles of the Constitution that recognise the equal status of men and women as citizens of the State of Pakistan. Moreover, they have legitimised the subhuman status of women and, in effect, created an enabling environment within which women can be subjected to discrimination, persecution, vilification, violence, and murder.

This is how it works. According to the provisions of Zina (enforcement of *hadd*) Ordinance, 1979, a woman's testimony as a witness is not at par with that of a man's. While in certain conditions relating to financial matters women alone cannot attest a contract and attestation of at least one man is obligatory, in other matters (rape, *zina*, theft) which involve the imposition of the maximum or '*hadd*' punishments as prescribed under these laws, her evidence cannot be the basis of a *hadd* sentence, which can only be imposed on the basis of male witnesses or a confession before a competent court.¹⁷ This halving of a woman's capacity, capability and worth is also evident in the Qisas and Diyat Law whereby the victim of assault or heirs of the victim (if the latter has been murdered) can exact retribution (the inflicting of identical injury on the perpetrator or accept compensation – blood money – for the injury done to them. However, if the *wali* (heir) is a woman, her claim to *diyat* or compensation (based on the precedent set by the earlier law on inheritance) can only be half that of a man. In similar vein, if the *wali* is a minor, the right to waive *qisas* or retribution (as the law allows) cannot rest with the mother but only with the father or, if the father is deceased, with the paternal grandfather, and if neither is available, the State takes over the role of 'guardian'. In other words, the mother, being a woman, is not considered fit to take such a decision. The message is clear: women are inferior, feeble-minded, and incapable of managing on their own.

Through the imposition of such patently discriminatory laws, the State has reinforced all the worst stereotypes of females in this society as lesser halves who need the firm hand and resolute intellect of the males to keep them pure and focused on their assigned role – that of child-bearers and homemakers. A rational, modern state, seeking to emerge from the trap of underdevelopment, would be expected to support legislation and adopt policies and programmes that would promote the emancipation and education of women and facilitate their entry into the economic and political mainstream of society. Instead, in

¹⁶ By this time General Zia-ul-Haq was dead, killed in an air crash in 1988. But the process of 'Islamisation' he had set into motion by tampering with the Constitution and meddling in the State's judicial system continued. It was during the interim government of Jatoi (1990) that, in compliance with an order of the Shariat Appellate Bench of the Supreme Court, the Qisas and Diyat Ordinance was promulgated. It was enacted as law in 1997 by Nawaz Sharif's government. Obviously, the whole process, from start to finish, was utterly undemocratic. Zia-ul-Haq was a dictator who seized power through a military coup. The Law of Qisas and Diyat was introduced through an ordinance (which repealed the provisions of Pakistan Penal Code (PPC) related to bodily hurt and murder). This Law remained in force till 1997 through repeatedly promulgated presidential ordinances till it became an Act of the Parliament in 1997.

¹⁷ However, the maximum sentence, death, can also be given under *taazir*, or provisions other than *hadd*.

Pakistan we have the surreal spectacle of successive governments mouthing all the platitudes of equality of opportunity, parading their token women as ministers and advisers and so forth, but asserting their 'Islamic' credentials by imprisoning half of this country's population in a web of barbaric laws and customs.

The consequences of the Haddood and Qisas and Diyat Laws have been especially devastating for ordinary women. The former encompasses all forms of extramarital sex as well as rape. Thus adultery or fornication, a consensual act between two adults, and rape, a non-consensual and violent act, both are crimes against the state. If the woman is unable to prove that she was raped she opens herself to prosecution for adultery, the punishment for which includes stoning to death and public flogging.¹⁸ To deflect accusations of barbarity, apologists for these laws claim that such sentences, when pronounced, have been stayed on appeal and therefore, so far, have not been carried out. But the fact remains that as long as the law and the penalties for violating it are in the statute book there is no guarantee at all that they will not be carried out. Meanwhile, the law is being used to punish or control women who either refuse to marry according to the wishes of their family or who attempt to assert their right to choose their own partner. Accused of *zina* or adultery by their own fathers or brothers or husbands, women are arrested and imprisoned awaiting trial. Nausheen Ahmed, a barrister-at-law, citing the report of the Commission of Inquiry for Women (August 1997), stated that in the period preceding the promulgation of the Haddood Ordinances "there were only a handful of reported cases of adultery, and in these cases women were immune from prosecution."¹⁹ After the promulgation of the Zina Ordinance, allegations of *zina* started to run into thousands. The report states that, in some places, *zina* cases were the majority of cases being dealt with by the police. Data from the women's police station Karachi South shows that around 80% of the cases registered by it were under this law. According to the data compiled by the Commission, figures from the jail show that it is women who are the main victims of this law".²⁰ And, not surprisingly, the findings of the Commission also revealed that in, many instances, the accusation of *zina* was brought by a member of the woman's own family.

Even more to the point is the sanction to violence and the threat of violence against women that the State provides through such laws. This sanction has been strengthened by the Qisas and Diyat Law according to which murder – amongst other offences relating to physical injury – is no longer a crime against the state but against the person of the victim. In other words, the state does not automatically prosecute the offender, for murder has now become a private, family matter. This abdication by the state of its role is evident

¹⁸ An interesting case was that of Safia Bibi. An 18-year-old blind girl, Safia was raped by her employer and his son. The rapists were acquitted while Safia Bibi (who was pregnant as a result of the rape) was convicted of adultery. However, after the Federal Shariat Court took *suo motto* notice Safia was acquitted.

¹⁹ It is perhaps worth noting that while women were immune from prosecution under the previous provisions, this was because they were considered to be their husband's property.

