

Lapis Lazuli

An International Literary Journal

ISSN 2249-4529

www.pintersociety.com

GENERAL ISSUE VOL: 7, No.: 2, AUTUMN 2017

UGC APPROVED (Sr. No.41623)

BLIND PEER REVIEWED

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**'Morality' and Caste Hierarchy, 'Honour' and Misogyny, 'Tribal Justice' and Law:
The Intersecting Layers of Violence against Women in Mukhtar Mai's *In the Name of Honour***

Prakash Joshi

From the micro levels of implicit violence to the macro of genocides and wars, violence has a range that defies attempts at definitive definition. As John Docker puts it succinctly, violence includes an illimitable range of forms and shades incorporating “physical violence and the violence that inheres in language and culture, in ideas, notions, concepts, narratives and images” (01). Apart from this mind boggling range of situations in which it can and does occur, “‘violence’ as a term is ambiguous and its usage is in many ways moulded by different people as well as by different social scientists to describe a whole range of events, feelings and harm” (Stanko 2-3). The ambiguousness of the term ‘violence’ and its usage, coupled with its almost limitless conceptual range, leads to an insurmountable block in the way of adequately and comprehensively defining and understanding violence. The only logical way away from this block of difficulty is the one that Elizabeth Stanko suggests by reference to the ‘Violence Research Programme’ of The Economic and Social Research Council of the United Kingdom. Her suggestion – “that what violence means is and will always be fluid, not fixed; it is mutable” – is pragmatic and facilitates the unblocking of discourses and discussions on violence. For practical purposes of theorizing, therefore, one would need to approach the idea of violence from a reasonably exclusive perspective, because an open and inclusive perspective would render all discourses and theories of violence either impossible or unmanageably discursive. Sara Ruddick’s definition of violence in the *Encyclopedia of Ethics* quite fits the bill for serving the need of a pragmatic base for a practical framework for analysing a huge variety of events and narratives of violence:

In central cases, violence is wrought upon bodies; murder, beating, and burning are clear instances. Harm to minds, psyches, or souls is apprehended as violent by analogy with physical injury and mutilation. While physical damage is paradigmatic of violence, it does not follow that psychological damage is of lesser consequence. Repeated humiliation can be as lastingly injurious as physical beating. In some clear and central cases of violence – for example, RAPE and TORTURE – physical and psychological damages are inseparable... (1753-74).

While conceding that “definitions of violence are controversial and fluid”, Ruddick puts forth a definition that incorporates all forms of violence from genocides to individual homicides, from collective denigration of groups of people to individual shaming, and from rape and torture to some other forms of violence that combine physical and psychological mutilations. Among the “problematic cases” of violence, Ruddick counts the acts of violence apparently undertaken to maintain “order and the goods which disorder makes impossible” (1754). These ‘problematic cases’ may become excruciatingly complex when repressive moral standards drawing on the authority of religion and/or culture are invoked to establish and perpetuate a closed social order, which inevitably results in the brutal measures of punishment inflicted on those who transgress those moral standards. The location of these problematic cases constitutes the junction where the structures of morality, honour,

misogyny, personal justice systems and law meet to complicate the character of violence. Since women are the usual victims of the violence of this kind, the dimension of gender also enters this junction to further complicate the already complex character of violence there.