²⁰ Nausheen Ahmed, unpublished paper 'Perspectives on the Haddood Ordinances' in *Women and Law Workshop, Haddood and Muslim Family Law, 1961: Implications of the Decisions of the Federal Shariat Court*, (Islamabad: Sustainable Development Policy Institute, 2001)

in the explication of the law offered by Justice Taqi Usmani of the Shariat Appellate Bench of the Supreme Court:

In Islam, the individual victim or his heirs retain from the beginning to the end entire control over the matter including the crime and the criminal. They may not report it, they may not prosecute the offender. They may abandon prosecution of their free will. They may pardon the criminal at any stage before the execution of the sentence. They may accept monetary or other compensation to purge the crime and the criminal. They may compromise. They may accept *qisas* from the criminal. The state cannot impede but must do its best to assist them in achieving their object and in appropriately exercising their rights.²¹

In real terms this means that a father may kill his daughter, a husband his wife, a brother his sister, with impunity; the heirs of the victim – the killer's own family – will “pardon” him; and the state will not intervene but “assist” them in “exercising their rights”. If ever a *carte blanche* to honour killings was codified into law, it was done here in Pakistan. As Hina Jilani points out, “The prosecution case collapses on almost all the scenarios of an honour killing: In *karo kari* cases there is no aggrieved party to pursue the case, society as a whole approves of the killing and usually there are no prosecution witnesses as nobody testifies against a family member. Since the killing takes place in a family context, forgiveness, voluntary or otherwise, is almost inevitable. If a brother kills his sister on grounds of honour, her guardian, her father can forgive his son. Courts have the discretion under the law to prosecute even in cases where the culprit is forgiven but this very rarely happens” (AI 99:45). No surprise then that with the arrival of the Qisas and Diyat law the number of murders of women in the family, as reported by the HRCP, has registered a “phenomenal rise” (HRCP 99:13).

In sum, a woman's right to life in Pakistan, which – given the high levels of domestic violence – has been conditional in any case, has now become hostage to the compound effect of the Zina and the Qisas and Diyat laws. According to the former, the transfer of the offence of adultery (and fornication) from the private – where it rightly belonged – to the public realm has meant that the state, in the name of *zina*, has become party to the hounding of women who ‘overstep’ the boundaries defined by a patriarchal society and attempt to take control of their own lives. Thus men who use the accusation of *zina* as a cover to control or kill women do so with the sanction of the law. This sanction has been strengthened by the transformation of murder into a private matter when everywhere else in the civilised world it is deemed an offence against the state. Honour killings can now be conducted in plain view of the law, since the law, for all intents and purposes, is on the side of those members of the family who accuse their women of *zina* and murder them in the name of honour. As Farida Shaheed points out, “in societies in which the concept of honour killings is socially validated, the formal legal system will reflect this validation” (Shaheed 98:65). In other words, in Pakistan, the conflict between state law and customary, tribal law has been resolved: with the former mimicking the latter, the two are

²¹ PLD 1989 SC 633. (*Federation of Pakistan through Secretary Ministry of Law vs. S Gul Hasan Khan*)

now practically in congruence with each other.²²

This concord between law and custom on the place of women in this society is being consolidated in its courts. Overwhelmingly male, the justices who sit in judgement, predictably, adhere to all the standard shibboleths of patriarchy and are inclined to give men the benefit of the doubt in cases involving the murder, rape, and physical abuse of women as well as in cases where women are accused of *zina*. This is especially evident in the context of honour killings where a woman's 'immoral' conduct is deemed an acceptable cause of death since, in the view of many a judge, an honourable man is compelled to kill. Even before the 'Islamisation' of laws in this country, judges were inclined to view with compassion the predicament of a man who murdered an 'adulterous' wife. I.A. Rehman, eminent journalist and Director of the HRCP, cites several judgements from earlier decades that demonstrate the tortuous reasoning employed by the courts – relying on supposition and inference and their own subjective feelings – to absolve the killers. One particular example is worth quoting for it typifies the extent to which judges are willing to go to find mitigating circumstances:

A man went to Qatar to earn his livelihood. On one of his trips to Pakistan, he killed his wife and child and was awarded a death sentence by the trial court. The High Court reduced the sentence to life imprisonment and observed that in the FIR and the statements of witnesses the wife had been suspected of immorality. In its judgement the court said: "Therefore a possibility cannot be ruled out that when the appellant (convict) returned from Qatar and while he was in bed with the deceased, he might have asked the lady questions relating to her immorality and it is not known what answer she gave or what talk took place between them. Maybe, the deceased either admitted the accusation of immorality against her or said something, which provoked the appellant at the moment to such an extent that he lost all control and senses and caused injuries with a *toka* (a hatchet) which might be present in the house. In our view this seems to be a case of grave provocation." The Supreme Court observed that the High Court's reasoning for concluding grave and sudden provocation was "highly conjectural and untenable" but added that "according to the prosecution, family honour was involved and immorality was suspected. The murder of the infant could be part of the act to murder the wife." Leave to appeal for enhancement of sentence was refused.²³

²² The notion of an 'adulterous' woman as a threat to the stability of the social order is the tribal justification for honour killings. But in other ways too the state law today parallels the tribal code: for example in the case of murder, by allowing for retribution (*qisas*), which is a throw back to the ancient Mosaic law (an eye for an eye...), or monetary compensation (*diyat*) or other forms of compensation to be negotiated (*badal-e-sullh*). The latter implicitly perpetuates the custom of using women as *khoon-baha* for murder, and, as the Amnesty International report points out (p.46), courts have continued to accept the transfer of women in compensation settlements.