Speaking from this “gendered perspective of violence against women”, Aisha K. Gill defines it as “a pattern of coercive control perpetuated by an adult (usually a male) towards an intimate partner (usually a female)” (16). Being thus misogynistic, the “coercive control” that Aisha Gill talks of is prevalent in many South Asian communities and, therefore, is often “raised by feminists and activists from these communities and their supporters” (16). Yet, discussing and protesting against this form of violence against women is a task requiring special courage because, as Rona Fields points out, this kind of “gender violence is practiced under the guise of religious or cultural ‘law’” (01). The most noticeable form of violence against women in the context of ‘honour’, making it to news off and on, is that of ‘honour killing’. The idea of ‘honour’ is essentially fluid, and is rooted in culture in the sense that it is relative to the specific culture within which it operates. As such, a certain act or a certain kind of behaviour of a woman would be dishonourable or honourable depending on the culture of which the woman is a part. Being a “big broad construct” that “transcends individuals” and “doesn’t lend itself easily to a psychological level of analysis”, culture surrounds us all in the complexity of its structural arbitrariness (Schaller, Conway and Crandall 06). The notion of honour, functioning inside this complex arbitrary construct of culture, would therefore be better understood as a doubly arbitrary sub-construct. It is this arbitrariness of culture that Clifford Geertz underlines when he explains it as “essentially a semiotic concept” (05). Geertz goes on to metaphorically explicate the idea by speaking of culture as the “webs of significance” that “man...himself has spun” and “is suspended in” (05). It is an excellent metaphor Geertz employs to talk of culture as a mass of webs; and the metaphor serves well and accommodates well with the cultural products and constructs that essentially originate in human thoughts and actions. That exactly is the source-- human thoughts and actions-- whence such intra-culture constructs as ‘honour’ also originate.

All of these and many more discourses on violence of many kinds jump into context as one takes up Mukhtar Mai’s *In the Name of Honour: A Memoir*, a narrative running into around 200 pages including the foreword by Nicholas Kristof. A narrative located in the Punjab province of Pakistan, the *Memoir* incorporates several intersecting axes of violence, the prominent among them being the violence of a ‘higher’ caste against the ‘lower’, the violence of men against women, and the violence inherent in the justice system practised in the name of religion and culture. And yet, as Nicholas Christof says in the foreword, the *Memoir* turns out to be “a story that is tremendously inspiring” instead of remaining a tale of “brutality and despair” (xv). The titular concern of the *Memoir* is ‘honour’, which, in practice, is a repressive religious-cultural construct that is anti-woman more often than not. At the start of the *Memoir*, one can see a sinister collusion of three factors taking shape to continue to work till the end of the narrative. The first of these three factors is the heavy tilt of the concept of honour against women in its practice in the kind of societies in which the *Memoir* is located. The oppressive caste structure victimizing the lower castes is the second factor. And, the third factor is the unchallenged sway of the community or tribal courts and their defiance of the constitution in their verdicts. As it opens with a pointed mention of the powerful clan of “the Mastrois” whom the “lower caste Gujars have no right to oppose”, it is the oppressive caste structure of the society that the *Memoir* puts in the foreground (05). Inside that caste structure, the Mastrois decide the ‘right and the ‘wrong’, and determine the ‘offender’ and the ‘victim’, and declare the ‘culprit’ and the ‘innocent’. At the base of the

narrative in the *Memoir*, there is an alleged illicit liaison of a “twelve year old” minor Gujar boy, Shakur, with Salma, a Mastoi woman who is “a rather wild woman in her twenties” (15). The allegation is false because “Shakur has done nothing wrong”, but “the Mastois have decided otherwise” and the “Gujars must bow to their demands” (03). Already false, the allegation becomes more dangerously consequential when the Mastois alter their story and “accuse Shakur of raping Salma”, thereby invoking the punishment due to “zina-bil-zabar” (05). The Mastois, who pride themselves on their upper-caste status and are a powerful clan with political patronage in the right places, have already rejected the compromise recommended by the tribal council – that Shakur marry the Mastoi woman who he has been accused of raping, and, in exchange, a Gujar woman from the community of Mukhtar marry a Mastoi man.

This is how and where Mukhtar Mai’s future victimization and suffering is poised at the start of the narrative in the *Memoir*. She must appear before the tribal council, the *Jirga*, to face the consequences of the allegation against her brother Shakur because she is “a divorcee”, has “no children” and is “a respectable woman” (04). There is more to it than it appears in the decision of Mukhtar’s family to make her appear before the *Jirga*. Reading between the lines in the light of what follows, there is that foreknowledge and apprehension of the verdict and the punishment the *Jirga* would stipulate. What happens at the ‘hearing’ at the *Jirga* in terms of the verdict is not unpredictable for many, except, of course the victim – “gang rape as a means to what they call their ‘honour justice’” (10).