²³Rehman, 99: citing Supreme Court, Cr. PSLA No. 502/79, 24 January, 1981

The irony today is that the Qisas and Diyat law, amending the Pakistan Penal Code [P.P.C.], had formally dispensed with the “grave and sudden provocation” defence that was previously allowed to the accused as a plea for mitigating circumstances. Under Islam, as was argued by Justice Taqi Usmani, such a defence was not available.²⁴ Nevertheless, the courts have found a way of acquitting or giving reduced sentences to men who have killed for ‘honour’ precisely on the grounds of sudden provocation. Thus, in 1994, when Liaquat Ali gravely injured his sister and stabbed to death a man he found with her, his lawyer told the Lahore High Court that in an Islamic society a person indulging in *zina* in public deserved to be ‘finished’ on the spot, arguing that such a killing was a religious duty (AI 99: 51). The judge was sympathetic to that viewpoint, reportedly stating: “*Prima facie*, I am inclined to agree with the counsel.” Again, in 1998, when Mohammad Riaz and Mohammad Feroz killed their sister for marrying a man of her choice, the Lahore High Court reduced their sentence from life imprisonment to time already served (18 months) because the court took the view that “in our society nobody forgives a person who marries his sister or daughter without the consent of parents or near relatives” (AI 99:52). Akbar killed his daughter and a young man who, he claimed, were found in a “compromising position”. The trial court had sentenced him to life imprisonment. In 1997, the appellate court reduced his sentence to five years observing that in Pakistan, which was an Islamic state, no person could be permitted to indulge in immoral behaviour.²⁵

In yet another twist, in the application of the Qisas and Diyat law, the courts have tended to remove honour killings from the category of offences liable to *qisas*, or retribution, for this would entail a life-for-a-life punishment. As one court ruled, *qisas* would be applicable only if the person murdered was “not liable to be murdered” and was *masoom-ud-dam* (innocent) (HRW 99:44) – or, in other words, did not deserve to die. Another court concluded “that the right of self-defence is wider under Islamic law than in the amended P.P.C.” and could apply to male defendants in honour killings. The judge argued that verse 34 of *Sura Al-Nisa* establishes men as “the custodians of women”; therefore a man who kills another man for defiling his women is protecting his property and acting in self-defence. Thus, while the new legislation does not acknowledge pleas of “self-defence” and “grave and sudden provocation” in cases of murder, it has, in fact, extended the discretionary powers of the courts by instructing them to determine the culpability of the accused “not only under the statutory provisions of law but also under the injunctions of the Qur’an and Sunnah” (HRW 99:44-45).

The courts thus are reflecting and responding to the dual conception of women as repositories of male honour who need to be guarded and as perpetrators of immoral conduct who deserve to be punished. The presumption that a woman who is murdered in an honour killing or who claims that she has been raped is, in all likelihood, not a ‘good’ woman is ever present. Nausheen Ahmad points to “the moral judgement” that the Federal Shariat Court, for instance, has been handing down when hearing rape cases. Thus the woman who is courageous enough to seek redress from the court is likely to

²⁴ PLD 1989 SC 633

²⁵ Supreme Court, Cr. PSLA No. 502/79, 24 January 1981 cited in Rehman 99: 29

hear the judges refer to her as being of “loose character”, a “willing party”, a “woman of easy virtue”, or someone who is habituated to “enjoying sexual intercourse” (Ahmed 98:13). Nausheen argues that in cases involving women, courts, even when adopting a more liberal approach, take “a paternalistic view which supports those women who conform to the role laid down for them by Islamic society as defined by some. There is therefore a judgmental bias evident in court decisions where the court is dealing with those women who have not conformed, e.g. in Hadood cases, who are then considered to be beyond the pale, immoral women not requiring the protection of the court or of society” (Ahmed 98:24).

Human Rights Watch (HRW), the international human rights organisation, has documented in forensic detail the bias against women that permeates Pakistan’s entire criminal justice system. It has thus expressed the well-founded fear that where – in accordance with the Qisas and Diyat law – punishment “in cases of spousal murder has been left entirely to the discretion of judges” it may result in “total impunity for the most extreme form of domestic violence” (HRW 99:42). During the course of its investigation into the state’s response to violence against women, HRW talked to police, prosecutors, judges and medicolegal doctors who “denied that sexual and domestic violence were critical problems for women and asserted that *the occurrence of such crimes was precluded by Pakistani social and religious norms....* Rather than addressing any inadequacies of the system with respect to prosecuting rape or domestic violence, officials were more interested in pointing out how frequently women fabricate these charges in order to frame men” (HRW 99:45). [Emphasis added]

Perhaps the worst offender in this respect is the police. Lacking in the most elementary training, riddled with corruption, and brutalised in the service of a political order under which civil liberties, individual rights, and the rule of law count for nothing, the police in Pakistan are conditioned to regard virtually all the citizens of this land as ‘anti-social elements’. Where harassment, torture and illegal incarceration are the routine instruments of law enforcement, even seeking the aid or protection of the police can put an ordinary citizen’s dignity, sanity and health in grave peril. In the case of women the difficulties are compounded since all the aforementioned attributes of the guardians of the law surface in all their ugliness. It is a brave – or desperate – woman who will go to the police to file a complaint of domestic violence or rape or seek their protection if she fears for her life. For, as noted earlier, the police share this society’s contempt for women as well as the belief that the only good woman is the one who is safely and submissively confined to the four walls of her father’s or husband’s home. The result is that men who kill their women on the grounds of honour, or who seek to prevent them – again on the grounds of honour – from exercising their right to marriage or divorce, find the police on their side.

In the case of Samia Sarwar, for instance, despite the fact that an FIR was filed with the police, naming Samia’s father, mother and uncle as the murderers, and arrest warrants were issued, no arrest took place. The accused obtained bail and filed a counter complaint with the police against the lawyers Hina Jilani and Asma Jehangir for abducting and murdering their daughter. The cases are still pending. Earlier in 1997, in the case of another woman, Humaira Khokhar, the police actively collaborated with the family –

against the express orders of the court – in their (the family's) efforts to prevent her from leaving with her husband, Mehmud Butt, whom she had married against their wishes.