One who is not familiar with the functioning of the tribal system of justice in the region, it may appear puzzling that the allegation against Shakur would be discussed and settled at a *Jirga* rather than reported to the police. There are answers to the puzzle both inside the narrative of Mukhtar and outside. Within the *Memoir*, there is some kind of limited discussion of the reasons behind the existence of *Jirgas* and a kind of an exposé of their functioning. “The tribal justice system at the heart of a *Jirga*”, informs Mukhtar, “is rooted in ancestral custom”, which is more or less dictated by the “dominant caste” that the police try “avoiding any conflict with” (109-10). She further informs that the disputes at these “village councils” are sought to be resolved by men who “are supposed to be sages”; but, as it has happened in Mukhtar’s own case, the “wiser village elders” would be all but ineffectual if someone “with the overweening pride of his caste” would start dictating the verdicts (110). Being dominated by powerful clan-lords and landlords of upper castes, the assemblies of men on these *Jirgas* turn out to be nothing better than scenes of “haggling” with attempts only to “strive for reconciliation” or “to achieve agreement among all parties to a dispute” instead of trying “to deliver justice” (127). It is easy to surmise, therefore, that in delivering its sentence in the case of Mukhtar, the councillors on the *Jirga* have seen rape as a means of regaining the ‘honour’ of one party by trampling upon the ‘honour’ of another. Also, it is easy to surmise that the sentence of the *Jirga* isn’t an isolated case of a judgment of this kind, and that it follows a pattern to be seen in the judgments of the tribal tribunals among the communities belonging to extensive regions from some parts of South Asia--including north Pakistan and Afghanistan in particular-- to Turkey and beyond. However, given the geographical proximity of the location of the narrative with Afghanistan and the North West Frontier Province of Pakistan, one can argue that the parallel justice system followed by the community of people in the *Memoir* would be under an immediate influence of similar parallel justice systems in those proximate regions. The very name of the ‘tribunal’ that delivers the judgment in the case of Mukhtar, *Jirga*, supplies the evidence for the argument that this parallel justice system in this part of Punjab in Pakistan closely follows the justice system functioning under the “traditional institutions of Pukhtunwali”,

which consists of a “board of elders” that hold meetings for “conversation and consultation” for the “resolution of conflicts” after giving the litigating parties a “patient hearing” and examining the “witnesses to ascertain the facts” (Taizi). A crucial fact deserving mention here is that the “Pashtun tribal law and customs prevail” at the meetings of these boards of elders “whenever Pashtun custom and tribal law” conflicts with the religious code (Fields 77).

The verdict of the *Jirga* and its execution by “four men” inflicting “vicious torture” on Mukhtar for “An hour? All night?” is not the end but the beginning of her tragedy (11). After that ‘hour’ and that ‘night’ is over, Mukhtar “alone” carries all her “shame before the eyes of the entire village”-- “a dense fog” clouding her “brain” and “masking the images of torture and infamous submission” (11-12). The excruciating struggle of Mukhtar moves from the first to the third and final stage quickly enough. It begins with her first thinking of killing herself (19); and then, after successive foiling of her suicide attempts by her mother, she struggles to “choose between suicide and revenge by any means possible” (21); and finally, decides “to fight”, thereby taking “an entirely new direction” for long years to come (27). She could not have decided to fight if she had not been guided by her instinct. Even a little of calculation about possible outcomes would have made her either live with her shame or just die, because her decision to fight instantly imperils herself and her family and all that belongs to the family. Such an observation does not grow solely from the fact of Mukhtar being “a member of an inferior caste” (09). It grows, on the contrary, from a set of complex and interrelated circumstances and factors including the fact of the political clout of the powerful clan of Mastois who have dictated the verdict of the *Jirga* and have executed it. The most significant of these factors are the social and justice systems of the clan of Mastois and the castes under their dominance that take after or adhere to the systems of Pashtuns, who are the “largest living tribal society in the world” inhabiting “an area of 100,000 square miles bisected by the Durand Line since 1893” (Taizi). Of course, it would be a next-to-impossible task for any government to indoctrinate these allied tribal communities spread over so vast an area into the systems of modern and secular judicial and social systems.

Of the many more facets of this complex set of intertwined circumstances in the *Memoir*, there are two that are of more serious consequence than others. One, the systems like *Jirga* get a full and tacit support from the local administration and politicians in provincial and national governments. And, two, the systems like *Jirga* are perpetuated by the tribal lords of powerful clans of upper castes in clear defiance of the law of the land. In the *Memoir*, Mukhtar mentions quite a few instances of the support of local police administration to the Mastois. The biggest evidence of this support is there in the incident in which the policeman at the local police station, in collusion with and under instructions from his ‘boss’, takes full advantage of the Mukhtar’s illiteracy and alters her statement:

Even without knowing how to read, or having heard what he asked his boss, I understand that on this mere half page, he has written what was dictated to him by his superior. In other words, by the Mastoi clan chief. I may not know this for the fact, but I know it instinctively...I later realize that he had also put a false date on the report (29).

Though her statement is re-recorded at the district court, the manipulation and distortion of this first statement does such an amount of damage that it later translates into the acquittal of five of the six accused by the Lahore High Court on the grounds of the lack of “sufficient evidence” and the failure of Mukhtar’s testimony to “agree with that submitted by the

policeman" (138-39). The judgment of the High Court, received with "general stupefaction" and a "devastating shock" by Mukhtar and the campaigners for justice to her, exposes the weakness and inefficiency of the judicial system heavily dependent on physically verifiable evidence and testimony (141).

This in-built weakness of the judicial system becomes a reason, however minor or major, why the decisions and judgments of the tribal tribunals are accepted by people—poor people in particular—in spite of these tribunals being outlawed. As noted earlier, one of the two major reasons behind the prevalence of these tribal justice systems is the co-option and support from politicians. For example, Ali Shah and Shahnaz Tariq mention a shocking instance of "the Chief Minister of that time" in Sindh visiting Sukkur and "presiding over a *Jirga* in the circuit house" in "clear violation of the High Court decision" that had "banned *Jirga* proceedings in the province" in "April 2004" (A. Shah and S. Tariq 206). While referring to a "recent controversy in Pakistani Parliament", Nafisa Shah too records an incident similar in character to that cited by Ali and Shahnaz: "...as female members were denouncing the killing of two women for honour, a Baloch Senator and a tribal leader got up and emphatically defended this action, stating that it was a part of the ancient Baloch moral system" (N. Shah 12). While focusing exclusively on the practice of *Karo Kari*, "a violent cultural form of normative sanction contained within the moral idiom of *ghairat*", which in that culture means a personal moral sanction, Nafisa Shah makes a dialectical treatment of the problems emerging out of the crowded intersection of law, custom, traditional tribal identity, and layers of administrative and governmental hierarchy (02).

The social and political clout of upper-caste clan lords and landlords is the other big reason behind the prevalence of many of these honour-related brutal practices. Usually misogynistic and repressive in a casteist way, these practices are the means by which the powerful landlords continue their sway and authority in defiance of law. In the narrative in the *Memoir*, the testimony to the fact is more than apparent in the obsequiousness of the local police to the Mastois and in their dithering in registering Mukhtar's complaint of rape against the members of their clan in spite of a heavy media attention on the case (28-30). As stated earlier, the local police even succeeds in sabotaging Mukhtar's statement. Just a scratch under the surface, one can notice that the political clout of these clan lords and landlords has its genesis in their social dominance stemming from their upper-caste statuses and richness. In effect, the entire justice system of *Jirgas* too gets subjugated to the tyrannical and misogynistic social dominance of the upper-caste landlords. To quote Ali Shah and Shahnaz Tariq again, "*Jirga* and *Panchayat* justice is only to suppress the poor by the Chaudhrys, Khans, Maliks, Waderas and land lords. These rich and influential people take decisions and impose them by force. No poor person or women are allowed to take part in the decisions" (203).