Humaira's father was a politically influential man, a landowner and a member of the Punjab Provincial Assembly for the ruling Muslim League. He had almost the entire state machinery on his side – including the Services Hospital, the local government medical institution where Humaira, having been beaten up, was taken and, as she reported, tightly bandaged and immobilised for a month. When she subsequently fled to Karachi with her husband and, fearing for her life, sought shelter at the Edhi Centre, her brother filed a complaint with the Punjab Police who obliged by going to Karachi to raid the centre and abduct her. She was released when women's rights groups sought the Governor of Sindh's intervention. The Sindh High Court issued orders against her arrest and the Lahore High Court issued a bail order but neither prevented the Punjab Police from subsequently arresting Humaira, her husband and his mother from the Karachi airport. They were beaten, held in a car park overnight, and driven to Lahore where they were separated: Mehmud Butt and his mother were held at one police station, Humaira was taken to another from where she was eventually delivered to her father. Later in the Lahore High Court, a petition was filed to quash the abduction charges against her husband and to accept the validity of her marriage.

To its credit, in this instance the Lahore High Court ruled in the woman's favour and Humaira's marriage was declared valid. While it acknowledged the "anguish and pain of a father whose daughter had rebelled and refused to marry a person of his choice," it also noted that in rebelling, "if she survived the [father's] death threat she hoped for an ultimate release from the high walls of feudal bondage.... Perhaps she was not asking for too much at this age of her life but she was refused" (AI 99: 19). Meanwhile, the police, while reprimanded by the court for their disregard of the law, got off lightly. The police inspector who had played the lead role in this horrific saga of abduction, incarceration and ill treatment was sentenced to a month's imprisonment and fined for contempt of court.

The role of the police, in the context of the existing structures of power and privilege, is therefore to enforce the dominant ideology. In the case of women, this entails the maintenance of all the containment and control mechanisms, and violence is a very customary and hence acceptable element. We have seen this time and again in cases of tribal honour killings or *karo kari* where police 'fail' to take action even when the killer stands before them with bloodied axe in hand, do not register complaints, and encourage and readily accept *razinamas* which 'resolve' the small matter of a death of a woman. Here the police are acting as the agents of a feudal social structure that sustains and legitimises honour killings. And we also see the police performing a similar function in other parts of the country when they readily set out to hunt down, abduct, or imprison women on the filing of complaints of *zina* (in cases of choice marriage) by their fathers. In doing so they are acting as the enforcers of tradition and morality, as state supported vigilantes of patriarchy, which uses the cover of Islam to defend its boundaries.

This is not a palatable fact for most people – men and women – who have been raised to believe in the inherent superiority of their culture as more moral, more honourable and

more just than any other. At the heart of all the self-deluding persiflage of honour and sanctity and chastity is the perception of a woman as a sexual object. She has no other identity and no other function (other than being a very exploitable source of labour). As the embodiment of sexuality she needs to be restrained. Therefore, a central cultural myth is the special and protected status accorded to women – as mothers, daughters and sisters. And here lies the problem. First of all, a woman as a woman – as an autonomous human being – does not exist as a category: her claim to an identity and her right to life are exclusively based on her relationship to a male. When she marries her ownership passes from her father to her husband²⁶ and the responsibility for her 'protection' also changes hands. Secondly, she is protected only as long as she abides by the rules established for the proper role and conduct of daughters, sisters or mothers. If she breaks the rules she is no longer a protected but a hunted species. Thirdly, and this is true of most women, even if she abides by the rules she is still subject to the most violent forms of physical and mental abuse at the hands of her protectors. She is weak and vulnerable, and she is defenceless, and the State has entirely abdicated its responsibility to create the conditions – through legislative action and social and economic reform – that will protect her life, her liberty, and her right to equal status and equal opportunity as a citizen of Pakistan. Instead, the men who rule this country – in a fit of piety – have done exactly the opposite by imposing laws that legitimise the oppression and the violence and encourage an already corrupt criminal judicial system to hound and harass women and acquit the men who beat, or rape, or kill them.

²⁶ This is evident even in the minutiae of rules and regulations generated by the State of Pakistan. For example, when a woman marries she is required to apply for a new National Identity Card on which her father's name will be replaced by the husband's. Similarly, her passport – if she has one – must reflect the change in her marital status (or the transfer of ownership) and she must provide a copy of her Nikahnama or marriage certificate to prove it. Men, married or single, are not affected, presumably, because they exist in their own right.

The honourable way forward

In a perfect world Pakistan would have a government of bright-eyed, hard-headed, intelligent people who would place the emancipation of women at the centre of a political campaign for progressive and large-scale social and economic change in the country. These would be men and women committed to the construction of a society very different from the one we have today: equal, democratic, secular, pluralist, literate, productive and prosperous. However, since this is not a perfect world the most one can do is to draw up a series of recommendations – a wish list, as it were – for those in power today, or tomorrow, who might be persuaded, at the very least, to act in order to end the practice of killing women in the name of honour in Pakistan.

In this respect a narrow window of opportunity has been created by the present government's recognition that killing in the name of honour does take place in Pakistan and is a problem to be addressed. Policy statements have been made in national as well as international arenas. But, more than that, the government in Sindh – where honour killing in the guise of *karo kari* has been most widely documented – has taken a few initial steps. All case files where honour (*ghairat* or alleged *karo kari*) is mentioned as the reason for murder since 1994 have been re-opened for review. A committee has been set up in Larkana district bringing together representatives of the administration and civil society to recommend tangible measures to combat the ill. In the most affected districts, local committees of 3-4 elders have been set up on an experimental basis to follow cases of *karo kari*. While these local committees cannot prevent the occurrence of murder, they are intended to ensure that cases are properly filed and followed up.

The National Commission on the Status of Women [NSCW], established in 2000, has also announced that violence against women is on the top of its agenda and that honour killings in particular will be a focus of attention in its recommendations for legal reform. It is too early to see any results. However, these are steps in the right direction, as is the decision of the Government of Sindh to invite the Citizens-Police Liaison Committee to take over the running of state shelters for women that, to date, have failed to fulfil their function. Similarly, the Family Protection Committees established at the national and provincial levels to address issues of violence against women and children – might well be instrumental in focusing national attention on the violence and brutal deaths that confront women in the name of an 'honour'.

At the international level, the practice of honour killing has been addressed for the first time in an international consensus document (The Outcomes Document of the UN General Assembly Special Session on Beijing +5, June 2000). As part of the international community and a member of the United Nations, among other international covenants, Pakistan ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁷ albeit with reservations in 1996. Having ratified this

²⁷ A general declaration: The accession by government of the Islamic Republic of Pakistan to CEDAW is subject to the provisions of the constitution of the Islamic Republic of Pakistan.

covenant it has committed itself to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women”.²⁸ It is therefore obliged to remove “any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women... on the basis of equality between men and women, of human rights and fundamental freedoms”.²⁹ In case there is any confusion on the issue, the CEDAW Committee has clearly stated that “gender-based violence is a form of discrimination which seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men”.³⁰ Therefore, in 1993 in its Declaration on the Elimination of Violence against Women, the United Nations took the position that member states were obligated to prevent, investigate, and punish acts of violence against women “whether those acts are perpetuated by the State or by private persons” (HRW 99:28).³¹

Member states that do not wish to meet their obligations on human rights and gender-based discrimination usually cite their own customs or traditions by way of explanation or excuse. Therefore the Declaration on the Elimination of Violence against Women also urged states not to “invoke custom, tradition or religious consideration to avoid their obligation” (AI 99:3)³² to their citizen who were women. Furthermore the UN Special Rapporteur on violence against women has clearly stated:

States have an affirmative obligation to confront those cultural practices of the community which result in violence against women and which degrade and humiliate women, thereby denying them the full enjoyment of their rights. International standards require that there be a concerted State policy to eradicate practices even if their proponents argue that they have their roots in religious beliefs and rituals (AI 99: 4).³³

All of the above – seemingly fairly elementary in that it states what should be obvious to all rational actors – has special relevance to Pakistan where all sorts of violence and oppression is perpetrated and tolerated in the name of customary practices and misconceived religious commandments. Therefore to meet its obligations as a member state of the United Nations, to fulfil its responsibilities to the women of Pakistan, and indeed to demonstrate that Islam does not sanction the killing of women in its name, Pakistan should take immediate steps to initiate and support a comprehensive national plan of action against the practice of honour killing. Such a plan of action, integrated into a broader campaign against all forms of violence against women in the public and private spheres, and in compliance with CEDAW recommendations, should have three essential components:

The government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention.

²⁸ CEDAW Article 2.

²⁹ CEDAW Article 1.

³⁰ Committee on the Elimination of Discrimination against Women, “Violence Against Women”, General Recommendation No. 19 (Eleventh Session, 1992), (New York: United Nations).

³¹ UN Doc. A/RES/48/104, cited in HRW 99:28

³² UN Doc. A/RES/48/104, cited in AI 99: 3.

³³ UN Doc. E/CN.4/1997/47, cited in AI 99: 4.

- 1) Legal measures and legislative reform;
- 2) Preventive measures, including public information and education programmes;
- 3) Protective measures, including counselling and support services for women.

Legal Measures and Legislative Reform

The first and most significant requirement under this head is to re-establish the status of women as equal citizens of the State of Pakistan in accordance with the Constitution of 1973. According to Article 25 of the Constitution, one needs to be reminded, that:

- i. All citizens are equal before the law and are entitled to equal protection before the law.
- ii. There shall be no discrimination on the basis of sex alone.
- iii. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.

And Article 34 states that:

Steps shall be taken to ensure the full participation of women in all spheres of national life.

This Constitution was exhaustively debated and unanimously passed by a democratically and directly elected legislature. A great deal of very murky water has flowed under the bridge since then. It is useful here to recapitulate the process as the onset of General Zia-ul-Haq's military dictatorship, 1977-1988, saw a steady erosion of the fundamental rights guaranteed to the citizens of Pakistan. Sanctified by the Supreme Court under the infamous Doctrine of Necessity, the dictatorship proceeded to rule by decree and ordinance to amend the Constitution and change the laws of the land beyond recognition. The ultimate blow was delivered through the imposition of the Eighth Amendment which validated all the acts, laws, and ordinances issued by the dictatorship and barred any challenge to them in any court of law on any ground whatsoever. Furthermore, via the Eighth Amendment, the military regime inserted an Article 2-A in the Constitution making the Objectives Resolution, hitherto serving as the Preamble to the document, a substantive part of the Constitution. This move effectively leaves all legal provisions open to an interpretation of the "injunctions of Islam as contained in Qur'an and Sunnah" as subjectively interpreted by individual judges, Shariat Courts and ultimately the all-male Federal Shariat Court.³⁴

For women in particular, the damage done to the Constitution has had an extremely negative impact. The effect of the so-called Islamic laws, given protection by the Eighth Amendment, has already been discussed at some length above. More significantly,

³⁴ There are no female judges in the superior courts and only two female judges in high courts; one in NWFP and the other in Punjab.

Article 2-A makes a mockery of the equality provided for under Article 25 of the same Constitution by making women's status dependent on the subjective views of individuals – usually men. In essence, what the State giveth, the State taketh away.³⁵ The Supreme Court, accepting the changes introduced in the Constitution by a dictatorship, stated emphatically that the “ideology of Pakistan” included “Islamic Ideology which in clear terms in the Constitution means injunctions of the Holy Qur'an and the Sunnah”. Chief Justice Haleem also went on to add that “morality is part and parcel of Islamic Ideology of Pakistan and included in the ‘integrity’ of Pakistan” (Ahmed 98:4).³⁶ As Nausheen Ahmad points out, “since the ordering of women's lives is central to this morality, it necessarily also means that any debate on women's rights by the judiciary must take place within the narrow confines of Islamic Ideology” (Ahmed 98:4). She further argues that “[t]he courts seem to have tacitly accepted the position that after the insertion of Article 2-A in the Constitution, law has to fulfil two tests – one of the Constitution and the other of Islam. Thus any reference to international concepts in the area of women's rights is done only to show that an enlargement of rights in this area...will lead to a breakdown of the moral fabric of society”(Ahmed 98: 23).