Including some variations across regions and cultural ethnicities, the form of tyrannical and misogynistic violence perpetrated by the tribal justice system in the *Memoir* is what Aisha Gill acronymises as "HBV" – "honour-based violence" (01). This is the form of violence that primarily and majorly victimises women. The "symbolic and rhetorical construct" of 'honour', as Aisha Gill explains with reference to Pitt-Rivers, "comprises three facets: a sentiment, a manifestation of this sentiment in conduct, and the evaluation of this conduct in others" (02). Though intended to be unbiased, this construct of honour turns sexist with a heavy anti-woman bias because it calls on men "to uphold their family and social group's honour by ensuring that their women do not bring shame upon the family"

(Gill 02). As recorded by scholars, such an understanding of this idea of honour and its actual practice has enough of extensive prevalence in an extended geographical territory cutting across national and continental boundaries from India and Pakistan and Afghanistan to Turkey and beyond. To start with South Asia, Ravi Thiara and Aisha Gill take up an entire gamut of issues directly or indirectly related to “VAW” and “several forms of abuse” including “forced marriage and honour based violence” (Thiara and Gill 17). Moving westward, one comes across *Honour & Violence against Women in Iraqi Kurdistan*, a book beginning with a reference to the horrific incident in which “17 year old Doa Khalil Aswad was stoned to death by several of her male relatives in front of a large crowd” that included “several uniformed policemen” (Alinia 01). Located in Iraqi Kurdistan in terms of the people and the society whose culture it studies, the book in fact is an “intersectional analysis” of “the oppressions of class, ethnicity, generation and sexuality” (Alinia 03). A little further west is *Purified by Blood*, a study of “the culture of rural Turkey” examining “murders that are carried out to purify tarnished honour” among migrant Turkish communities in “the Netherlands, Belgium, Germany, France, Denmark and Sweden” (Eck 09).

It would be a form of blatant cultural essentialism if one would try to imply that honour-based abuses of all kinds happen only in the geographical territories extending from South Asia to Turkey and among the communities of people from these places living in other parts of the world. A very valid testimony to the fact of the occurrence of honour-based abuses throughout the world comes in the statement of Radhika Coomaraswamy as a “United Nations Special Rapporteur on violence against women” in her “2002 report” about “gender-based forms of violence” and “honour crimes in countries including Brazil, Denmark, Egypt, Iraq, Israel an occupied territories, Jordan, Kuwait, Lebanon, Morocco, the Netherlands, Pakistan, Qatar, Sweden, Syria, turkey and Yemen” (xii). If one wishes to move beyond the mere dialectics of the issues of honour-based abuses so widespread and prevalent, one will have to look for alternatives to the so far ineffective or failed methods of the illegalisation of tribal councils and the criminalisation of acts of violence in the name of honour. A possible way towards pragmatism is an anthropological way as suggested in by Jennifer Wies and Hillary Haldane. Indicating the way to set things straight, Wies and Haldane locate “gender-based violence within global political-economic structures and processes” and treat it as a form of “structural violence” (01 & 03). The right way to find effective measures “to end the global pandemic of gender-based violence”, Wies and Haldane suggest, would be to let the “perspectives of policy makers and survivors” be informed by the “unique perspective” and “hundreds of stories of victimhood and survival” that “frontline workers” in anthropology have to offer as the “barometer of violence” (02).

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