In light of all of the above, it is imperative that the anomalies introduced by the insertion of Article 2-A in the Constitution through the imposition of the Eighth Amendment are removed. It is equally imperative that all legislation that discriminates against women, including the Haddood laws, the Law of Evidence, and the Qisas and Diyat Law, is repealed. Given the roadblocks placed in the path of such legislative reform by the Eighth Amendment this is no easy task for any government. As Shehla Zia has pointed out, to secure its removal the way to proceed is either through the legislature or by challenging its constitutional validity in the Supreme Court.³⁷ Once the Eighth Amendment is overturned, all the other laws imposed by the last military dictatorship also can either be repealed by a sovereign parliament or challenged in court (Zia 91:40-41).

The restoration of the status of Pakistani women under law as guaranteed by the Constitution of 1973 is crucially important because the State will be sending a clear message to all – men and women – that the women in this country are not second class citizens nor a lower species of humanity. They have the fullest support of the State and full protection of the law – and, indeed, in accordance with Articles 25 and 34, the State takes very seriously its obligation to adopt special measures for their “protection” and to “ensure the[ir] full participation” in “all spheres of national life”. In other words, the State must act to separate itself from the daily violation of the human rights of women and thus to withdraw any legitimacy that the retrograde legislation it is enforcing confers on the persecution and murder of women. For, as long as this legislation is allowed to stand, the State, for all intents and purposes, will be regarded as an accomplice in the oppression and violence that extinguishes their lives.

³⁵ The status of religious minorities also has been similarly, and negatively, affected.

³⁶ PLD 1988 SC 416 at p.522 , cited in Ahmed 98:4

³⁷ It has already been unsuccessfully challenged in the Supreme Court, therefore, the only option left now is through constitutional amendment by the Parliament

Legal and law enforcement measures that specifically focus on the practice of honour killing ought to include the following:

- i. Legislation should be enacted which makes all forms of domestic violence a criminal offence. Amnesty International points out that the UN's Special Rapporteur on violence against women has developed a framework for model legislation on domestic violence (AI 99:55).³⁸ This framework should be used as a guide in drafting necessary legislation against domestic violence. Efforts initiated by the government of Pakistan in 1994-95 to review existing laws in other countries, such as the Domestic Violence Act of Malaysia should be revived.
- ii. Murder (honour killings included) should be made a non-compoundable offence. Pending the repeal of the Qisas and Diyat Law, a provision should be added to the proposed Criminal Law (Amendment) Act of 1997 that clearly defines honour killings as intentional murder and explicitly prohibits the mitigation of sentences and the application of the "grave and sudden provocation" defence in such cases.
- iii. *Jirga*, *faislo* or *panchayat* settlements in cases of honour killings should be declared unlawful. Any compensation for murder, whether in the form of money, land or livestock, also should be declared against the law. *Waderos*, tribal chiefs, local *sardars*, or any other persons who preside over *jirgas* on honour killings, or any person making *mairh* representations to the murderer or his family, should be charged for complicity in murder.³⁹
- iv. The use of women as compensation or fine or payment in all or any transaction, including honour killing settlements, should be defined as trafficking in human flesh and be declared unlawful with strict penalties for those violating the law.
- v. All organs of the criminal justice system – police, prosecutors, district magistrates, judges, medico-legal personnel – should be made aware and be expected to have full knowledge of legislation on domestic violence and honour killings.
- vi. All senior officials in civil administration and in the police department at the province and district level should be required to take special notice of all reports of honour killings and to ensure that all cases are properly and thoroughly investigated and the perpetrators brought to trial. The State should establish an independent body to monitor police handling of honour killing cases as well as their treatment of women who have been victims of violence.

³⁸ E/CN.4/1996/53/Add.2, cited in AI 99: 55.

³⁹ Similar recommendations have been made in reports on *karo kari* prepared by community based organisations working in Sindh, including the Sindh Development Society based in Hyderabad and the Organisation for Basic Human Rights and Rural Progress based in Badin.

- vii. To facilitate the above, special police units should be established in each district, preferably headed by women officers in the police force, who would be especially charged with the responsibility of collecting and forwarding to the central police offices information on honour killing cases reported in the local precincts. In addition, a special cell should be established in each central police office charged with monitoring the progress of investigation into cases of honour killing and other forms of domestic violence.
- viii. Police should be required to promptly register and investigate all complaints of honour killings and other forms of domestic violence. There should be clearly defined guidelines for police intervention in such cases. The police should be expressly forbidden to encourage or accept any *razinamas* or other settlements between the perpetrators and others involved in the case. Failure to register and investigate all cases should result in dismissal from service.

Preventive Measures

As part of a national campaign to end the practice of honour killing preventive measures should include the following:

- i. A comprehensive and countrywide programme of public awareness and education should be launched with the full endorsement of the State. The objective of the programme should be to educate everybody – men and women – of the equal status and rights of women. In launching such a programme Pakistan would also be fulfilling one of its obligations as a ratifying party to CEDAW. The education programmes should be conducted through the media, in schools and colleges, amongst local communities in towns and villages, in collaboration with the various women's and human rights organisations and other private and public forums in civil society.
- ii. Education programmes dealing specifically with the nature and extent of domestic violence in general and honour killings in particular should be a central part of a public awareness campaign. This is especially important to lift the shroud of secrecy and denial that, for too long, has prevented women from seeking and securing help and allowed men to beat or kill them with impunity. Such education programmes should also include information on the legislation dealing with honour killing and domestic violence offences.
- iii. Programmes and publications, designed especially for women, should disseminate information on all the rights under law that are and should be available to them. In addition, women should be also educated in the procedures of seeking redress through the country's criminal justice system. (A 1999 Karachi University study found that over 64 percent of educated women had no information on their constitutional and fundamental rights as citizens of this country.)⁴⁰
- iv. Education and training programmes designed especially for the law enforcement and judicial personnel in order to eliminate gender biases are imperative if women are to seek and secure redress. As part of their basic legal training, the police, prosecutors and judges should be made to realise that domestic violence, including honour killings, is neither a private matter, nor excusable under any circumstances.
- v. In accordance with the recommendations in the August 1997 report of the Commission of Inquiry for Women, these education and 'gender-sensitisation' programmes should be part of a sustained process which involves an uninterrupted dialogue between the State and women's groups so that the gender perspective becomes an integral part of planning and policy-making in the country (COI Report 97:110-111).

⁴⁰ Karachi University Centre of Excellence for Women Studies, *Awareness of Laws Regarding Female Issues among Educated Women*, June 1999, cited in AI 99: 38

Protective Measures

Under this head, to provide some degree of protection to women who have managed to escape death but are afraid that they may not be able to do so for too long, the following steps should be taken:

- i. A network of state-supported and secure shelters should be established with sufficient resources to provide refuge to women who are able to flee from their homes where their lives may be at risk. The existing Darul Amans need to be substantially revamped and completely reoriented. Policy guidelines elaborated by the civil society-government working group on shelters in 1998 need to be implemented with urgency. Shelters should not operate as detention centres but as safe havens and should be run in collaboration with representatives of civil society and be staffed with personnel equipped to provide physical, legal and psychological counselling. The Government of Sindh has taken the lead in asking the Citizen-Police Liaison Committee to take over the running of the Darul-Amans in Sindh.
- ii. Legal aid services should be freely available to such women. In addition, women should also have access to counselling and rehabilitation services that can help them determine the options that might be available to them and chart a different course of life.
- iii. Since community based organisations and women's organisations can play an extremely important role in providing assistance to women at risk, the State must ensure that they are supported and not obstructed from doing their work. Where the State is not able to provide, women can receive badly needed material, psychological, medical, and social assistance through these groups.

In sum, the State's responsibility is clear. If Pakistan is to ever emerge from its trap of underdevelopment, it will have to emancipate and empower its women as well as its men. No nation can progress when half of its population is confined to the hell of oppression, violence, degradation, illiteracy and extreme poverty. For it is the case that Pakistani women are among the most wretched in the world. According to one study, health and education in Pakistan's national budget – especially for women – consistently receive diminishing allocations which, in any case, are among the lowest in the third world (HRW 99:24). In the United Nations Development Programme's gender-related human development women's progressive empowerment indices, Pakistan has continued to languish at the bottom of the heap of member countries – in some instances has dropped even further down the scale. This is not a happy picture. A nation that can build nuclear weapons ought to be able to do better than that.

To begin with, however, Pakistan is under an obligation to prevent crimes of violence against women and their killing in the name of honour. The UN Special Rapporteur on violence against women has made it explicitly clear that a state that does not act is "as guilty as the perpetrators". In this context, states need also to consider the ruling of the Inter-American Court of Human Rights in 1988:

An illegal act which violates human rights and which is initially not directly imputable to the State (for example because it is an act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself but because of the lack of due diligence to prevent the violation or to respond to as required by the Convention (AI 99:35).

So far Pakistan has not ratified the Optional Protocol to the UN Women's Convention which gives women who have been victims of violence as well as organisations working on their behalf the right to make individual complaints to the CEDAW Committee. To avoid international responsibility for honour killings that go on unchecked and unpunished, it is vital that Pakistan finally makes a stand in defence of the women of this country.

References

- Ahmed, Akber, S and Zeenat Ahmed. (1981) “*Mor and Tor: Binary and Opposing Models of Pukhtun Womanhood*” in *The Endless Day: Asian Rural Women*, T.S. Epstein and R. A. Watts (eds), Oxford.
- Ahmed, Nausheen. (1998) ‘The Superior Judiciary: The Implementation of Law and Impact on Women’ in *Shaping Women’s Lives*, Farida Shaheed, Sohail Warraich, Cassandra Balchin, Aisha Gazdar (eds), Lahore: Shirkat Gah.
- AI (Amnesty International). (1999) *Pakistan: Violence Against Women in the Name of Honour*, London.
- Al-Khayyat, S. (1993) *Honour and Shame: Women in Modern Iraq*, London: Saqi Books.
- Ansari, Masood. (April 1998) ‘Law of the Jungle?’ in *Newsline*, Karachi.
- Chowdhury, P. (1996) ‘Enforcing Cultural Codes, Gender and Violence in Northern India’ in *Embodied Violence, Communalising Women’s Sexuality in South Asia*, K. Jayawardena and M. de Alwis (eds), India: Kali for Women.
- COI Report. (1998) *Report of the Commission of Inquiry for Women*, Government of Pakistan.
- Gazetteer. (1990) *Gazetteer of the Dera Ghazi Khan District*, Revised Edition, The Punjab Government, 1893-97 (first edition 1898), Lahore: Sang-e-Meel Publications.
- Gazetteers. (1980) *Baluchistan through the Ages: Selections from Government Records Vol. I* (first edition 1906), Quetta: Nisa traders.
- Gazetteers. (1980) *Baluchistan through the Ages: Selections from Government Records Vol. II* (first edition 1906), Quetta: Nisa traders.
- Gazetteers. (1989) *A Gazetteer of Baluchistan* (first edition 1908), India: Vintage Books.
- Gazetteers. (1996) *Gazetteers of the province of Sindh* (first edition 1876), Karachi: Indus Publications.
- Gilmore, D. D. (ed.) (1987), *Honor and Shame and the Unity of the Mediterranean*, Washington DC: American Anthropological Association.
- HRCP Newsletter, ‘*Honour Killings in 1998*’. Vol. X number 1, January 1999.
- Khuhro, Hamida. (1999) *The Making of Modern Sindh: British Policy and Social Change in the Nineteenth Century*, Oxford.
- Leader-Elliott. (1997) ‘Passion and Insurrection in the Law of Provocation’ in *Sexing the Subject of the Law*, N. Naffisen & R. J. Owens (eds), Sydney: Sweet & Maxwell.
- Nelson, L. S. (1993) ‘The Defense of Honor: Is it Still Honored in Brazil?’ in *Wisconsin International Law Journal*, 11.
- Palmer, M. (1988-89) ‘The People’s Republic of China: Problems of Marriage and Divorce’ in *Journal of Family Law* Volume 27, No.1.
- Peristiany, J. G. (ed). (1966), *Honour and Shame: The Values of Mediterranean Society*, Chicago.

- Pottinger, Lieutenant Henry. (1986) *Travels in Beloochistan and Sinde; Accompanied by A Geographical and Historical Account Of Those Countries, With A Map*, (circa. 1810), Karachi: Indus Publications.
- Rehman, I. A. (April 1999) 'It's Just Not Justice' in *Newsline*, Karachi.
- Schuler, M. (ed). (1998), *Empowerment and the Law: Strategies of Third World Women*, Washington DC: OEF International.
- Shah, Nafisa. (January 1993) 'Ritual Killings in the Name of Honour', in *Newsline*, Karachi.
- Shah, Nafisa. (1997) 'Role of the Community in Honour Killings in Sindh' in *Engendering the Nation-State*, N. Hussain, S. Mumtaz and R. Saigol (eds), Lahore: Simorgh Publications.
- Shah, Nafisa. (1998) 'Faislo: The Informal Settlement System and Crimes Against Women in Sindh' in *Shaping Women's Lives: Laws, Practices and Strategies in Pakistan*, Farida Shaheed, Sohail Warraich, Cassandra Balchin, Aisha Gazdar (eds), Lahore: Shirkat Gah.
- Shaheed, Farida. (1998) 'Engagements of Culture, Customs and Law: Women's Lives and Activism' in *Shaping Women's Lives: Laws Practices and Strategies in Pakistan*, Farida Shaheed, Sohail Akbar Warraich, Cassandra Balchin, Aisha Gazdar (eds), Lahore: Shirkat Gah.
- Spatz, M. (1991) 'A 'Lesser' Crime: A Comparative Study of Legal Defences for Men Who Kill Their Wives' in *Columbia Journal of Law and Social Problems*.
- Spierenburg, P. (1998) *Men and Violence: Gender, Honour and Rituals in Modern Europe and America*, Columbus: Ohio State University Press.
- Zia, Shehla. (1991) 'The Legal Status of Women in Pakistan' in *Finding Our Way: Readings on Women in Pakistan*, Fareeha Zafar (ed), Lahore: ASR Publications.

نحوائيزه زير اثر مسام قوانينه

Women living under muslim laws

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Femmes sous lois musulmanes

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Women living Under Muslim Laws

Is a network of women whose lives are shaped, conditioned or governed by laws, both written and unwritten, drawn from interpretations of the Koran tied up with local traditions.

General speaking, men and the State use these against women, and they have done so under various political regimes.

Women living Under Muslim Laws

Addresses itself

to women living where Islam is the religion of the State, as well as to women who belong to Muslim communities ruled by minority religious laws,

to women in secular states where Islam is rapidly expanding and where fundamentalists demand a minority religious law, as well as to women from immigrant Muslim communities in Europe and the Americas,

and to non Muslim women, either nationals or foreigners, living in Muslim countries and communities, where Muslim laws are applied to them and to their children.

Women living Under Muslim Laws

Was formed in response to situations which required urgent action; during the years 1984-85.

The case of three feminists arrested and jailed without trial, kept incommunicado for seven months, in Algeria, for having discussed with other women the project of law known as "Family Code", which was highly unfavorable to women.

The case of an Indian sunni woman who filled a petition in the Supreme Court arguing that the Muslim minority law applied to her in her divorce denied her the rights otherwise guaranteed by the Constitution of India to all citizens and called for support.

The case of a woman in Abu Dhabi, charged with adultery and sentenced to be stoned to death after delivering and feeding her child for two months.

The case of the "Mothers of Algiers" who fought for custody of their children after divorce.

Amongst others...

The campaigns that have been launched on these occasions received full support both from women within Muslim countries and communities, and from progressive and feminists groups abroad.

Taking the opportunity of meeting at the international feminist gathering "Tribunal on Reproductive Rights" held in Amsterdam, Holland, in July 1984, nine women from Muslim countries and communities ; Algeria, Morocco, Sudan, Iran, Mauritius, Tanzania, Bangla Desh and Pakistan, came together and formed the Action Committee of Women Living Under Muslim Laws, in support of women's struggles in the concerned contexts.

This Committee later evolved into the present network.

The objectives of Women Living Under Muslim Laws are

- to create links amongst women and women's groups (including those prevented from organizing or facing repression if they attempt to do so) within Muslim countries and communities,
- to increase women's knowledge about both their common and diverse situations in various contexts,
- to strengthen their struggles and to create the means to support them internationally from within the Muslim world and outside.

In each of these countries till now women have been waging their struggle in isolation.

Women Living Under Muslim Laws aims at

- providing information for women and women's groups from Muslim countries and communities.
- Disseminating this information to other women from Muslim countries and communities.
- Supporting their struggles from within the Muslim countries and communities, and make them known outside.
- Providing a channel of communication amongst women from Muslim countries and communities.

These objectives are fulfilled through

- building a network of information and solidarity
- dissemination information through "Dossiers"
- facilitating interaction and contact between women from Muslim countries and communities, and between them and progressive and feminists groups at large.
- Facilitating exchanges of women one geographical area to another in the Muslim world.